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Public Law 112–239
112th Congress

An Act

Jan. 2, 2013
[H.R. 4310]

To authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

National Defense Authorization Act for Fiscal Year 2013.

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Defense Authorization Act for Fiscal Year 2013".

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.

(a) DIVISIONS.—This Act is organized into four divisions as follows:

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(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Funding Tables.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

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Subtitle F—American Medical Isotopes Production

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DIVISION D—FUNDING TABLES

Sec. 4001. Authorization of amounts in funding tables.

TITLE XLI—PROCUREMENT

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Sec. 4601. Military construction.
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TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. Department of Energy National Security programs.

10 USC 101 note.

SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

For purposes of this Act, the term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for Army CH–47 helicopters.
Sec. 112. Reports on airlift requirements of the Army.

Subtitle C—Navy Programs

Sec. 121. Extension of Ford class aircraft carrier construction authority.
Sec. 122. Multiyear procurement authority for Virginia class submarine program.
Sec. 123. Multiyear procurement authority for Arleigh Burke class destroyers and associated systems.
Sec. 124. Limitation on availability of amounts for second Ford class aircraft carrier.
Sec. 125. Refueling and complex overhaul of the U.S.S. Abraham Lincoln.
Sec. 126. Designation of mission modules of the Littoral Combat Ship as a major defense acquisition program.
Sec. 127. Report on Littoral Combat Ship designs.
Sec. 128. Comptroller General review of Littoral Combat Ship program.
Sec. 129. Sense of Congress on importance of engineering in early stages of shipbuilding.
Sec. 130. Sense of Congress on nuclear-powered ballistic submarines.
Sec. 131. Sense of Congress on Marine Corps amphibious lift and presence requirements.
Sec. 132. Sense of the Senate on Department of the Navy fiscal year 2014 budget request for tactical aviation aircraft.

Subtitle D—Air Force Programs

Sec. 141. Reduction in number of aircraft required to be maintained in strategic airlift aircraft inventory.
Sec. 142. Retirement of B–1 bomber aircraft.
Sec. 143. Avionics systems for C–130 aircraft.
Sec. 144. Treatment of certain programs for the F–22A Raptor aircraft as major defense acquisition programs.

Subtitle E—Joint and Multiservice Matters

Sec. 151. Multiyear procurement authority for V–22 joint aircraft program.
Sec. 152. Procurement of space-based infrared systems satellites.
Sec. 153. Limitation on availability of funds for evolved expendable launch vehicle program.
Sec. 154. Limitation on availability of funds for retirement of RQ–4 Global Hawk unmanned aircraft systems.
Sec. 155. Requirement to set F–35 aircraft initial operational capability dates.
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Sec. 157. Requirement that tactical manned intelligence, surveillance, and reconnaissance aircraft and unmanned aerial vehicles use specified standard data link.
Sec. 158. Study on small arms and small-caliber ammunition capabilities.

Subtitle A—Authorization of Appropriations

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

Subtitle B—Army Programs

SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY FOR ARMY CH–47 HELICOPTERS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Army may enter into one or more multiyear contracts, beginning with the fiscal year 2013 program year, for the procurement of airframes for CH–47F helicopters.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 112. REPORTS ON AIRLIFT REQUIREMENTS OF THE ARMY.

(a) REPORTS.—

(1) INITIAL REPORT.—Not later than March 31, 2013, the Secretary of the Army shall submit to the congressional defense committees a report described in paragraph (3).

(2) ANNUAL REPORTS.—Not later than October 31, 2013, and each year thereafter through 2017, the Secretary shall submit to the congressional defense committees a report described in paragraph (3).

(3) REPORT DESCRIBED.—A report described in this paragraph is a report on the time-sensitive or mission-critical airlift requirements of the Army.

(b) MATTERS INCLUDED.—The reports submitted under subsection (a) shall include, with respect to the fiscal year before the fiscal year in which the report is submitted, the following information:

(1) The total number of time-sensitive or mission-critical airlift movements required for training, steady-state, and contingency operations.

(2) The total number of time-sensitive or mission-critical airlift sorties executed for training, steady-state, and contingency operations.

(3) Of the total number of sorties listed under paragraph (2), the number of such sorties that were operated using each of—

(A) aircraft of the Army;

(B) aircraft of the Air Force;

(C) aircraft of contractors; and

(D) aircraft of other organizations not described in subparagraph (A), (B), or (C).

(4) For each sortie described under subparagraph (A), (C), or (D) of paragraph (3), an explanation for why the Secretary did not use aircraft of the Air Force to support the mission.

Subtitle C—Navy Programs

SEC. 121. EXTENSION OF FORD CLASS AIRCRAFT CARRIER CONSTRUCTION AUTHORITY.

Section 121(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2104),

as amended by section 124 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1320), is amended by striking "four fiscal years" and inserting "five fiscal years".

SEC. 122. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA CLASS SUBMARINE PROGRAM.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts, beginning with the fiscal year 2014 program year, for the procurement of Virginia class submarines and Government-furnished equipment associated with the Virginia class submarine program.

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary may enter into one or more contracts, beginning in fiscal year 2013, for advance procurement associated with the vessels and equipment for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(d) LIMITATION ON TERMINATION LIABILITY.—A contract for the construction of vessels or equipment entered into in accordance with subsection (a) shall include a clause that limits the liability of the United States to the contractor for any termination of the contract. The maximum liability of the United States under the clause shall be the amount appropriated for the vessels or equipment covered by the contract. Additionally, in the event of cancellation, the maximum liability of the United States shall include the amount of the unfunded cancellation ceiling in the contract.

(e) AUTHORITY TO EXPAND MULTIYEAR PROCUREMENT.—The Secretary may employ incremental funding for the procurement of Virginia class submarines and Government-furnished equipment associated with the Virginia class submarines to be procured during fiscal years 2013 through 2018 if the Secretary—

Determination.

(1) determines that such an approach will permit the Navy to procure an additional Virginia class submarine in fiscal year 2014; and

(2) intends to use the funding for that purpose.

SEC. 123. MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE CLASS DESTROYERS AND ASSOCIATED SYSTEMS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts, beginning with the fiscal year 2013 program year, for the procurement of up to 10 Arleigh Burke class Flight IIA guided missile destroyers, as well as the Aegis weapon systems, MK 41 vertical launching systems, and commercial broadband satellite systems associated with such vessels.

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary may enter into one or more contracts, beginning in fiscal year 2013, for advance procurement associated with the vessels and systems for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

SEC. 124. LIMITATION ON AVAILABILITY OF AMOUNTS FOR SECOND FORD CLASS AIRCRAFT CARRIER.

Reports.

(a) LIMITATION.—Of the funds authorized to be appropriated or otherwise made available for fiscal year 2013 for shipbuilding and conversion for the second Ford class aircraft carrier, not more than 50 percent may be obligated or expended until the Secretary of the Navy submits to the congressional defense committees a report setting forth a description of the program management and cost control measures that will be employed in constructing the second Ford class aircraft carrier.

Plans.

(b) ELEMENTS.—The report described in subsection (a) shall include a plan with respect to the Ford class aircraft carriers to—

(1) maximize planned work in shops and early stages of construction;

(2) sequence construction of structural units to maximize the effects of lessons learned;

(3) incorporate design changes to improve producibility for the Ford class aircraft carriers;

(4) increase the size of erection units to eliminate disruptive unit breaks and improve unit alignment and fairness;

(5) increase outfitting levels for assembled units before erection in the dry dock;

(6) increase overall ship completion levels at each key construction event;

(7) improve facilities in a manner that will lead to improved productivity; and

(8) ensure the shipbuilder initiates plans that will improve productivity through capital improvements that would provide targeted return on investment, including—

(A) increasing the amount of temporary and permanent covered work areas;

(B) adding ramps and service towers for improved access to work sites and the dry dock; and

(C) increasing lift capacity to enable construction of larger, more fully outfitted super-lifts.

SEC. 125. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. ABRAHAM LINCOLN.

(a) AMOUNT AUTHORIZED FROM SCN ACCOUNT.—Of the funds authorized to be appropriated for fiscal year 2013 by section 101 and available for shipbuilding and conversion as specified in the funding table in section 4101, $1,517,292,000 is authorized to be available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Abraham Lincoln (CVN–72) during fiscal year 2013. The amount authorized to be made available in the preceding sentence is the first increment in the two-year sequence of incremental funding planned for the nuclear refueling and complex overhaul of that vessel.

(b) CONTRACT AUTHORITY.—The Secretary of the Navy may enter into a contract during fiscal year 2013 for the nuclear refueling and complex overhaul of the U.S.S. Abraham Lincoln.

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for that later fiscal year.

SEC. 126. DESIGNATION OF MISSION MODULES OF THE LITTORAL COMBAT SHIP AS A MAJOR DEFENSE ACQUISITION PROGRAM.

(a) DESIGNATION REQUIRED.—The Secretary of Defense shall—

(1) designate the effort to develop and produce all variants of the mission modules in support of the Littoral Combat Ship program as a major defense acquisition program under section 2430 of title 10, United States Code; and

(2) with respect to the development and production of each such variant, submit to the congressional defense committees a report setting forth such cost, schedule, and performance information as would be provided if such effort were a major defense acquisition program, including Selected Acquisition Reports, unit cost reports, and program baselines.

(b) ADDITIONAL QUARTERLY REPORTS.—The Secretary shall submit to the congressional defense committees on a quarterly basis a report on the development and production of each variant of the mission modules in support of the Littoral Combat Ship, including cost, schedule, and performance, and identifying actual and potential problems with such development or production and potential mitigation plans to address such problems.

SEC. 127. REPORT ON LITTORAL COMBAT SHIP DESIGNS.

Not later than December 31, 2013, the Secretary of the Navy shall submit to the congressional defense committees a report on the designs of the Littoral Combat Ship, including comparative cost and performance information for both designs of such ship.

SEC. 128. COMPTROLLER GENERAL REVIEW OF LITTORAL COMBAT SHIP PROGRAM.

(a) ACCEPTANCE OF LCS–1 AND LCS–2.—The Comptroller General of the United States shall conduct a review of the compliance of the Secretary of the Navy with subpart 246.5 of title 48 of the Code of Federal Regulations and subpart 46.5 of the Federal Acquisition Regulation in accepting the LCS–1 and LCS–2 Littoral Combat Ships.

(b) OPERATIONAL SUPPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit to the congressional defense committees a report on the operational support and sustainment strategy for the Littoral Combat Ship program, including manning, training, maintenance, and logistics support.

Deadline.
Reports.

(c) COOPERATION.—For purposes of conducting the review under subsection (a) and the report under subsection (b), the Secretary of Defense shall ensure that the Comptroller General has access to—

(1) all relevant records of the Department; and

(2) all relevant communications between Department officials, whether such communications occurred inside or outside the Federal Government.

SEC. 129. SENSE OF CONGRESS ON IMPORTANCE OF ENGINEERING IN EARLY STAGES OF SHIPBUILDING.

It is the sense of Congress that—

(1) placing a priority on engineering dollars in the early stages of shipbuilding programs is a vital component of keeping cost down; and

(2) therefore, the Secretary of the Navy should take appropriate steps to prioritize early engineering in large ship construction including amphibious class ships beginning with the LHA–8.

SEC. 130. SENSE OF CONGRESS ON NUCLEAR-POWERED BALLISTIC SUBMARINES.

It is the sense of Congress that—

(1) the continuous at-sea deterrence provided by a robust and modern fleet of nuclear-powered ballistic missile submarines is critical to maintaining nuclear deterrence and assurance and therefore is a central pillar of the national security of the United States;

(2) the Navy should—

(A) carry out a program to replace the Ohio class ballistic missile submarines;

(B) ensure that the first such replacement submarine is delivered and fully operational by not later than 2031 in order to maintain continuous at-sea deterrence; and

(C) develop a risk mitigation plan to ensure that robust continuous at-sea deterrence is provided during the transition from Ohio class ballistic missile submarines to the replacement submarines; and

(3) a minimum of 12 replacement ballistic missile submarines are necessary to provide continuous at-sea deterrence over the lifetime of such submarines and, therefore, the Navy should carry out a program to produce 12 such submarines.

SEC. 131. SENSE OF CONGRESS ON MARINE CORPS AMPHIBIOUS LIFT AND PRESENCE REQUIREMENTS.

(a) FINDINGS.—Congress finds the following:

(1) The Marine Corps is a combat force that leverages maneuver from the sea as a force multiplier allowing for a variety of operational tasks ranging from major combat operations to humanitarian assistance.

(2) The Marine Corps is unique in that, while embarked upon naval vessels, they bring all the logistic support necessary for the full range of military operations and, operating "from the sea", they require no third-party host nation permission to conduct military operations.

(3) The Navy has a requirement for 38 amphibious assault ships to meet this full range of military operations.

(4) Due only to fiscal constraints, that requirement of 38 vessels was reduced to 33 vessels, which adds military risk to future operations.

(5) The Navy has been unable to meet even the minimal requirement of 30 operationally available vessels and has submitted a shipbuilding and ship retirement plan to Congress that will reduce the force to 28 vessels.

(6) Experience has shown that early engineering and design of naval vessels has significantly reduced the acquisition costs and life-cycle costs of those vessels.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Department of Defense should carefully evaluate the maritime force structure necessary to execute demand for forces by the commanders of the combatant commands;

(2) the Navy should carefully evaluate amphibious lift capabilities to meet current and projected requirements;

(3) the Navy should consider prioritization of investment in and procurement of the next generation of amphibious assault ships as a component of the balanced battle force;

(4) the next generation amphibious assault ships should maintain survivability protection;

(5) operation and maintenance requirements analysis, as well as the potential to leverage a common hull form design, should be considered to reduce total ownership cost and acquisition cost; and

(6) maintaining a robust amphibious ship building industrial base is vital for the future of the national security of the United States.

SEC. 132. SENSE OF THE SENATE ON DEPARTMENT OF THE NAVY FISCAL YEAR 2014 BUDGET REQUEST FOR TACTICAL AVIATION AIRCRAFT.

It is the sense of the Senate that, if the budget request of the Department of the Navy for fiscal year 2014 for F–18 aircraft includes a request for funds for more than 13 new F–18 aircraft, the budget request of the Department of the Navy for fiscal year 2014 for F–35 aircraft should include a request for funds for not fewer than six F–35B aircraft and four F–35C aircraft, presuming that development, testing, and production of the F–35 aircraft are proceeding according to current plans.

Subtitle D—Air Force Programs

SEC. 141. REDUCTION IN NUMBER OF AIRCRAFT REQUIRED TO BE MAINTAINED IN STRATEGIC AIRLIFT AIRCRAFT INVENTORY.

(a) REDUCTION IN INVENTORY REQUIREMENT.—Section 8062(g)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: "Effective on the date that is 45 days after the date on which the report under section 141(c)(3) of the National Defense Authorization Act for Fiscal Year 2013 is submitted to the congressional defense committees, the Secretary shall maintain a total aircraft inventory of strategic airlift aircraft of not less than 275 aircraft.". Effective date.

(b) MODIFICATION OF CERTIFICATION REQUIREMENT.—Section 137(d)(3)(B) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2221) is amended by striking "316 strategic airlift aircraft" and inserting "275 strategic airlift aircraft".

(c) MOBILITY REQUIREMENTS AND CAPABILITIES STUDY 2018.—

(1) IN GENERAL.—The Director of Cost Assessment and Program Evaluation and the Chairman of the Joint Chiefs of Staff, in coordination with the Commander of the United

States Transportation Command and the Secretaries of the military departments, shall jointly conduct a study that assesses the end-to-end, full-spectrum mobility requirements for all aspects of the National Military Strategy derived from the National Defense Strategy that is a result of the 2012 Defense Strategic Guidance published by the President in February 2012 and other planning documents of the Department of Defense.

(2) MATTERS INCLUDED.—The study under paragraph (1) shall include the following:

(A) A definition of what combinations of air mobility, sealift, surface movements, prepositioning, forward stationing, seabasing, engineering, and infrastructure requirements and capabilities provide low, moderate, significant and high levels of operational risk to meet the National Military Strategy.

(B) A description and analysis of the assumptions made by the Commander of the United States Transportation Command with respect to aircraft usage rates, aircraft mission availability rates, aircraft mission capability rates, aircrew ratios, aircrew production, and aircrew readiness rates.

(C) An analysis of different combinations of air mobility, sealift, surface movements, prepositioning, forward stationing, seabasing, engineering, and infrastructure requirements and capabilities required to support theater and tactical deployment and distribution, including—

(i) the identification, quantification, and description of the associated operational risk (as defined by the Military Risk Matrix in the Chairman of the Joint Chiefs of Staff Instruction 3401.01E) for each excursion as it relates to the combatant commander achieving strategic and operational objectives; and

(ii) any assumptions made with respect to the availability of commercial airlift and sealift capabilities and resources when applicable.

(D) A consideration of metrics developed during the most recent operational availability assessment and joint forcible entry operations assessment.

(E) An assessment of requirements and capabilities for major combat operations, lesser contingency operations as specified in the Baseline Security Posture of the Department of Defense, homeland defense, defense support to civilian authorities, other strategic missions related to national missions, global strike, the strategic nuclear mission, and direct support and time-sensitive airlift missions of the military departments.

(F) An examination, including a discussion of the sensitivity of any related conclusions and assumptions, of the variations regarding alternative modes (land, air, and sea) and sources (military, civilian, and foreign) of strategic and theater lift, and variations in forward basing, seabasing, prepositioning (afloat and ashore), air-refueling capability, advanced logistics concepts, and destination theater austerity, based on the new global footprint and global presence initiatives.

(G) An identification of mobility capability gaps, shortfalls, overlaps, or excesses, including—

(i) an assessment of associated risks with respect to the ability to conduct operations; and

(ii) recommended mitigation strategies where possible.

(H) An identification of mobility capability alternatives that mitigate the potential impacts on the logistic system, including—

(i) a consideration of traditional, non-traditional, irregular, catastrophic, and disruptive challenges; and

(ii) a description of how derived mobility requirements and capabilities support the accepted balance of risk in addressing all five categories of such challenges.

(I) The articulation of all key assumptions made in conducting the study with respect to—

(i) risk;

(ii) programmed forces and infrastructure;

(iii) readiness, manning, and spares;

(iv) scenario guidance from defense planning scenarios and multi-service force deployments;

(v) concurrency of major operations;

(vi) integrated global presence and basing strategy;

(vii) host nation or third-country support;

(viii) use of weapons of mass destruction by an enemy; and

(ix) aircraft being used for training or undergoing depot maintenance or modernization.

(J) A description of the logistics concept of operations and assumptions, including any support concepts, methods, combat support forces, and combat service support forces that are required to enable the projection and enduring support to forces both deployed and in combat for each analytic scenario.

(K) An assessment, and incorporation as necessary, of the findings, conclusions, capability gaps, and shortfalls derived from the study under section 112(d) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1318).

(3) SUBMISSION.—The Director of Cost Assessment and Program Evaluation and the Chairman of the Joint Chiefs of Staff shall jointly submit to the congressional defense committees a report containing the study under paragraph (1). Reports.

(4) FORM.—The report required by paragraph (3) shall be submitted in unclassified form, but may include a classified annex.

(d) PRESERVATION OF CERTAIN RETIRED C–5 AIRCRAFT.—The Secretary of the Air Force shall preserve each C–5 aircraft that is retired by the Secretary during a period in which the total inventory of strategic airlift aircraft of the Secretary is less than 301, such that the retired aircraft—

(1) is stored in flyable condition;

(2) can be returned to service; and

(3) is not used to supply parts to other aircraft unless specifically authorized by the Secretary of Defense upon a request by the Secretary of the Air Force.

(e) DEFINITIONS.—In this section:

(1) The term "mobility" means the—

(A) deployment, sustainment, and redeployment of the personnel and equipment needed to execute the National Defense Strategy to air and seaports of embarkation, intertheater deployment to air and seaports of debarkation, and intratheater deployment to tactical assembly areas; and

(B) the employment of aerial refueling assets and intratheater movement and infrastructure in support of deployment and sustainment of combat forces.

(2) The term "National Military Strategy" means the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff under section 153 of title 10, United States Code.

SEC. 142. RETIREMENT OF B–1 BOMBER AIRCRAFT.

(a) IN GENERAL.—Section 8062 of title 10, United States Code, is amended by adding at the end the following new subsection:

Effective date.

"(h)(1) Beginning October 1, 2011, the Secretary of the Air Force may not retire more than six B–1 aircraft.

"(2) The Secretary shall maintain in a common capability configuration not less than 36 B–1 aircraft as combat-coded aircraft.

Definition.

"(3) In this subsection, the term 'combat-coded aircraft' means aircraft assigned to meet the primary aircraft authorization to a unit for the performance of its wartime mission.".

(b) CONFORMING AMENDMENT.—Section 132 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1320) is amended by striking subsection (c).

SEC. 143. AVIONICS SYSTEMS FOR C–130 AIRCRAFT.

(a) LIMITATIONS.—

Time period.

(1) AVIONICS MODERNIZATION PROGRAM.—The Secretary of the Air Force may not take any action to cancel or modify the avionics modernization program for C–130 aircraft until a period of 90 days has elapsed after the date on which the Secretary submits to the congressional defense committees the cost-benefit analysis conducted under subsection (b)(1).

(2) CNS/ATM PROGRAM.—

(A) IN GENERAL.—The Secretary may not take any action described in subparagraph (B) until a period of 90 days has elapsed after the date on which the Secretary submits to the congressional defense committees the cost-benefit analysis conducted under subsection (b)(1).

(B) COVERED ACTIONS.—An action described in this subparagraph is an action to begin an alternative communication, navigation, surveillance, and air traffic management program for C–130 aircraft that is designed or intended—

(i) to meet international communication, navigation, surveillance, and air traffic management standards for the fleet of C–130 aircraft; or

(ii) to replace the current avionics modernization program for the C–130 aircraft.

(b) COST-BENEFIT ANALYSIS.—

Contracts.

(1) FFRDC.—The Secretary shall seek to enter into an agreement with the Institute for Defense Analyses to conduct

an independent cost-benefit analysis that compares the following alternatives:

(A) Upgrading and modernizing the legacy C–130 airlift fleet using the C–130 avionics modernization program.

(B) Upgrading and modernizing the legacy C–130 airlift fleet using a reduced scope program for avionics and mission planning systems.

(2) MATTERS INCLUDED.—The cost-benefit analysis conducted under paragraph (1) shall take into account—

(A) the effect of life-cycle costs for—

(i) adopting each of the alternatives described in subparagraphs (A) and (B) of paragraph (1); and

(ii) supporting C–130 aircraft that are not upgraded or modernized; and

(B) the costs associated with the potential upgrades to avionics and mission systems that may be required for legacy C–130 aircraft to remain relevant and mission effective in the future.

SEC. 144. TREATMENT OF CERTAIN PROGRAMS FOR THE F–22A RAPTOR AIRCRAFT AS MAJOR DEFENSE ACQUISITION PROGRAMS.

Reports.

(a) IN GENERAL.—The Secretary of Defense shall treat the programs referred to in subsection (b) for the F–22A Raptor aircraft as a major defense acquisition program for which Selected Acquisition Reports shall be submitted to Congress in accordance with the requirements of section 2432 of title 10, United States Code.

(b) COVERED PROGRAMS.—The programs referred to in this subsection for the F–22A Raptor aircraft are the modernization Increment 3.2B and any future F–22A Raptor aircraft modernization program that would otherwise, if a standalone program, qualify for treatment as a major defense acquisition program for purposes of chapter 144 of title 10, United States Code.

(c) OTHER REPORTS.—Not later than March 1 of each year, the Secretary of the Air Force shall submit to the congressional defense committees a report on the costs, schedules, and performances of the reliability and maintainability maturation program and the structural repair program of the F–22A Raptor modernization program, including a comparison of such costs, schedules, and performances to an appropriate baseline.

Subtitle E—Joint and Multiservice Matters

SEC. 151. MULTIYEAR PROCUREMENT AUTHORITY FOR V–22 JOINT AIRCRAFT PROGRAM.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into one or more multiyear contracts, beginning with the fiscal year 2013 program year, for the procurement of V–22 aircraft for the Department of the Navy, the Department of the Air Force, and the United States Special Operations Command.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for such later fiscal year.

SEC. 152. PROCUREMENT OF SPACE-BASED INFRARED SYSTEMS SATELLITES.

(a) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Air Force may procure two space-based infrared systems satellites by entering into a fixed-price contract. Such procurement may also include—

(A) material and equipment in economic order quantities when cost savings are achievable; and

(B) cost-reduction initiatives.

(2) USE OF INCREMENTAL FUNDING.—With respect to a contract entered into under paragraph (1) for the procurement of space-based infrared systems satellites, the Secretary may use incremental funding for a period not to exceed six fiscal years.

(3) LIABILITY.—A contract entered into under paragraph (1) shall provide that any obligation of the United States to make a payment under the contract is subject to the availability of appropriations for that purpose, and that the total liability to the Government for termination of any contract entered into shall be limited to the total amount of funding obligated at the time of termination.

(b) LIMITATION OF COSTS.—

(1) LIMITATION.—Except as provided by subsection (c), and excluding amounts described in paragraph (2), the total amount obligated or expended for the procurement of two space-based infrared systems satellites authorized by subsection (a) may not exceed $3,900,000,000.

(2) EXCLUSION.—The amounts described in this paragraph are amounts associated with the following:

(A) Plans.

(B) Technical data packages.

(C) Post delivery and program support costs.

(D) Technical support for obsolescence studies.

(c) WAIVER AND ADJUSTMENT TO LIMITATION AMOUNT.—

Notification.

(1) WAIVER.—In accordance with paragraph (2), the Secretary may waive the limitation in subsection (b)(1) if the Secretary submits to the congressional defense committees and the Permanent Select Committee on Intelligence of the House of Representatives written notification of the adjustment made to the amount set forth in such subsection.

(2) ADJUSTMENT.—Upon waiving the limitation under paragraph (1), the Secretary may adjust the amount set forth in subsection (b)(1) by the following:

(A) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2012.

(B) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2012.

Determination.
Certification.

(C) The amounts of increases or decreases in costs of the satellites that are attributable to insertion of new technology into a space-based infrared system, as compared to the technology built into such a system procured prior to fiscal year 2013, if the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology is—

(i) expected to decrease the life-cycle cost of the system; or

(ii) required to meet an emerging threat that poses grave harm to national security.

(d) REPORT.—Not later than 30 days after the date on which the Secretary awards a contract under subsection (a), the Secretary shall submit to the congressional defense committees and the Permanent Select Committee on Intelligence of the House of Representatives a report on such contract, including the following:

(1) The total cost savings resulting from the authority provided by subsection (a).

(2) The type and duration of the contract awarded.

(3) The total contract value.

(4) The funding profile by year.

(5) The terms of the contract regarding the treatment of changes by the Federal Government to the requirements of the contract, including how any such changes may affect the success of the contract.

(6) A plan for using cost savings described in paragraph (1) to improve the capability of overhead persistent infrared, including a description of—

(A) the available funds, by year, resulting from such cost savings;

(B) the specific activities or subprograms to be funded by such cost savings and the funds, by year, allocated to each such activity or subprogram;

(C) the objectives for each such activity or subprogram and the criteria used by the Secretary to determine which such activity or subprogram to fund;

(D) the method in which such activities or subprograms will be awarded, including whether it will be on a competitive basis; and

(E) the process for determining how and when such activities and subprograms would transition to an existing program or be established as a new program of record.

(e) USE OF FUNDS AVAILABLE FOR SPACE VEHICLE NUMBERS 5 AND 6.—The Secretary may obligate and expend amounts authorized to be appropriated for fiscal year 2013 by section 101 for procurement, Air Force, as specified in the funding table in section 4101 and available for the advanced procurement of long-lead parts and the replacement of obsolete parts for space-based infrared system satellite space vehicle numbers 5 and 6.

Determination.

(f) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary should not enter into a fixed-price contract under subsection (a) for the procurement of two space-based infrared system satellites unless the Secretary determines that entering into such a contract will save the Air Force substantial savings, as required under section 2306b of title 10, United States Code, over the cost of procuring two such satellites separately.

SEC. 153. LIMITATION ON AVAILABILITY OF FUNDS FOR EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Air Force for the evolved expendable launch vehicle program, 10 percent may not be obligated or expended until the date on

which the Secretary of the Air Force submits to the appropriate congressional committees—

Reports.

(1) a report describing the acquisition strategy for such program; and

Certification.

(2) written certification that such strategy—

(A) maintains assured access to space;

(B) achieves substantial cost savings; and

(C) provides opportunities for competition.

(b) MATTERS INCLUDED.—The report under subsection (a)(1) shall include the following information:

(1) The anticipated savings to be realized under the acquisition strategy for the evolved expendable launch vehicle program.

(2) The number of launch vehicle booster cores covered by the planned contract for such program.

(3) The number of years covered by such contract.

(4) An assessment of when new entrants that have submitted a statement of intent will be certified to compete for evolved expendable launch vehicle-class launches.

(5) The projected launch manifest, including possible opportunities for certified new entrants to compete for evolved expendable launch vehicle-class launches.

(6) Any other relevant analysis used to inform the acquisition strategy for such program.

(c) COMPTROLLER GENERAL.—

(1) REVIEW.—The Comptroller General of the United States shall review the report under subsection (a)(1).

Deadline.

(2) SUBMITTAL.—Not later than 30 days after the date on which the report under subsection (a)(1) is submitted to the appropriate congressional committees, the Comptroller General shall—

Reports.

(A) submit to such committees a report on the review under paragraph (1); or

Briefing.

(B) provide to such committees a briefing on such review.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 154. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF RQ–4 GLOBAL HAWK UNMANNED AIRCRAFT SYSTEMS.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense may be obligated or expended to retire, prepare to retire, or place in storage an RQ–4 Block 30 Global Hawk unmanned aircraft system.

(b) MAINTAINED LEVELS.—During the period preceding December 31, 2014, in supporting the operational requirements of the combatant commands, the Secretary of the Air Force shall maintain the operational capability of each RQ–4 Block 30 Global Hawk unmanned aircraft system belonging to the Air Force or delivered to the Air Force during such period.

SEC. 155. REQUIREMENT TO SET F–35 AIRCRAFT INITIAL OPERATIONAL CAPABILITY DATES.

Deadline. Reports.

(a) F–35A.—Not later than June 1, 2013, the Secretary of the Air Force shall—

(1) establish the initial operational capability date for the F–35A aircraft; and

(2) submit to the congressional defense committees a report on the details of such initial operational capability.

(b) F–35B AND F–35C.—Not later than June 1, 2013, the Secretary of the Navy shall—

(1) establish the initial operational capability dates for the F–35B and F–35C aircraft; and

(2) submit to the congressional defense committees a report on the details of such initial operational capabilities for both variants.

SEC. 156. SHALLOW WATER COMBAT SUBMERSIBLE PROGRAM.

(a) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, in coordination with the Commander of the United States Special Operations Command, shall submit to the congressional defense committees a report setting forth the following:

(1) A description of all efforts under the Shallow Water Combat Submersible program and the United States Special Operations Command to improve the accuracy of the tracking of the schedule and costs of the program.

(2) The revised timeline for the initial and full operational capability of the Shallow Water Combat Submersible, including details outlining and justifying the revised baseline to the program.

(3) Current cost estimates to meet the basis of issue requirement under the program.

(4) An assessment of existing program risk through the completion of operational testing.

(b) SUBSEQUENT REPORTS.—

(1) QUARTERLY REPORTS REQUIRED.—The Assistant Secretary, in coordination with the Commander of the United States Special Operations Command, shall submit to the congressional defense committees on a quarterly basis updates on the schedule and cost performance of the contractor of the Shallow Water Combat Submersible program, including metrics from the earned value management system.

(2) SUNSET.—The requirement in paragraph (1) shall cease on the date the Shallow Water Combat Submersible has completed operational testing and has been found to be operationally effective and operationally suitable.

SEC. 157. REQUIREMENT THAT TACTICAL MANNED INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE AIRCRAFT AND UNMANNED AERIAL VEHICLES USE SPECIFIED STANDARD DATA LINK.

(a) REQUIREMENT.—The Secretary of Defense shall take such steps as necessary to ensure that (except as specified in subsection (c)) all covered aircraft of the Army, Navy, Marine Corps, and Air Force are equipped and configured so that—

(1) the data link used by those vehicles is the Department of Defense standard tactical manned intelligence, surveillance, and reconnaissance aircraft and unmanned aerial vehicle data link known as the Common Data Link or a data link that uses waveform capable of transmitting and receiving Internet Protocol communications; and

(2) with respect to unmanned aerial vehicles, such vehicles use data formats consistent with the architectural standard known as STANAG 4586 that was developed to facilitate multinational interoperability among NATO member nations.

(b) SOLICITATIONS.—The Secretary of Defense shall ensure that any solicitation issued for a Common Data Link described in subsection (a), regardless of whether the solicitation is issued by a military department or a contractor with respect to a subcontract—

(1) conforms to a Department of Defense specification standard, including interfaces and waveforms, existing as of the date of the solicitation; and

(2) does not include any proprietary or undocumented waveforms or control interfaces or data interfaces as a requirement or criterion for evaluation.

Determination. Certification.

(c) WAIVER.—The Under Secretary of Defense for Acquisition, Technology, and Logistics may waive the applicability of this section to any covered aircraft if the Under Secretary determines, and certifies to the congressional defense committees, that—

(1) it would be technologically infeasible or economically unacceptable to apply this section to such aircraft; or

(2) such aircraft is under a special access program that is not considered a major defense acquisition program.

(d) COVERED AIRCRAFT DEFINED.—In this section, the term "covered aircraft" means—

(1) tactical manned intelligence, surveillance, and reconnaissance aircraft; and

(2) unmanned aerial vehicles.

(e) CONFORMING REPEAL.—Section 141 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3163) is repealed.

SEC. 158. STUDY ON SMALL ARMS AND SMALL-CALIBER AMMUNITION CAPABILITIES.

(a) STUDY.—

Deadline.

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a federally funded research and development center to conduct a study on the requirements analysis and determination processes and capabilities of the Department of Defense with respect to small arms and small-caliber ammunition that carries out each of the following:

(A) A comparative evaluation of the current military small arms in use by the Armed Forces, including general purpose and special operations forces, and select military equivalent commercial candidates not necessarily in use militarily but currently available.

(B) A comparative evaluation of the standard small-caliber ammunition of the Department with other small-caliber ammunition alternatives.

(C) An assessment of the current plans of the Department to modernize the small arms and small-caliber ammunition capabilities of the Department.

(D) An assessment of the requirements analysis and determination processes of the Department for small arms and small-caliber ammunition.

(2) FACTORS TO CONSIDER.—The study required under paragraph (1) shall take into consideration the following factors:

(A) Current and future operating environments, as specified or referred to in strategic guidance and planning documents of the Department.

(B) Capability gaps identified in small arms and small-caliber ammunition capabilities based assessments of the Department.

(C) Actions taken by the Secretary to address capability gaps identified in any such capabilities based assessments.

(D) Findings from studies of the Department of Defense Small Arms and Small-Caliber Ammunition defense support team and actions taken by the Secretary in response to such findings.

(E) Findings from the assessment required by section 143 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2304 note) and actions taken by the Secretary in response to such findings.

(F) Modifications and improvements recently applied to small arms and small-caliber ammunition of the Armed Forces, including general purpose and special operations forces, as well as the potential for continued modification and improvement.

(G) Impacts to the small arms production industrial base and small-caliber ammunition industrial base, if any, associated with changes from current U.S. or NATO standard caliber weapons or ammunition sizes.

(H) Total life cycle costs of each small arms system and small-caliber ammunition, including incremental increases in cost for industrial facilitization or small arms and ammunition procurement, if any, associated with changes described in subparagraph (G).

(I) Any other factor the federally funded research and development center considers appropriate.

(3) ACCESS TO INFORMATION.—The Secretary shall ensure that the federally funded research and development center conducting the study under paragraph (1) has access to all necessary data, records, analyses, personnel, and other resources necessary to complete the study.

(b) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2013, the Secretary shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a)(1), together with the comments of the Secretary on the findings contained in the study.

(2) CLASSIFIED ANNEX.—The report shall be in unclassified form, but may contain a classified annex.

(c) SMALL ARMS DEFINED.—In this section, the term "small arms" means weapons assigned to and operated by an individual

member of the Armed Forces, including handguns, rifles and carbines (including sniper and designated marksman weapons), submachine guns, and light-machine guns.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Next-generation long-range strike bomber aircraft nuclear certification requirement.
Sec. 212. Extension of limitation on availability of funds for Unmanned Carrier-launched Surveillance and Strike system program.
Sec. 213. Limitation on availability of funds for milestone A activities for an Army medium range multi-purpose vertical takeoff and landing unmanned aircraft system.
Sec. 214. Use of funds for conventional prompt global strike program.
Sec. 215. Next Generation Foundry for the Defense Microelectronics Activity.
Sec. 216. Advanced rotorcraft initiative.

Subtitle C—Missile Defense Programs

Sec. 221. Prohibition on the use of funds for the MEADS program.
Sec. 222. Availability of funds for Iron Dome short-range rocket defense program.
Sec. 223. Authority for relocation of certain Aegis weapon system assets between and within the DDG–51 class destroyer and Aegis Ashore programs in order to meet mission requirements.
Sec. 224. Evaluation of alternatives for the precision tracking space system.
Sec. 225. Next generation Exo-atmospheric Kill Vehicle.
Sec. 226. Modernization of the Patriot air and missile defense system.
Sec. 227. Evaluation and environmental impact assessment of potential future missile defense sites in the United States.
Sec. 228. Homeland ballistic missile defense.
Sec. 229. Regional ballistic missile defense.
Sec. 230. NATO contributions to missile defense in Europe.
Sec. 231. Report on test plan for the ground-based midcourse defense system.
Sec. 232. Sense of Congress on missile defense.
Sec. 233. Sense of Congress on the submittal to Congress of the homeland defense hedging policy and strategy report of the Secretary of Defense.

Subtitle D—Reports

Sec. 241. Mission packages for the Littoral Combat Ship.
Sec. 242. Study on electronic warfare capabilities of the Marine Corps.
Sec. 243. Conditional requirement for report on amphibious assault vehicles for the Marine Corps.
Sec. 244. Report on cyber and information technology research investments of the Air Force.
Sec. 245. National Research Council review of defense science and technical graduate education needs.

Subtitle E—Other Matters

Sec. 251. Eligibility for Department of Defense laboratories to enter into educational partnerships with educational institutions in territories and possessions of the United States.
Sec. 252. Regional advanced technology clusters.
Sec. 253. Sense of Congress on increasing the cost-effectiveness of training exercises for members of the Armed Forces.

Subtitle A—Authorization of Appropriations

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Department of Defense for research, development, test, and evaluation as specified in the funding table in section 4201.

Subtitle B—Program Requirements, Restrictions, and Limitations

SEC. 211. NEXT-GENERATION LONG-RANGE STRIKE BOMBER AIRCRAFT NUCLEAR CERTIFICATION REQUIREMENT.

The Secretary of the Air Force shall ensure that the next-generation long-range strike bomber is—

(1) capable of carrying strategic nuclear weapons as of the date on which such aircraft achieves initial operating capability; and

(2) certified to use such weapons by not later than two years after such date. Deadline.

SEC. 212. EXTENSION OF LIMITATION ON AVAILABILITY OF FUNDS FOR UNMANNED CARRIER-LAUNCHED SURVEILLANCE AND STRIKE SYSTEM PROGRAM.

(a) EXTENSION OF LIMITATION.—Subsection (a) of section 213 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1330) is amended by inserting "or fiscal year 2013" after "fiscal year 2012".

(b) TECHNOLOGY DEVELOPMENT PHASE.—Such section is further amended by adding at the end the following new subsection:

"(d) TECHNOLOGY DEVELOPMENT AND PRELIMINARY DESIGN PHASES.—

"(1) CONTRACTORS.—In accordance with paragraph (2), the Secretary of the Navy may not reduce the number of prime contractors working on the Unmanned Carrier-launched Surveillance and Strike system program to one prime contractor for the technology development phase of such program prior to the program achieving the preliminary design review milestone.

"(2) PRELIMINARY DESIGN REVIEW.—After the date on which the Unmanned Carrier-launched Surveillance and Strike system program achieves the preliminary design review milestone, the Secretary may not reduce the number of prime contractors working on the program to one prime contractor until—

"(A) the preliminary design reviews of the program are completed;

"(B) the Under Secretary of Defense for Acquisition, Technology, and Logistics assesses the completeness of the preliminary design reviews of the program for each participating prime contractor;

"(C) the Under Secretary submits to the congressional defense committees a report that includes— Reports.

"(i) a summary of the assessment of the preliminary design reviews of the program conducted under subparagraph (B); and

Certification.

"(ii) a certification that each preliminary design review of the program was complete and was not abbreviated when compared to preliminary design reviews conducted for other major defense acquisition programs consistent with the policies specified in Department of Defense Instruction 5000.02; and

Time period.

"(D) a period of 30 days has elapsed following the date on which the Under Secretary submits the report under subparagraph (C).".

(c) TECHNICAL AMENDMENT.—Such section is further amended by striking "Future Unmanned Carrier-based Strike System" each place it appears and inserting "Unmanned Carrier-launched Surveillance and Strike system".

SEC. 213. LIMITATION ON AVAILABILITY OF FUNDS FOR MILESTONE A ACTIVITIES FOR AN ARMY MEDIUM RANGE MULTI-PURPOSE VERTICAL TAKEOFF AND LANDING UNMANNED AIRCRAFT SYSTEM.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for research, development, test, and evaluation, Army, may be obligated or expended for Milestone A activities with respect to a medium-range multi-purpose vertical take-off and landing unmanned aircraft system until—

Certification.

(1) the Chairman of the Joint Requirements Oversight Council certifies in writing to the appropriate congressional committees that the Joint Requirements Oversight Council determines that—

(A) such system is required to meet a required capability or requirement validated by the Council; and

(B) as of the date of the certification, an unmanned aircraft system in the operational inventory of a military department that was selected using competitive procedures cannot meet such capability or be modified to meet such capability in a more cost effective way; and

(C) the acquisition strategy for such a capability includes competitive procedures as a requirement; and

Time period.

(2) a period of 30 days has elapsed following the date on which the Chairman submits the certification under paragraph (1).

(b) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate.

(2) The term "competitive procedures" has the meaning given that term in section 2302(2) of title 10, United States Code.

(3) The term "Milestone A activities" means, with respect to an acquisition program of the Department of Defense—

(A) the distribution of request for proposals;

(B) the selection of technology demonstration contractors; and

(C) technology development.

SEC. 214. USE OF FUNDS FOR CONVENTIONAL PROMPT GLOBAL STRIKE PROGRAM.

(a) COMPETITIVE PROCEDURES.—Except as provided by subsection (b), the Secretary of Defense shall ensure that any funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for activities of the conventional prompt global strike program are obligated or expended using competitive solicitation procedures to involve industry as well as government partners to the extent feasible.

(b) WAIVER.—The Secretary may waive the requirement to use competitive solicitation procedures under subsection (a) if—

(1) the Secretary—

(A) determines that using such procedures is not feasible; and Determination.

(B) notifies the congressional defense committees of such determination; and Notification.

(2) a period of 5 days elapses after the date on which the Secretary makes such notification under paragraph (1)(B). Time period.

SEC. 215. NEXT GENERATION FOUNDRY FOR THE DEFENSE MICROELECTRONICS ACTIVITY.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for research, development, test, and evaluation for the Next Generation Foundry for the Defense Microelectronics Activity (PE #603720S) may be obligated or expended for that purpose until a period of 60 days has elapsed following the date on which the Assistant Secretary of Defense for Research and Engineering— Time period.

(1) develops a microelectronics strategy as described in the Senate report to accompany S. 1253 of the 112th Congress (S. Rept. 112–26) and an estimate of the full life-cycle costs for the upgrade of the Next Generation Foundry; Strategy.

(2) develops an assessment regarding the manufacturing capability of the United States to produce three-dimensional integrated circuits to serve national defense interests; and Assessment.

(3) submits to the congressional defense committees the strategy and cost estimate required by paragraph (1) and the assessment required by paragraph (2). Estimate.

SEC. 216. ADVANCED ROTORCRAFT INITIATIVE.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in consultation with the military departments and the Defense Advanced Research Projects Agency, submit to the congressional defense committees a report setting forth a strategy for the use of integrated platform design teams and agile prototyping approaches for the development of advanced rotorcraft capabilities. Deadline. Reports.

(b) ELEMENTS.—The strategy required by subsection (a) shall include the following:

(1) Mechanisms for establishing agile prototyping practices and programs, including rotorcraft X-planes, and an identification of the resources required for such purposes.

(2) The X-Plane Rotorcraft program of the Defense Advanced Research Projects Agency with performance objectives beyond those of the Joint Multi-role development program, including at least two competing teams.

(3) Approaches, including potential competitive prize awards, to encourage the development of advanced rotorcraft capabilities to address challenge problems such as nap-of-earth automated flight, urban operation near buildings, slope landings, automated autorotation or power-off recovery, and automated selection of landing areas.

Subtitle C—Missile Defense Programs

SEC. 221. PROHIBITION ON THE USE OF FUNDS FOR THE MEADS PROGRAM.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense may be obligated or expended for the medium extended air defense system.

SEC. 222. AVAILABILITY OF FUNDS FOR IRON DOME SHORT-RANGE ROCKET DEFENSE PROGRAM.

Of the funds authorized to be appropriated for fiscal year 2013 by section 201 for research, development, test, and evaluation, Defense-wide, and available for the Missile Defense Agency, $211,000,000 may be provided to the Government of Israel for the Iron Dome short-range rocket defense program as specified in the funding table in section 4201.

SEC. 223. AUTHORITY FOR RELOCATION OF CERTAIN AEGIS WEAPON SYSTEM ASSETS BETWEEN AND WITHIN THE DDG–51 CLASS DESTROYER AND AEGIS ASHORE PROGRAMS IN ORDER TO MEET MISSION REQUIREMENTS.

(a) TRANSFER TO AEGIS ASHORE SYSTEM.—Notwithstanding any other provision of law, the Secretary of the Navy may transfer Aegis weapon system equipment with ballistic missile defense capability to the Director of the Missile Defense Agency for use by the Director in the Aegis Ashore System for installation in the country designated as "Host Nation 1" by transferring to the Agency such equipment procured with amounts authorized to be appropriated for shipbuilding and conversion, Navy, for fiscal years 2010 and 2011 for the DDG–51 Class Destroyer Program.

(b) ADJUSTMENTS IN EQUIPMENT DELIVERIES.—

(1) USE OF FY12 FUNDS FOR AWS SYSTEMS ON DESTROYERS PROCURED WITH FY11 FUNDS.—Amounts authorized to be appropriated for shipbuilding and conversion, Navy, for fiscal year 2012, and any Aegis weapon system assets procured with such amounts, may be used to deliver complete, mission-ready Aegis weapon systems with ballistic missile defense capability to any DDG–51 class destroyer for which amounts were authorized to be appropriated for shipbuilding and conversion, Navy, for fiscal year 2011.

(2) USE OF AWS SYSTEMS PROCURED WITH RDT&E FUNDS ON DESTROYERS.—The Secretary may install on any DDG–51 class destroyer Aegis weapon systems with ballistic missile defense capability transferred pursuant to subsection (c).

(c) TRANSFER FROM AEGIS ASHORE SYSTEM.—The Director shall transfer Aegis weapon system equipment with ballistic missile defense capability procured for installation in the Aegis Ashore System to the Secretary for the DDG–51 Class Destroyer Program to replace any equipment transferred to the Director under subsection (a).

(d) TREATMENT OF TRANSFER IN FUNDING DESTROYER CONSTRUCTION.—Notwithstanding the source of funds for any equipment transferred under subsection (c), the Secretary shall fund all work necessary to complete construction and outfitting of any destroyer in which such equipment is installed in the same manner as if such equipment had been acquired using amounts in the shipbuilding and conversion, Navy, account.

SEC. 224. EVALUATION OF ALTERNATIVES FOR THE PRECISION TRACKING SPACE SYSTEM.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Missile Defense Agency for the precision tracking space system, not more than 75 percent may be obligated or expended until the date on which—

(1) the Director of Cost Assessment and Program Evaluation completes the evaluation under subsection (b)(1); and

(2) the terms of reference for the evaluation under subsection (b)(1)(B) are—

(A) approved by the Missile Defense Executive Board, in coordination with the Defense Space Council; and

(B) submitted to the congressional defense committees.

(b) INDEPENDENT COST ESTIMATE AND EVALUATION OF ALTERNATIVES REQUIRED.—

(1) IN GENERAL.—The Director of Cost Assessment and Program Evaluation shall perform—

(A) an independent cost estimate for the precision tracking space system; and

(B) a comprehensive assessment evaluation of alternatives for such system.

(2) BASIS OF EVALUATION.—The evaluation under paragraph (1)(B) shall be based on a clear articulation by the Director of the Missile Defense Agency of—

(A) the space-based and ground-based sensors that will be required to be maintained to aid the precision tracking space system constellation;

(B) the number of satellites to be procured for a first constellation, including the projected lifetime of such satellites in the first constellation, and the number projected to be procured for a first and, if applicable, second replenishment;

(C) the technological and acquisition risks of such system, including systems engineering and ground system development;

(D) an evaluation of the technological capability differences between the precision tracking space system tracking sensor and the space tracking and surveillance system tracking sensor;

(E) the cost differences, as confirmed by the Director of Cost Assessment and Program Evaluation, between such systems, including costs relating to launch services; and

(F) any other matters the Director believes useful that do not unduly delay completion of the evaluation.

(3) EVALUATION.—In conducting the evaluation under paragraph (1)(B), the Director of Cost Assessment and Program Evaluation shall—

(A) evaluate whether the precision tracking space system, as planned by the Director of the Missile Defense Agency in the budget submitted to Congress under section 1105 of title 31, United States Code, for fiscal year 2013, is the most cost effective and best value sensor option with respect to land-, air-, or space-based sensors, or a combination thereof, to improve the regional missile defense and homeland missile defense of the United States, including by adding precision tracking and discrimination capability to the ground-based midcourse defense system;

(B) examine the overhead persistent infrared satellite data or other data that are available as of the date of the evaluation that are not being used for ballistic missile tracking;

(C) determine whether and how using the data described in subparagraph (B) could improve sensor coverage for the homeland missile defense of the United States and regional missile defense capabilities;

(D) study the plans of the Director of the Missile Defense Agency to integrate the precision tracking space system concept into the ballistic missile defense system and evaluate the concept of operations and missile defense engagement scenarios of such use;

(E) consider the agreement entered into under subsection (d)(1); and

(F) consider any other matters the Director believes useful that do not unduly delay completion of the evaluation.

Time periods.

(4) COST DETERMINATION.—-In conducting the independent cost estimate under paragraph (1)(A), the Director of Cost Assessment and Program Evaluation shall take into account acquisition costs and operation and sustainment costs during the initial 10-year and 20-year periods.

(5) COOPERATION.—The Director of the Missile Defense Agency shall provide to the Director of Cost Assessment and Program Evaluation the information necessary to conduct the independent cost estimate and the evaluation of alternatives of such program under paragraph (1).

Deadline.

(c) SUBMISSION REQUIRED.—Not later than April 30, 2013, the Director of Cost Assessment and Program Evaluation shall submit to the congressional defense committees the independent cost estimate and evaluation under subparagraphs (A) and (B) of subsection (b)(1).

(d) MEMORANDUM OF AGREEMENT.—

(1) IN GENERAL.—The Director of the Missile Defense Agency shall enter into a memorandum of agreement with the Commander of the Air Force Space Command with respect to the space situational awareness capabilities, requirements, design, and cost sharing of the precision tracking space system.

(2) SUBMISSION.—The Director shall submit to the congressional defense committees the agreement entered into under paragraph (1).

(e) REVIEW BY THE COMPTROLLER GENERAL.—

Deadlines. Briefings. Reports.

(1) TERMS OF REFERENCE.—The Comptroller General of the United States shall provide to the congressional defense committees—

(A) by not later than 30 days after the date on which the terms of reference for the evaluation under subsection (b)(1)(B) are provided to such committees pursuant to subsection (a)(2), a briefing on the views of the Comptroller General with respect to such terms of reference and their conformance with the best practices for analyses of alternatives established by the Comptroller General; and

(B) a final report on such terms as soon as practicable following the date of the briefing under subparagraph (A).

(2) COMPREHENSIVE PTSS ASSESSMENT.—The Comptroller General shall further provide to the congressional defense committees—

(A) by not later than 60 days after the date on which the evaluation is submitted to such committees under subsection (c), a briefing on the views of the Comptroller General with respect to such evaluation; and

(B) a final report on such evaluation as soon as practicable following the date of the briefing under subparagraph (A).

SEC. 225. NEXT GENERATION EXO-ATMOSPHERIC KILL VEHICLE.

(a) PLAN FOR NEXT GENERATION KILL VEHICLE.—The Director of the Missile Defense Agency shall develop a long-term plan for the exo-atmospheric kill vehicle that addresses both modifications and enhancements to the current exo-atmospheric kill vehicle and options for the competitive development of a next generation exo-atmospheric kill vehicle for the ground-based interceptor of the ground-based midcourse defense system and any other interceptor that might be developed for the defense of the United States against long-range ballistic missiles.

(b) DEFINITION OF PARAMETERS AND CAPABILITIES.—

(1) ASSESSMENT REQUIRED.—The Director shall define the desired technical parameters and performance capabilities for a next generation exo-atmospheric kill vehicle using an assessment conducted by the Director for that purpose that is designed to ensure that a next generation exo-atmospheric kill vehicle design—

(A) enables ease of manufacturing, high tolerances to production processes and supply chain variability, and inherent reliability;

(B) will be optimized to take advantage of the ballistic missile defense system architecture and sensor system capabilities;

(C) leverages all relevant kill vehicle development activities and technologies, including from the current standard missile–3 block IIB program and the previous multiple kill vehicle technology development program;

(D) seeks to maximize, to the greatest extent practicable, commonality between subsystems of a next generation exo-atmospheric kill vehicle and other exo-atmospheric kill vehicle programs; and

(E) meets Department of Defense criteria, as established in the February 2010 Ballistic Missile Defense

Review, for affordability, reliability, suitability, and operational effectiveness to defend against limited attacks from evolving and future threats from long-range missiles.

(2) EVALUATION OF PAYLOADS.—The assessment required by paragraph (1) shall include an evaluation of the potential benefits and drawbacks of options for both unitary and multiple exo-atmospheric kill vehicle payloads.

Evaluation.

(3) STANDARD MISSILE–3 BLOCK IIB INTERCEPTOR.—As part of the assessment required by paragraph (1), the Director shall evaluate whether there are potential options and opportunities arising from the standard missile–3 block IIB interceptor development program for development of an exo-atmospheric kill vehicle, or kill vehicle technologies or components, that could be used for potential upgrades to the ground-based interceptor or for a next generation exo-atmospheric kill vehicle.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the congressional defense committees a report setting forth the plan developed under subsection (a), including the results of the assessment under subsection (b), and an estimate of the cost and schedule of implementing the plan.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 226. MODERNIZATION OF THE PATRIOT AIR AND MISSILE DEFENSE SYSTEM.

Deadline.

(a) PLAN FOR MODERNIZATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a prioritized plan for support of the long-term requirements in connection with the modernization of the Patriot air and missile defense system and related systems of the integrated air and missile defense architecture.

(b) ADDITIONAL ELEMENTS.—The report required by subsection (a) shall also set forth the following:

(1) An explanation of the requirements and goals for the Patriot air and missile defense system and related systems of the integrated air and missile defense architecture during the 10-year period beginning on the date of the report.

(2) An assessment of the integrated air and missile defense capabilities required to meet the demands of evolving and emerging threats during the ten-year period beginning on the date of the report.

(3) A plan for the introduction of changes to the Patriot air and missile defense system program to achieve reductions in the life-cycle cost of the Patriot air and missile defense system.

SEC. 227. EVALUATION AND ENVIRONMENTAL IMPACT ASSESSMENT OF POTENTIAL FUTURE MISSILE DEFENSE SITES IN THE UNITED STATES.

Deadline.
Study.

(a) EVALUATION.—Not later than December 31, 2013, the Secretary of Defense shall conduct a study to evaluate at least three possible additional locations in the United States, selected by the Director of the Missile Defense Agency, that would be best suited for future deployment of an interceptor capable of protecting the

homeland against threats from nations such as North Korea and Iran. At least two of such locations shall be on the East Coast of the United States.

(b) ENVIRONMENTAL IMPACT STATEMENT REQUIRED.—Except as provided by subsection (c), the Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. et seq.) for the locations the Secretary evaluates under subsection (a).

(c) EXCEPTION.—If an environmental impact statement has already been prepared for a location the Secretary evaluates under subsection (a), the Secretary shall not be required to prepare another environmental impact statement for such location.

(d) CONTINGENCY PLAN.—In light of the evaluation under subsection (a), the Director of the Missile Defense Agency shall—

(1) develop a contingency plan for the deployment of a homeland missile defense interceptor site that is in addition to such sites that exist as of the date of the enactment of this Act in case the President determines to proceed with such an additional deployment; and

(2) notify the congressional defense committees when such contingency plan has been developed. Notification.

SEC. 228. HOMELAND BALLISTIC MISSILE DEFENSE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is a national priority to defend the United States homeland against the threat of limited ballistic missile attack (whether accidental, unauthorized, or deliberate);

(2) the currently deployed ground-based midcourse defense system, with 30 ground-based interceptors deployed in Alaska and California, provides a level of protection of the United States homeland;

(3) it is essential for the ground-based midcourse defense system to achieve the levels of reliability, availability, sustainability, and operational performance that will allow it to continue providing protection of the United States homeland;

(4) the Missile Defense Agency should, as its highest priority, correct the problem that caused the December 2010 ground-based midcourse defense system flight test failure and demonstrate the correction in flight tests before resuming production of the capability enhancement-II kill vehicle, in order to provide confidence that the system will work as intended;

(5) the Department of Defense should continue to enhance the performance and reliability of the ground-based midcourse defense system, and enhance the capability of the ballistic missile defense system, to provide improved capability to defend the homeland;

(6) the Missile Defense Agency should have a robust, rigorous, and operationally realistic testing program for the ground-based midcourse defense system, including salvo testing, multiple simultaneous engagement testing, and operational testing;

(7) the Department of Defense has taken a number of prudent, affordable, cost-effective, and operationally significant steps to hedge against the possibility of future growth in the missile threat to the homeland from North Korea and Iran; and

(8) the Department of Defense should continue to evaluate the evolving threat of limited ballistic missile attack, particularly from countries such as North Korea and Iran, and consider other possibilities for prudent, affordable, cost-effective, and operationally significant steps to improve the posture of the United States to defend the homeland.

(b) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the status of efforts to improve the homeland ballistic missile defense capability of the United States.

(2) ELEMENTS OF REPORT.—The report required by paragraph (1) shall include the following:

(A) A detailed description of the actions taken or planned to improve the reliability, availability, and capability of the ground-based midcourse defense system, particularly the exoatmospheric kill vehicle, and any other actions to improve the homeland missile defense posture to hedge against potential future growth in the threat of limited ballistic missile attack (whether accidental, unauthorized, or deliberate), particularly from countries such as North Korea and Iran.

(B) A description of any improvements achieved as a result of the actions described in subparagraph (A).

(C) A description of the results of the two planned flight tests of the ground-based midcourse defense system (control test vehicle flight test–1, and GMD flight test–06b) intended to demonstrate the success of the correction of the problem that caused the flight test failure of December 2010, and the status of any decision to resume production of the capability enhancement-II kill vehicle.

(D) a detailed description of the planned roles and requirements for the standard missile-3 block IIB interceptor to augment the defense of the homeland, including the capabilities needed to defeat long-range missiles that could be launched from Iran to the United States;

(E) Any other matters the Secretary considers appropriate.

(3) FORM OF REPORT.—The report shall be submitted in unclassified form, but may include a classified annex.

(c) COMPTROLLER GENERAL BRIEFING AND REPORT.—

(1) BRIEFING.—Not later than 60 days after the date on which the Secretary submits the report under subsection (b)(1), the Comptroller General of the United States shall brief the congressional defense committees with the views of the Comptroller General on the report.

(2) REPORT.—As soon as practicable after the date on which the Comptroller General briefs the congressional defense committees under paragraph (1), the Comptroller General shall submit to such committees a report on the views included in such briefing.

SEC. 229. REGIONAL BALLISTIC MISSILE DEFENSE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the threat from regional ballistic missiles, particularly from Iran and North Korea, is serious and growing, and puts

at risk forward-deployed forces of the United States and allies and partners in Europe, the Middle East, and the Asia-Pacific region;

(2) the Department of Defense has an obligation to provide force protection of forward-deployed forces, assets, and facilities of the United States from regional ballistic missile attack;

(3) the United States has an obligation to meet its security commitments to its allies, including ballistic missile defense commitments;

(4) the Department of Defense has a program of investment and capabilities to provide for both homeland defense and regional defense against ballistic missiles, consistent with the Ballistic Missile Defense Review of 2010 and with the prioritized and integrated needs of the commanders of the combatant commands;

(5) the European Phased Adaptive Approach to missile defense is a response to the existing and growing ballistic missile threat from Iran to forward deployed United States forces, allies and partners in Europe;

(6) the Department of Defense—

(A) should, as a high priority, continue to develop, test, and plan to deploy all four phases of the European Phased Adaptive Approach, including all variants of the standard missile–3 interceptor;

(B) should continue to conduct tests to evaluate and assess the capability of future phases of the European Phased Adaptive Approach and to demonstrate whether they will achieve their intended roles, as outlined in the Ballistic Missile Defense Review of 2010; and

(C) should also continue with its other phased and adaptive regional missile defense efforts tailored to the Middle East and the Asia-Pacific region; and

(7) European members of the North Atlantic Treaty Organization are making a variety of contributions to missile defense in Europe, by hosting elements of missile defense systems of the United States on their territories, through individual national contributions to missile defense capability, and by collective funding and development of the Active Layered Theater Ballistic Missile Defense system; and

(8) allies and partners of the United States in the Asia-Pacific region and in the Middle East are making contributions to regional missile defense capabilities, including by hosting elements of missile defense systems of the United States on their territories; jointly developing missile defense capabilities; and cooperating in regional missile defense architectures.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the status and progress of regional missile defense programs and efforts.

(2) ELEMENTS OF REPORT.—The report required by paragraph (1) shall include the following:

(A) An assessment of the adequacy of the existing and planned European Phased Adaptive Approach to provide force protection for forward-deployed forces of the United States in Europe against ballistic missile threats

from Iran, and an assessment whether adequate force protection would be available absent the European Phased Adaptive Approach, given current and planned Patriot, Terminal High Altitude Area Defense, and Aegis ballistic missile defense capability.

(B) A description of the progress made in the development and testing of elements of systems intended for deployment in Phases 2 through 4 of the European Phased Adaptive Approach, and an assessment of technical and schedule risks.

(C) A description of the missile defense priorities and capability needs of the regional combatant commands, and the planned regional missile defense architectures derived from those capability needs and priorities.

(D) A description of the global force management process used to evaluate the missile defense capability needs of the regional combatant commands and to determine the resource allocation and deployment outcomes among such commands.

(E) A description of the missile defense command and control concepts and arrangements in place for United States and allied regional missile defense forces, and the missile defense partnerships and burden-sharing arrangements in place between the United States and its allies and partners.

(3) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) COMPTROLLER GENERAL VIEWS.—The Comptroller General of the United States shall—

Briefing. Deadline.

(1) brief the congressional defense committees with the views of the Comptroller General on the report under subsection (b)(1) by not later than 60 days after the date on which the Secretary submits such report; and

Reports.

(2) submit to such committees a written report on such views as soon as practicable after the date of the briefing under paragraph (1).

SEC. 230. NATO CONTRIBUTIONS TO MISSILE DEFENSE IN EUROPE.

Deadline. Reports.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on contributions of members of the North Atlantic Treaty Organization to missile defense in Europe.

(b) ELEMENTS.—The report required under subsection (a) shall include a discussion of the full range of contributions made by members of NATO, individually and collectively, to missile defense in Europe, including the following:

(1) Financial contributions to the development of the Active Layered Theater Ballistic Missile Defense command and control system or other NATO missile defense capabilities, including the European Phased Adaptive Approach.

(2) National contributions of missile defense capabilities to NATO.

(3) Agreements to host missile defense facilities in the territory of the member state.

(4) Contributions in the form of providing support, including security, for missile defense facilities in the territory of the member state.

(5) Any other contributions being planned by members of NATO, including the modification of existing military systems to contribute to the missile defense capability of NATO.

(6) A discussion of whether there are other opportunities for future contributions, financial and otherwise, to missile defense by members of NATO.

(7) Any other matters the Secretary determines appropriate.

(c) FORM OF REPORT.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 231. REPORT ON TEST PLAN FOR THE GROUND-BASED MIDCOURSE DEFENSE SYSTEM.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the testing program for the ground-based midcourse defense element of the ballistic missile defense system.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An explanation of testing options for the ground-based midcourse defense system if planned flight tests CTV–01 and FTG–06b do not demonstrate the successful correction to the problem that caused the failure of the capability enhancement–2 kill vehicle in flight test FTG–06a in December 2010, including additional testing of the capability enhancement–1 kill vehicle.

(2) An assessment of the feasibility, advisability, and cost effectiveness (including the potential benefits, risks, and impact on the current test plan and integrated master test plan for the ground-based midcourse defense system) of adjusting the test plan of the ground-based midcourse defense system to accomplish, at an acceptable level of risk—

(A) accelerating to fiscal year 2014 the date for testing such system using a capability enhancement–1 kill vehicle against an intercontinental ballistic missile-range target; and

(B) increasing the pace of the flight testing of such system to a rate of three tests every two years.

(3) If the Secretary determines that either option described in subparagraph (A) or (B) of paragraph (2) would be feasible, advisable, and cost effective, a discussion of whether increased funding beyond the funding requested in the budget for fiscal year 2013 is required to carry out such options and, if so, what level of increased funding would be necessary to carry out each such option.

(4) Any additional matters the Secretary determines appropriate.

(c) DOT&E VIEWS.—The Secretary shall include an appendix to the report under subsection (a) that contains the views of the Director of Operational Test and Evaluation regarding the contents of the report.

(d) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) COMPTROLLER GENERAL VIEWS.—The Comptroller General of the United States shall—

Briefing.

(1) brief the congressional defense committees concerning the views of the Comptroller General on the report required under subsection (a) by not later than 60 days after the date on which the Secretary submits such report; and

(2) submit to such committees a written report on such views as soon as practicable after the date of the briefing under paragraph (1).

SEC. 232. SENSE OF CONGRESS ON MISSILE DEFENSE.

(a) FINDINGS.—Congress finds the following:

(1) In a December 18, 2010, letter to the Senate leadership, President Obama wrote that the North Atlantic Treaty Organization (NATO) "invited the Russian Federation to cooperate on missile defense, which could lead to adding Russian capabilities to those deployed by NATO to enhance our common security against common threats. The Lisbon Summit thus demonstrated that the Alliance's missile defenses can be strengthened by improving NATO-Russian relations. This comes even as we have made it clear that the system we intend to pursue with Russia will not be a joint system, and it will not in any way limit United States' or NATO's missile defense capabilities.".

(2) In a February 2, 2011, message to the Senate concerning its December 22, 2010, Resolution of Advice and Consent to Ratification of the New START Treaty, President Obama certified that "It is the policy of the United States to continue development and deployment of United States missile defense systems to defend against missile threats from nations such as North Korea and Iran, including qualitative and quantitative improvements to such systems. As stated in the Resolution, such systems include all phases of the Phased Adaptive Approach to missile defense in Europe, the modernization of the Ground-based Midcourse Defense system, and the continued development of the two-stage Ground-Based Interceptor as a technological and strategic hedge.".

(3) In a letter dated December 13, 2011, to Senator Mark Kirk, Robert Nabors, Assistant to the President and Director of the Office of Legislative Affairs, wrote that "The United States remains committed to implementing the European Phased Adaptive Approach to missile defense, and will not agree to any constraints limiting the development or deployment of United States missile defenses" and "[w]e will not provide Russia with sensitive information about our missile defense systems that would in any way compromise our national security. For example, hit-to-kill technology and interceptor telemetry will under no circumstances be provided to Russia.".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) pursuant to section 2 of the National Missile Defense Act of 1999 (Public Law 106–38; 113 Stat. 205; 10 U.S.C. 2431 note), it is the policy of the United States "to deploy as soon as is technologically possible an effective National Missile Defense system capable of defending the territory of

the United States against limited ballistic missile attack (whether accidental, unauthorized, or deliberate)...";

(2) defenses against ballistic missiles are essential for new deterrent strategies and for new strategies should deterrence fail;

(3) further limitations on the missile defense capabilities of the United States are not in the national security interest of the United States;

(4) the New Start Treaty and the April 7, 2010, unilateral statement of the Russian Federation on missile defense do not limit in any way, and shall not be interpreted as limiting, activities that the Federal Government of the United States currently plans or that might be required over the duration of the New START Treaty to protect the United States pursuant to the National Missile Defense Act of 1999, or to protect the Armed Forces of the United States and allies of the United States from limited ballistic missile attack, including further planned enhancements to the Ground-based Midcourse Defense system and all phases of the Phased Adaptive Approach to missile defense in Europe;

(5) it was the Understanding of the Senate in its December 22, 2010, Resolution of Advice and Consent to Ratification of the New START Treaty that, "any additional New START Treaty limitations on the deployment of missile defenses beyond those contained in paragraph 3 of Article V, including any limitations agreed under the auspices of the Bilateral Consultative Commission, would require an amendment to the New START Treaty which may enter into force for the United States only with the advice and consent of the Senate, as set forth in Article II, section 2, clause 2 of the Constitution of the United States"; and

(6) section 303(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b)) requires that "no action shall be taken pursuant to this or any other Act that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner, except pursuant to the treaty-making power of the President set forth in Article II, Section 2, Clause 2 of the Constitution.".

(c) NEW START TREATY DEFINED.—In this section, the term "New START Treaty" means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

SEC. 233. SENSE OF CONGRESS ON THE SUBMITTAL TO CONGRESS OF THE HOMELAND DEFENSE HEDGING POLICY AND STRATEGY REPORT OF THE SECRETARY OF DEFENSE.

It is the sense of the Congress that—

(1) the homeland defense hedging policy and strategy report required by section 233 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1340) is necessary to inform Congress on options to protect the United States homeland against the evolving ballistic missile threat, including potential options prior to the deployment of Phase 4 of the European Phased Adaptive Approach to missile defense; and

(2) the Secretary of Defense should comply with the requirements of such section 233 by submitting the homeland defense hedging policy and strategy report to Congress.

Subtitle D—Reports

SEC. 241. MISSION PACKAGES FOR THE LITTORAL COMBAT SHIP.

(a) REPORT REQUIRED.—Not later than March 1, 2013, the Secretary of the Navy shall, in consultation with the Director of Operational Test and Evaluation, submit to the congressional defense committees a report on the mine countermeasures warfare, antisubmarine warfare, and surface warfare mission packages for the Littoral Combat Ship.

(b) ELEMENTS.—The report required by subsection (a) shall set forth the following:

(1) A plan for the mission packages demonstrating that preliminary design review for every capability increment precedes Milestone B or equivalent approval for that increment.

(2) A plan for demonstrating that the capability increment for each mission package, combined with a Littoral Combat Ship, on the basis of a preliminary design review and post-preliminary design review assessment, will achieve the capability specified for that increment.

(3) A plan for demonstrating the survivability and lethality of the Littoral Combat Ship with its mission packages sufficiently early in the development phase of the system to minimize costs of concurrency.

SEC. 242. STUDY ON ELECTRONIC WARFARE CAPABILITIES OF THE MARINE CORPS.

(a) STUDY.—The Commandant of the Marine Corps shall conduct a study on the future capabilities of the Marine Corps with respect to electronic warfare.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Commandant shall submit to the congressional defense committees a report on the study conducted under subsection (a).

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) A detailed plan for the disposition of EA–6B Prowler aircraft squadrons.

(B) A solution for the replacement of the capability provided by such aircraft.

(C) Concepts of operation for future air-ground task force electronic warfare capabilities of the Marine Corps.

(D) Any other issues that the Commandant determines appropriate.

SEC. 243. CONDITIONAL REQUIREMENT FOR REPORT ON AMPHIBIOUS ASSAULT VEHICLES FOR THE MARINE CORPS.

(a) IN GENERAL.—If the ongoing Marine Corps ground combat vehicle fleet mix study recommends the acquisition of a separate Marine Personnel Carrier, the Secretary of the Navy and the Commandant of the Marine Corps shall jointly submit to the congressional defense committees a report that includes the following:

(1) A detailed description of the capability gaps that Marine Personnel Carriers are intended to mitigate and the capabilities that the Marine Personnel Carrier will be required to have to mitigate such gaps, and an assessment whether, and to what extent, Amphibious Combat Vehicles could mitigate such gaps.

(2) A detailed explanation of the role of the Marine Personnel Carriers in the operations of the Marine Corps, as well as a comparative estimate of the acquisition and life-cycle costs of—

(A) a fleet consisting of both Amphibious Combat Vehicles and Marine Personnel Carriers; and

(B) a fleet consisting of only Amphibious Combat Vehicles.

(b) SUBMITTAL DATE.—If required, the report under subsection (a) shall be submitted not later than the later of—

(1) the date that is 60 days after the date of the completion of the study referred to in subsection (a); or

(2) February 1, 2013.

SEC. 244. REPORT ON CYBER AND INFORMATION TECHNOLOGY RESEARCH INVESTMENTS OF THE AIR FORCE.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report detailing the investment strategy of the Air Force with respect to the spectrum of—

(1) cyber science and technology;

(2) autonomy, command and control, and decision support technologies;

(3) connectivity and dissemination technologies; and

(4) processing and exploitation technologies.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) An identification of the near-, mid-, and far-term science and technology priorities of the Air Force with respect to cyber and information-related technologies and the resources (including both funding and personnel) projected to address these priorities.

(2) A strategy to transition the results of the science and technology priorities described in paragraph (1) into weapon systems, including cyber tools.

(3) A description of how the Air Force will recruit, train, and retain a highly skilled workforce in cyber and information-related technologies, including the use of the authorities granted under the laboratory demonstration program established by section 342 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2721), as most recently amended by section 1114 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398; 114 Stat. 1654A–315).

(4) A description of laboratory infrastructure and research facilities, including the Air Force Institute of Technology, that are necessary for the accomplishment of the science and technology priorities described in paragraph (1).

SEC. 245. NATIONAL RESEARCH COUNCIL REVIEW OF DEFENSE SCIENCE AND TECHNICAL GRADUATE EDUCATION NEEDS.

Contracts.

(a) REVIEW.—The Secretary of Defense shall enter into an agreement with the National Research Council to conduct a review of specialized degree-granting graduate programs of the Department of Defense in science, technology, engineering, mathematics, and management.

(b) MATTERS INCLUDED.—At a minimum, the review under subsection (a) shall address—

(1) the need by the Department of Defense and the military departments for military and civilian personnel with advanced degrees in science, technology, engineering, mathematics, and management, including a list of the numbers of such personnel needed by discipline;

(2) an analysis of the sources by which the Department of Defense and the military departments obtain military and civilian personnel with such advanced degrees;

(3) the need for educational institutions under the Department of Defense to meet the needs identified in paragraph (1);

(4) the costs and benefits of maintaining such educational institutions, including costs relating to in-house research;

(5) the ability of private institutions or distance-learning programs to meet the needs identified in paragraph (1);

(6) existing organizational structures, including reporting chains, within the military departments to manage the graduate education needs of the Department of Defense and the military departments in the fields described in paragraph (1); and

(7) recommendations for improving the ability of the Department of Defense to identify, manage, and source the graduate education needs of the Department in such fields.

(c) REPORT.—Not later than 30 days after the date on which the review under subsection (a) is completed, the Secretary shall submit to the congressional defense committees a report on the results of such review.

Subtitle E—Other Matters

SEC. 251. ELIGIBILITY FOR DEPARTMENT OF DEFENSE LABORATORIES TO ENTER INTO EDUCATIONAL PARTNERSHIPS WITH EDUCATIONAL INSTITUTIONS IN TERRITORIES AND POSSESSIONS OF THE UNITED STATES.

(a) ELIGIBILITY OF INSTITUTIONS IN TERRITORIES AND POSSESSIONS.—Section 2194(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

Definition.

"(3) The term 'United States' includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.".

(b) TECHNICAL AMENDMENT.—Paragraph (2) of such section is amended by inserting "(20 U.S.C. 7801)" before the period.

10 USC 2358 note.

SEC. 252. REGIONAL ADVANCED TECHNOLOGY CLUSTERS.

(a) DEVELOPMENT OF INNOVATIVE ADVANCED TECHNOLOGIES.—The Secretary of Defense may use the research and engineering

network of the Department of Defense, including the organic industrial base, to support regional advanced technology clusters established by the Secretary of Commerce to encourage the development of innovative advanced technologies to address national security and homeland defense challenges.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the appropriate congressional committees a report describing—

(1) the participation of the Department of Defense in regional advanced technology clusters, including the number of—

(A) clusters supported;

(B) technologies developed and transitioned to acquisition programs;

(C) products commercialized;

(D) small businesses trained;

(E) companies started; and

(F) research and development facilities shared;

(2) implementation by the Department of processes and tools to facilitate collaboration with the clusters;

(3) agreements established by the Department with the Department of Commerce to jointly support the continued growth of the clusters;

(4) methods to evaluate the effectiveness of technology cluster policies;

(5) any additional required authorities and any impediments to supporting regional advanced technology clusters; and

(6) the use of any agreements entered into under the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and any access granted to facilities of the Department of Defense for research and development purposes.

(c) COLLABORATION.—The Secretary of Defense may meet, collaborate, and share resources with other Federal agencies for purposes of assisting in the use and appropriate growth of regional advanced technology clusters under this section.

(d) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means—

(A) the congressional defense committees;

(B) the Committee on Commerce, Science, and Transportation of the Senate; and

(C) the Committee on Energy and Commerce of the House of Representatives.

(2) The term "regional advanced technology clusters" means geographic centers focused on building science and technology-based innovation capacity in areas of local and regional strength to foster economic growth and improve quality of life.

SEC. 253. SENSE OF CONGRESS ON INCREASING THE COST-EFFECTIVENESS OF TRAINING EXERCISES FOR MEMBERS OF THE ARMED FORCES.

It is the sense of Congress that—

(1) modeling and simulation will continue to play a critical role in the training of the members of the Armed Forces;

(2) while increased modeling and simulation has reduced overall costs of training of members of the Armed Forces,

there are still significant costs associated with the human resources required to execute certain training exercises where role-playing actors for certain characters such as opposing forces, the civilian populace, other government agencies, and non-governmental organizations are required;

(3) technological advances in areas such as varying levels of autonomy for systems, multi-player gaming techniques, and artificial intelligence could reduce the number of personnel required to support certain training exercises for members of the Armed Forces, and thereby reduce the overall cost of the exercises; and

(4) the Secretary of Defense should develop a plan to increase the use of emerging technologies in autonomous systems, the commercial gaming sector, and artificial intelligence for training exercises for members of the Armed Forces to increase training effectiveness and reduce costs.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.

Subtitle B—Energy and Environment

Sec. 311. Training range sustainment plan and training range inventory.
Sec. 312. Authority of Secretary of a military department to enter into cooperative agreements with Indian tribes for land management associated with military installations and State-owned National Guard installations.
Sec. 313. Department of Defense guidance on environmental exposures at military installations and briefing regarding environmental exposures to members of the Armed Forces.
Sec. 314. Report on status of targets in implementation plan for operational energy strategy.
Sec. 315. Limitation on obligation of Department of Defense funds from Defense Production Act of 1950 for biofuel refinery construction.
Sec. 316. Sense of Congress on protection of Department of Defense airfields, training airspace, and air training routes.

Subtitle C—Logistics and Sustainment

Sec. 321. Expansion and reauthorization of multi-trades demonstration project.
Sec. 322. Restoration and amendment of certain provisions relating to depot-level maintenance and core logistics capabilities.
Sec. 323. Rating chains for system program managers.

Subtitle D—Readiness

Sec. 331. Intergovernmental support agreements with State and local governments.
Sec. 332. Expansion and reauthorization of pilot program for availability of working-capital funds for product improvements.
Sec. 333. Department of Defense national strategic ports study and Comptroller General studies and reports on strategic ports.

Subtitle E—Reports

Sec. 341. Annual report on Department of Defense long-term corrosion strategy.
Sec. 342. Report on joint strategy for readiness and training in a C4ISR-denied environment.
Sec. 343. Comptroller General review of annual Department of Defense report on prepositioned materiel and equipment.
Sec. 344. Modification of report on maintenance and repair of vessels in foreign shipyards.
Sec. 345. Extension of deadline for Comptroller General report on Department of Defense service contract inventory.

Subtitle F—Limitations and Extension of Authority

Sec. 351. Repeal of redundant authority to ensure interoperability of law enforcement and emergency responder training.

Sec. 352. Aerospace control alert mission.
Sec. 353. Limitation on authorization of appropriations for the National Museum of the United States Army.
Sec. 354. Limitation on availability of funds for retirement or inactivation of Ticonderoga class cruisers or dock landing ships.
Sec. 355. Renewal of expired prohibition on return of veterans memorial objects without specific authorization in law.

Subtitle G—National Commission on the Structure of the Air Force

Sec. 361. Short title.
Sec. 362. Establishment of Commission.
Sec. 363. Duties of the Commission.
Sec. 364. Powers of the Commission.
Sec. 365. Commission personnel matters.
Sec. 366. Termination of the Commission.
Sec. 367. Funding.

Subtitle H—Other Matters

Sec. 371. Military working dog matters.
Sec. 372. Comptroller General review of handling, labeling, and packaging procedures for hazardous material shipments.

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

Subtitle B—Energy and Environment

SEC. 311. TRAINING RANGE SUSTAINMENT PLAN AND TRAINING RANGE INVENTORY.

Section 366 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2522; 10 U.S.C. 113 note), as most recently amended by section 348 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2159), is amended—

(1) in subsection (a)(5), by striking "each of fiscal years 2005 through 2013" and inserting "each fiscal year through fiscal year 2018"; and

(2) in subsection (c)(2), by striking "fiscal years 2005 through 2013" and inserting "each fiscal year through fiscal year 2018".

SEC. 312. AUTHORITY OF SECRETARY OF A MILITARY DEPARTMENT TO ENTER INTO COOPERATIVE AGREEMENTS WITH INDIAN TRIBES FOR LAND MANAGEMENT ASSOCIATED WITH MILITARY INSTALLATIONS AND STATE-OWNED NATIONAL GUARD INSTALLATIONS.

(a) INCLUSION OF INDIAN TRIBES.—Section 103A(a) of the Sikes Act (16 U.S.C. 670c–1(a)) is amended in the matter preceding paragraph (1) by inserting "Indian tribes," after "local governments,".

(b) INDIAN TRIBE DEFINED.—Section 100 of such Act (16 U.S.C. 670) is amended by adding at the end the following new paragraph:

"(6) INDIAN TRIBE.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.".

Deadlines.

SEC. 313. DEPARTMENT OF DEFENSE GUIDANCE ON ENVIRONMENTAL EXPOSURES AT MILITARY INSTALLATIONS AND BRIEFING REGARDING ENVIRONMENTAL EXPOSURES TO MEMBERS OF THE ARMED FORCES.

10 USC 1074 note.

(a) ISSUANCE OF GUIDANCE REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to the military departments and appropriate defense agencies regarding environmental exposures on military installations.

(2) ELEMENTS.—The guidance issued pursuant to paragraph (1) shall address, at a minimum, the following:

(A) The criteria for when and under what circumstances public health assessments by the Agency for Toxic Substances and Disease Registry must be requested in connection with environmental contamination at military installations, including past incidents of environmental contamination.

(B) The procedures to be used to track and document the status and nature of responses to the findings and recommendations of the public health assessments of the Agency of Toxic Substances and Disease Registry that involve contamination at military installations.

(C) The appropriate actions to be undertaken to assess significant long-term health risks from past environmental exposures to military personnel and civilian individuals from living or working on military installations.

Records.

(3) SUBMISSION.—Not later than 30 days after the issuance of the guidance required by paragraph (1), the Secretary of Defense shall transmit to the congressional defense committees a copy of the guidance.

(b) BRIEFING REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide a briefing to the congressional defense committees regarding materiel solutions that would measure environmental exposures to members of the Armed Forces while in contingency operations.

(2) ELEMENTS.—The briefing required by paragraph (1) shall include, at a minimum, the following:

(A) Relevant materiel solutions in development or commercially available that would facilitate the identification of members of the Armed Forces who have individual exposures to environmental hazards, including burn pits, dust or sand, hazardous materials, and waste.

(B) A timeline, and estimated cost, of developing and deploying the materiel solutions described in subparagraph (A).

(C) Identification of the Department of Defense's process, and any systems, that collect and maintain exposure data and a description of how the Department of Defense could integrate data from the materiel solutions described in subparagraph (A) into those systems.

(D) An update regarding the sharing of environmental exposure data with the Secretary of Veterans Affairs for use in medical and treatment records of veterans, including how the materiel solutions described in subparagraph (A) can be used in determining the service-connectedness of health conditions and in identifying possible origins and causes of disease.

SEC. 314. REPORT ON STATUS OF TARGETS IN IMPLEMENTATION PLAN FOR OPERATIONAL ENERGY STRATEGY.

(a) REPORT REQUIRED.—If the annual report for fiscal year 2011 required by section 2925(b) of title 10, United States Code, is not submitted to the congressional defense committees by December 31, 2012, the Secretary of Defense shall submit, not later than June 30, 2013, to the congressional defense committees a report on the status of the targets established in the implementation plan for the operational energy strategy established pursuant to section 139b of such title, as contained in the document entitled "Operational Energy Strategy: Implementation Plan, Department of Defense, March 2012".

(b) ELEMENTS OF REPORT.—The report required by subsection (a) shall describe, at a minimum, the following:

(1) The status of each of the targets listed in the implementation plan.

(2) The steps being taken to meet the targets.

(3) The expected date of completion for each target, if the date is different from the date indicated in the implementation plan.

(4) The reason for any delays in meeting the targets.

SEC. 315. LIMITATION ON OBLIGATION OF DEPARTMENT OF DEFENSE FUNDS FROM DEFENSE PRODUCTION ACT OF 1950 FOR BIOFUEL REFINERY CONSTRUCTION.

Amounts made available to the Department of Defense pursuant to the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.) for fiscal year 2013 for biofuels production may not be obligated or expended for the construction of a biofuel refinery until the Department of Defense receives matching contributions from the Department of Energy and equivalent contributions from the Department of Agriculture for the same purpose.

SEC. 316. SENSE OF CONGRESS ON PROTECTION OF DEPARTMENT OF DEFENSE AIRFIELDS, TRAINING AIRSPACE, AND AIR TRAINING ROUTES.

It is the sense of Congress that—

(1) Department of Defense airfields, training airspace, and air training routes are critical national assets that must be protected from encroachment or mission degradations to the maximum extent practicable;

(2) placement or emplacement of obstructions near or on Department of Defense airfields, training airspace, or air training routes has the potential of increasing risk to military

aircraft and personnel as well as impacting training and readiness; and

(3) in the context of a Department of Defense operational risk assessment and the Department of Defense Siting Clearinghouse, the Department of Defense should develop and promulgate comprehensive guidance to assess the degree to which the potential encroachment of a project significantly impairs or degrades the capability of the Department to conduct missions or maintain readiness to the extent of presenting an unacceptable risk to national security with strong consideration given to the input provided by the military services.

Subtitle C—Logistics and Sustainment

SEC. 321. EXPANSION AND REAUTHORIZATION OF MULTI-TRADES DEMONSTRATION PROJECT.

(a) EXPANSION.—Section 338 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 10 U.S.C. 5013 note), as most recently amended by section 329 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 67), is amended—

(1) by striking subsection (a) and inserting the following new subsection:

"(a) DEMONSTRATION PROJECT AUTHORIZED.—In accordance with subsection 4703 of title 5, United States Code, the Secretary of a military department may carry out a demonstration project at facilities described in subsection (b) under which workers who are certified at the journey level as able to perform multiple trades shall be promoted by one grade level."; and

(2) in subsection (b), by striking "Logistics Center, Navy Fleet Readiness Center," and inserting "Logistics Complex, Navy Fleet Readiness Center, Navy shipyard, Marine Corps Logistics Base,".

(b) REAUTHORIZATION.—Such section is further amended—

(1) in subsection (d), by striking "2013" and inserting "2018"; and

(2) in subsection (e), by striking "2014" and inserting "2019".

SEC. 322. RESTORATION AND AMENDMENT OF CERTAIN PROVISIONS RELATING TO DEPOT-LEVEL MAINTENANCE AND CORE LOGISTICS CAPABILITIES.

(a) REPEAL.—The following provisions of law are hereby repealed:

(1) Section 2460 of title 10, United States Code (as amended by section 321 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81)).

(2) Section 2464 of title 10, United States Code (as amended by section 327 of the National Defense Authorization Act for Fiscal Year 2012).

(b) REVIVAL OF SUPERSEDED PROVISIONS.—

(1) DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.—The provisions of section 2460 of title 10, United States Code, as in effect on December 30, 2011 (the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012), are hereby revived.

(2) CORE LOGISTICS CAPABILITIES.—(A) The provisions of section 2464 of 10, United States Code, as in effect on that date, are hereby revived.

(B) The table of sections at the beginning of chapter 146 of such title is amended by striking the item relating to section 2464 and inserting the following new item:

10 USC prec. 2460.

"2464. Core logistics capabilities.".

(c) AMENDMENT TO DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.—Subsection (b) of section 2460 of title 10, United States Code, as revived by subsection (b), is amended by striking "or the nuclear refueling of an aircraft carrier" and inserting "or the nuclear refueling or defueling of an aircraft carrier and any concurrent complex overhaul".

(d) BIENNIAL CORE REPORT.—Section 2464 of such title, as revived by subsection (b), is amended by adding at the end the following new subsections:

"(d) BIENNIAL CORE REPORT.—Not later than April 1 of each even-numbered year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (except for the Coast Guard), for the fiscal year after the fiscal year during which the report is submitted, each of the following:

"(1) The core depot-level maintenance and repair capability requirements and sustaining workloads, organized by work breakdown structure, expressed in direct labor hours.

"(2) The corresponding workloads necessary to sustain core depot-level maintenance and repair capability requirements, expressed in direct labor hours and cost.

"(3) In any case where core depot-level maintenance and repair capability requirements exceed or are expected to exceed sustaining workloads, a detailed rationale for any and all shortfalls and a plan either to correct or mitigate the effects of the shortfalls.

"(e) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall review each report submitted under subsection (d) for completeness and compliance and shall submit to the congressional defense committees findings and recommendations with respect to the report by not later than 60 days after the date on which the report is submitted to Congress.".

Recommendations. Deadline.

(e) CONFORMING AMENDMENTS.—

(1) Section 2366a of title 10, United States Code, is amended by striking "core depot-level maintenance and repair capabilities" each place it appears and inserting "core logistics capabilities".

(2) Section 2366b(A)(3)(F) of title 10, United States Code, is amended by striking "core depot-level maintenance and repair capabilities, as well as the associated logistics capabilities" and inserting "core logistics capabilities".

(3) Section 801(c) of the National Defense Authorization Act for Fiscal Year 2012 (125 Stat. 1483; 10 U.S.C. 2366a note) is amended by striking "core depot-level maintenance and repair capabilities, as well as the associated logistics capabilities" and inserting "core logistics capabilities".

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on December 31, 2011, the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, immediately after the enactment of that Act.

10 USC 2366a note.

10 USC 8013 note. Compliance.

SEC. 323. RATING CHAINS FOR SYSTEM PROGRAM MANAGERS.

The Secretary of the Air Force, in managing system program management responsibilities for sustainment programs not assigned to a program executive officer or a direct reporting program manager, shall comply with the Department of Defense Instructions regarding assignment of program responsibility.

Subtitle D—Readiness

SEC. 331. INTERGOVERNMENTAL SUPPORT AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS.

(a) AGREEMENTS AUTHORIZED.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 2336.

"§ 2336. Intergovernmental support agreements with State and local governments

Determination.

"(a) IN GENERAL.—(1) The Secretary concerned may enter into an intergovernmental support agreement with a State or local government to provide, receive, or share installation-support services if the Secretary determines that the agreement will serve the best interests of the department by enhancing mission effectiveness or creating efficiencies or economies of scale, including by reducing costs.

"(2) Notwithstanding any other provision of law, an intergovernmental support agreement under paragraph (1)—

"(A) may be entered into on a sole-source basis;

"(B) may be for a term not to exceed five years; and

"(C) may use, for installation-support services provided by a State or local government, wage grades normally paid by that State or local government.

"(3) An intergovernmental support agreement under paragraph (1) may only be used when the Secretary concerned or the State or local government, as the case may be, providing the installation-support services already provides such services for its own use.

"(b) EFFECT ON FIRST RESPONDER ARRANGEMENTS.—The authority provided by this section and limitations on the use of that authority are not intended to revoke, preclude, or otherwise interfere with existing or proposed mutual-aid agreements relating to police or fire protection services or other similar first responder agreements or arrangements.

"(c) AVAILABILITY OF FUNDS.—Funds available to the Secretary concerned for operation and maintenance may be used to pay for such installation-support services. The costs of agreements under this section for any fiscal year may be paid using annual appropriations made available for that year. Funds received by the Secretary as reimbursement for providing installation-support services pursuant to such an agreement shall be credited to the appropriation or account charged with providing installation support.

"(d) EFFECT ON OMB CIRCULAR A-76.— The Secretary concerned shall ensure that intergovernmental support agreements authorized by this section are not used to circumvent the requirements of Office of Management and Budget Circular A-76 regarding public-private competitions.

"(e) DEFINITIONS.—In this section:

"(1) The term 'installation-support services' means those services, supplies, resources, and support typically provided by a local government for its own needs and without regard to whether such services, supplies, resources, and support are provided to its residents generally, except that the term does not include security guard or fire-fighting functions.

"(2) The term 'local government' includes a county, parish, municipality, city, town, township, local public authority, school district, special district, and any agency or instrumentality of a local government.

"(3) The term 'State' includes the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands, and any agency or instrumentality of a State.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

10 USC prec. 2301.

"2336. Intergovernmental support agreements with State and local governments.".

SEC. 332. EXPANSION AND REAUTHORIZATION OF PILOT PROGRAM FOR AVAILABILITY OF WORKING-CAPITAL FUNDS FOR PRODUCT IMPROVEMENTS.

(a) EXPANSION.—Section 330 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 68) is amended—

(1) in subsection (a), by inserting ", the Secretary of the Navy, and the Secretary of the Air Force (in this section referred to as the 'Secretary concerned')" after "the Secretary of the Army";

(2) in subsection (d)—

(A) by inserting "by the Secretary concerned" after "submitted"; and

(B) by inserting "by the Secretary concerned" after "used"; and

(3) in subsection (e)—

(A) in paragraph (1), by striking "the Assistant Secretary of the Army for Acquisition, Logistics, and Technology, in consultation with the Assistant Secretary of the Army for Financial Management and Comptroller," and inserting "the Secretary concerned"; and

(B) in paragraph (2), by striking "the Assistant Secretary of the Army for Acquisition, Logistics, and Technology" and inserting "the Secretary concerned".

(b) COVERED PRODUCT IMPROVEMENTS.—Subsection (b) of such section is amended—

(1) by inserting "retrofit, modernization, upgrade, or rebuild of a" before "component"; and

(2) by striking "reliability and maintainability" and inserting "reliability, availability, and maintainability".

(c) LIMITATION ON CERTAIN PROJECTS.—Subsection (c)(1) of such section is amended by striking "performance envelope" and inserting "capability".

(d) REPORTING REQUIREMENT.—Subsection (e) of such section is amended—

(1) in paragraph (2), by striking "2012" and inserting "2017"; and

(2) in paragraph (3), by striking "60 days" and inserting "45 days".

(e) EXTENSION.—Subsection (f) of such section, as amended by section 354 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1377), is further amended by striking "2014" and inserting "2018".

(f) CLERICAL AMENDMENT.—The heading of such section is amended by striking "**TO ARMY**".

SEC. 333. DEPARTMENT OF DEFENSE NATIONAL STRATEGIC PORTS STUDY AND COMPTROLLER GENERAL STUDIES AND REPORTS ON STRATEGIC PORTS.

(a) SENSE OF CONGRESS ON COMPLETION OF DOD REPORT.—It is the sense of Congress that the Secretary of Defense should expedite completion of the study of strategic ports in the United States called for in the conference report to accompany the National Defense Authorization Act for Fiscal Year 2012 (Conference Report 112–329) so that it can be submitted to Congress before December 31, 2012.

(b) COMPTROLLER GENERAL SUFFICIENCY REVIEW.—

(1) SUBMISSION OF DOD REPORT.—In addition to submitting the report referred to in subsection (a) to Congress, the Secretary of Defense shall submit the report to the Comptroller General of the United States.

(2) SUFFICIENCY REVIEW.—Not later than 90 days after receiving the report under paragraph (1), the Comptroller General shall—

(A) conduct a sufficiency review of the report; and

(B) submit to the congressional defense committees a report containing the results of the review.

(c) COMPTROLLER GENERAL STUDY AND REPORT ON STRATEGIC PORTS.—

(1) STUDY AND REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General shall—

(A) conduct a study of the programs and efforts of the Department of Defense related to the state of strategic ports with respect to the operational and readiness requirements of the Department; and

(B) submit to the congressional defense committees a report containing the findings of the study.

(2) ELEMENTS OF STUDY.—The study required by paragraph (1) shall include an assessment of—

(A) the extent to which the facilities at strategic ports meet the requirements of the Department of Defense;

(B) the extent to which the Department has identified gaps in the ability of existing strategic ports to meet its needs and identified and undertaken efforts to address any gaps; and

(C) the ability of the Department to oversee, coordinate, and provide security for military deployments through strategic ports.

(d) STRATEGIC PORT DEFINED.—In this section, the term "strategic port" means a United States port designated by the Secretary of Defense as a significant transportation hub important to the readiness and cargo throughput capacity of the Department of Defense.

Subtitle E—Reports

SEC. 341. ANNUAL REPORT ON DEPARTMENT OF DEFENSE LONG-TERM CORROSION STRATEGY.

Section 2228(e) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by inserting ", including available validated data on return on investment for completed corrosion projects and activities" after "the strategy";

(B) in subparagraph (E), by striking "For the fiscal year covered by the report and the preceding fiscal year" and inserting "For the fiscal year preceding the fiscal year covered by the report"; and

(C) by inserting at the end the following new subparagraph:

"(F) For the fiscal year preceding the fiscal year covered by the report, a description of the specific amount of funds used for military corrosion projects, the Technical Corrosion Collaboration pilot program, and other corrosion-related activities.";

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

SEC. 342. REPORT ON JOINT STRATEGY FOR READINESS AND TRAINING IN A C4ISR-DENIED ENVIRONMENT.

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall submit to Congress a report on the readiness of the joint force to conduct operations in environments where there is no access to Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance (in this section referred to as "C4ISR") systems, including satellite communications, classified Internet protocol-based networks, and the Global Positioning System (in this section referred to as "GPS").

(b) CONTENTS OF REPORT.—The report required by subsection (a) shall include a description of the steps taken and planned to be taken—

(1) to identify likely threats to the C4ISR systems of the United States, including both weapons and those states with such capabilities as well as the most likely areas in which C4ISR systems could be at risk;

(2) to identify vulnerabilities to the C4ISR systems of the United States that could result in a C4ISR-denied environment;

(3) to determine how the Armed Forces should respond in order to reconstitute C4ISR systems, prevent further denial of C4ISR systems, and develop counter-attack capabilities;

(4) to determine which types of joint operations could be feasible in an environment in which access to C4ISR systems is restricted or denied;

(5) to conduct training and exercises for sustaining combat and logistics operations in C4ISR-denied environments; and

(6) to propose changes to current tactics, techniques, and procedures to prepare to operate in an environment in which C4ISR systems are degraded or denied for 48-hour, 7-day, 30-day, or 60-day periods.

(c) JOINT EXERCISE PLAN REQUIRED.—Based on the findings of the report required by subsection (a), the Chairman of the Joint Chiefs of Staff shall develop a roadmap and joint exercise plan for the joint force to operate in an environment where access to C4ISR systems, including satellite communications, classified Internet protocol-based networks, and the GPS network, is denied. The plan and joint exercise program shall include—

(1) the development of alternatives to satellite communications, classified Internet protocol-based networks, and GPS for logistics, intelligence, surveillance, reconnaissance, and combat operations; and

(2) methods to mitigate dependency on satellite communications, classified Internet protocol-based networks, and GPS;

(3) methods to protect vulnerable satellite communications, classified Internet protocol-based networks, and GPS; and

(4) a joint exercise and training plan to include fleet battle experiments, to enable the force to operate in a satellite communications, Internet protocol-based network, and GPS-denied environment.

(d) FORM OF REPORT.—The report required to be submitted by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 343. COMPTROLLER GENERAL REVIEW OF ANNUAL DEPARTMENT OF DEFENSE REPORT ON PREPOSITIONED MATERIEL AND EQUIPMENT.

Section 2229a(b)(1) of title 10, United States Code, is amended—

(1) by striking "By not later than 120 days after the date on which a report is submitted under subsection (a), the" and inserting "The"; and

(2) by striking "the report" and inserting "each report submitted under subsection (a)".

SEC. 344. MODIFICATION OF REPORT ON MAINTENANCE AND REPAIR OF VESSELS IN FOREIGN SHIPYARDS.

Section 7310(c) of title 10, United States Code, is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking "The report" and inserting the following: "Except as provided in paragraph (4), the report"; and

(B) in subparagraph (A), by inserting after "justification under law" the following: "and operational justification";

(2) by redesignating paragraph (4) as paragraph (5);

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) In the case of a covered vessel described in subparagraph (C) of paragraph (5), the report shall not be required to include the information described in subparagraphs (A), (E), (F), (G), and (I) of paragraph (3)."; and

(4) in paragraph (5), as redesignated by paragraph (2) of this section, by adding at the end the following new subparagraph:

"(C) A vessel not described in subparagraph (A) or (B) that is operated pursuant to a contract entered into by the Secretary of the Navy and the Maritime Administration or

the United States Transportation Command in support of Department of Defense operations.".

SEC. 345. EXTENSION OF DEADLINE FOR COMPTROLLER GENERAL REPORT ON DEPARTMENT OF DEFENSE SERVICE CONTRACT INVENTORY.

Section 803(c) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2402) is amended by striking "180 days" and inserting "270 days".

Subtitle F—Limitations and Extension of Authority

SEC. 351. REPEAL OF REDUNDANT AUTHORITY TO ENSURE INTEROPERABILITY OF LAW ENFORCEMENT AND EMERGENCY RESPONDER TRAINING.

Section 372 of title 10, United States Code, is amended—

(1) by striking "(a) IN GENERAL.—"; and

(2) by striking subsection (b).

SEC. 352. AEROSPACE CONTROL ALERT MISSION. 10 USC 221 note.

(a) CONSOLIDATED BUDGET EXHIBIT.—The Secretary of Defense shall establish a consolidated budget justification display that fully identifies the baseline aerospace control alert budget for each of the military services and encompasses all programs and activities of the aerospace control alert mission for each of the following functions:

(1) Procurement.

(2) Operation and maintenance.

(3) Research, development, testing, and evaluation.

(4) Military construction.

(b) REPORT.—

(1) REPORT TO CONGRESS.—Not later than April 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report that provides a cost-benefit analysis and risk-based assessment of the aerospace control alert mission as it relates to expected future changes to the budget and force structure of such mission.

(2) COMPTROLLER GENERAL REVIEW.—Not later than 120 days after the date on which the Secretary submits the report required by paragraph (1), the Comptroller General of the United States shall—

(A) conduct a review of the Department of Defense cost-benefit analysis and risk-based assessment contained in the report; and

(B) submit to the congressional defense committees a report on the findings of such review.

(c) SENSE OF CONGRESS ON THE ESSENTIAL SERVICE PROVIDED BY AIR FORCE WINGS PERFORMING AEROSPACE CONTROL ALERT MISSIONS.—It is the sense of Congress that Air Force wings performing the 24-hour aerospace control alert missions provide an essential service in defending the sovereign airspace of the United States in the aftermath of the terrorist attacks upon the United States on September 11, 2001.

SEC. 353. LIMITATION ON AUTHORIZATION OF APPROPRIATIONS FOR THE NATIONAL MUSEUM OF THE UNITED STATES ARMY.

Of the amounts authorized to be appropriated for Operation and Maintenance for fiscal year 2013, not more than $5,000,000 shall be made available for the National Museum of the United States Army until the Secretary of the Army submits to the congressional defense committees certification in writing that sufficient private funding has been raised to fund the construction of the portion of the museum known as the "Baseline Museum" and that at least 50 percent of the Baseline Museum has been completed.

SEC. 354. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OR INACTIVATION OF TICONDEROGA CLASS CRUISERS OR DOCK LANDING SHIPS.

None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense may be obligated or expended to retire, prepare to retire, inactivate, or place in storage a cruiser or dock landing ship.

SEC. 355. RENEWAL OF EXPIRED PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.

(a) CODIFICATION OF PROHIBITION.—Section 2572 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) Except as provided in paragraph (3), and notwithstanding this section or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or an entity controlled by a foreign government, or otherwise transfer or convey such an object to any person or entity for purposes of the ultimate transfer or conveyance of the object to a foreign country or entity controlled by a foreign government.

Definitions.

"(2) In this subsection:

"(A) The term 'entity controlled by a foreign government' has the meaning given that term in section 2536(c)(1) of this title.

"(B) The term 'veterans memorial object' means any object, including a physical structure or portion thereof, that—

"(i) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

"(ii) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the armed forces; and

"(iii) was brought to the United States from abroad as a memorial of combat abroad.

"(3) The prohibition imposed by paragraph (1) does not apply to a transfer of a veterans memorial object if—

"(A) the transfer of that veterans memorial object is specifically authorized by law; or

"(B) the transfer is made after September 30, 2017.".

(b) REPEAL OF OBSOLETE SOURCE LAW.—Section 1051 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 2572 note) is repealed.

Subtitle G—National Commission on the Structure of the Air Force

National Commission on the Structure of the Air Force Act of 2012.

SEC. 361. SHORT TITLE.

This subtitle may be cited as the "National Commission on the Structure of the Air Force Act of 2012".

SEC. 362. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established the National Commission on the Structure of the Air Force (in this subtitle referred to as the "Commission").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of eight members, of whom—

Appointments. President. Congress.

(A) four shall be appointed by the President;

(B) one shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(C) one shall be appointed by the Ranking Member of the Committee on Armed Services of the Senate;

(D) one shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives; and

(E) one shall be appointed by the Ranking Member of the Committee on Armed Services of the House of Representatives.

(2) APPOINTMENT DATE.—The appointments of the members of the Commission shall be made not later than 90 days after the date of the enactment of this Act.

(3) EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.—If one or more appointments under subparagraph (A) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number equal to the number of appointments so not made. If an appointment under subparagraph (B), (C), (D), or (E) of paragraph (1) is not made by the appointment date specified in paragraph (2), the authority to make an appointment under such subparagraph shall expire, and the number of members of the Commission shall be reduced by the number equal to the number otherwise appointable under such subparagraph.

(4) EXPERTISE.—In making appointments under this subsection, consideration should be given to individuals with expertise in reserve forces policy.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

Deadline.

(e) MEETINGS.—The Commission shall meet at the call of the Chair.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIR AND VICE CHAIRMAN.—The Commission shall select a Chair and Vice Chair from among its members.

SEC. 363. DUTIES OF THE COMMISSION.

(a) STUDY.—

(1) IN GENERAL.—The Commission shall undertake a comprehensive study of the structure of the Air Force to determine whether, and how, the structure should be modified to best fulfill current and anticipated mission requirements for the Air Force in a manner consistent with available resources.

(2) CONSIDERATIONS.—In considering the structure of the Air Force, the Commission shall give particular consideration to evaluating a structure that—

(A) meets current and anticipated requirements of the combatant commands;

(B) achieves an appropriate balance between the regular and reserve components of the Air Force, taking advantage of the unique strengths and capabilities of each;

(C) ensures that the regular and reserve components of the Air Force have the capacity needed to support current and anticipated homeland defense and disaster assistance missions in the United States;

(D) provides for sufficient numbers of regular members of the Air Force to provide a base of trained personnel from which the personnel of the reserve components of the Air Force could be recruited;

(E) maintains a peacetime rotation force to support operational tempo goals of 1:2 for regular members of the Air Forces and 1:5 for members of the reserve components of the Air Force; and

(F) maximizes and appropriately balances affordability, efficiency, effectiveness, capability, and readiness.

(b) REPORT.—Not later than February 1, 2014, the Commission shall submit to the President and the congressional defense committees a report which shall contain a detailed statement of the findings and conclusions of the Commission as a result of the study required by subsection (a), together with its recommendations for such legislation and administrative actions it may consider appropriate in light of the results of the study.

SEC. 364. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this subtitle. Upon request of the Chair of the Commission, the head of such department or agency shall furnish such information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

SEC. 365. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chair of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chair of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chair of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 366. TERMINATION OF THE COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 363.

SEC. 367. FUNDING.

Amounts authorized to be appropriated for fiscal year 2013 and available for operation and maintenance for the Air Force as specified in the funding table in section 4301 may be available for the activities of the Commission under this subtitle.

Subtitle H—Other Matters

SEC. 371. MILITARY WORKING DOG MATTERS.

(a) RETIREMENT OF MILITARY WORKING DOGS.—Section 2583 of title 10, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) TRANSFER OF RETIRED MILITARY WORKING DOGS.—If the Secretary of the military department concerned determines that a military working dog should be retired, and no suitable adoption is available at the military facility where the dog is located, the Secretary may transfer the dog—

"(1) to the 341st Training Squadron; or

"(2) to another location for adoption under this section.".

(b) VETERINARY CARE FOR RETIRED MILITARY WORKING DOGS.—

(1) IN GENERAL.—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 994.

"§ 994. Military working dogs: veterinary care for retired military working dogs

"(a) IN GENERAL.—The Secretary of Defense may establish and maintain a system to provide for the veterinary care of retired military working dogs. No funds may be provided by the Federal Government for this purpose.

"(b) ELIGIBLE DOGS.—A retired military working dog eligible for veterinary care under this section is any military working dog adopted under section 2583 of this title.

"(c) STANDARDS OF CARE.—The veterinary care provided under the system authorized by this section shall meet such standards as the Secretary shall establish and from time to time update.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 50 of such title is amended by adding at the end the following new item:

10 USC prec. 991.

"994. Military working dogs: veterinary care for retired military working dogs.".

SEC. 372. COMPTROLLER GENERAL REVIEW OF HANDLING, LABELING, AND PACKAGING PROCEDURES FOR HAZARDOUS MATERIAL SHIPMENTS.

(a) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall conduct a review of the policies and procedures of the Department of Defense for the handling, labeling, and packaging of hazardous material shipments.

(b) MATTERS INCLUDED.—The review conducted under subsection (a) shall address the following:

(1) The relevant statutes, regulations, and guidance and policies of the Department of Defense pertaining to the handling, labeling, and packaging procedures of hazardous material shipments to support military operations.

(2) The extent to which such guidance, policies, and procedures contribute to the safe, timely, and cost-effective handling of such material.

(3) The extent to which discrepancies in Department of Transportation guidance, policies, and procedures pertaining

to handling, labeling, and packaging of hazardous material shipments in commerce and similar Department of Defense guidance, policies, and procedures pertaining to the handling, labeling, and packaging of hazardous material shipments impact the safe, timely, and cost-effective handling of such material.

(4) Any additional matters that the Comptroller General determines will further inform the appropriate congressional committees on issues related to the handling, labeling, and packaging procedures for hazardous material shipments to members of the Armed Forces worldwide.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate congressional committees a report of the review conducted under subsection (a).

(d) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term "appropriate congressional committees" means the following: Definition.

(1) The congressional defense committees.

(2) The Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent active duty end strength minimum levels.
Sec. 403. Annual limitation on end strength reductions for regular component of the Army and Marine Corps.
Sec. 404. Additional Marine Corps personnel for the Marine Corps Security Guard Program.

Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Fiscal year 2013 limitation on number of non-dual status technicians.
Sec. 415. Maximum number of reserve personnel authorized to be on active duty for operational support.

Subtitle C—Authorization of Appropriations

Sec. 421. Military personnel.

Subtitle A—Active Forces

SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2013, as follows:

(1) The Army, 552,100.

(2) The Navy, 322,700.

(3) The Marine Corps, 197,300.

(4) The Air Force, 329,460.

SEC. 402. REVISION IN PERMANENT ACTIVE DUTY END STRENGTH MINIMUM LEVELS.

(a) MINIMUM END STRENGTH.—Subsection (b) of section 691 of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

"(1) For the Army, 542,700.

"(2) For the Navy, 322,700.

"(3) For the Marine Corps, 193,500.

"(4) For the Air Force, 329,460.".

(b) LIMITED REDUCTION AUTHORITY.—Such section is further amended by inserting after subsection (d) the following new subsection:

"(e) The Secretary of Defense may reduce a number specified in subsection (b) by not more than 0.5 percent.".

SEC. 403. ANNUAL LIMITATION ON END STRENGTH REDUCTIONS FOR REGULAR COMPONENT OF THE ARMY AND MARINE CORPS.

(a) ANNUAL LIMITATION ON ARMY END STRENGTH REDUCTIONS.—The end strength of the regular component of the Army shall not be reduced by more than 15,000 members during each of fiscal years 2014 through 2017 from the end strength of the regular component of the Army at the end of the preceding fiscal year.

(b) ANNUAL LIMITATION ON MARINE CORPS END STRENGTH REDUCTIONS.—The end strength of the regular component of the Marine Corps shall not be reduced by more than 5,000 members during each of fiscal years 2014 through 2017 from the end strength of the regular component of the Marine Corps at the end of the preceding fiscal year.

10 USC 5983 note.

SEC. 404. ADDITIONAL MARINE CORPS PERSONNEL FOR THE MARINE CORPS SECURITY GUARD PROGRAM.

(a) ADDITIONAL PERSONNEL.—

Plans.

(1) IN GENERAL.—The Secretary of Defense shall develop and implement a plan to increase the number of members of the Marine Corps assigned to the Marine Corps Embassy Security Group at Quantico, Virginia, and Marine Security Group Regional Commands and Marine Security Group detachments at United States embassies, consulates, and other diplomatic facilities by up to 1,000 Marines.

(2) PURPOSE.—The purpose of the increase under paragraph (1) is to provide the additional end strength and the resources necessary to support enhanced Marine Corps security at United States embassies, consulates, and other diplomatic facilities, particularly at locations identified by the Secretary of State as in need of additional security because of threats to United States personnel and property.

(b) CONSULTATION.—The Secretary of Defense shall develop and implement the plan required by subsection (a) in consultation with the Secretary of State pursuant to the responsibility of the Secretary of State for diplomatic security under section 103 of the Diplomatic Security Act (22 U.S.C. 4802), and in accordance with any current memorandum of understanding between the Department of State and the Marine Corps on the operational and administrative supervision of the Marine Corps Security Guard Program.

(c) SUPPORTING INFORMATION FOR BUDGET REQUESTS.—The material submitted in support of the budget of the President for each fiscal year after fiscal year 2013, as submitted to Congress pursuant to section 1105(a) of title 31, United States Code, shall include the following with regard to the Marine Corps Security Guard Program:

(1) A description of the expanded security support to be provided by Marine Corps Security Guards to the Department of State during that fiscal year, including—

(A) any increased internal security to be provided at United States embassies, consulates, and other diplomatic facilities;

(B) any increased support for emergency action planning, training, and advising of host nation security forces; and

(C) any expansion of intelligence collection activities.

(2) A description of the current status of Marine Corps personnel assigned to the Marine Corps Security Guard Program as a result of the plan required by subsection (a).

(3) A description of the Department of Defense resources required during that fiscal year for the Marine Corps Security Guard Program, including total funding for personnel, operation and maintenance, and procurement, and for key supporting programs to enable both the current and expanded Program mission during that fiscal year.

(d) PRESERVATION OF FUNDING FOR MARINE CORPS UNDER NATIONAL MILITARY STRATEGY.—In determining the amounts to be requested for each fiscal year after fiscal year 2013 for the Marine Corps Security Guard Program and for additional personnel under the Program, the President shall ensure that amounts requested for the Marine Corps for that fiscal year do not degrade the readiness of the Marine Corps to fulfill the requirements of the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff.

President.

(e) REPORTING REQUIREMENTS.—

(1) MISSION ASSESSMENT.—Not later than October 1, 2013, the Secretary of Defense shall—

(A) conduct an assessment of the mission of the Marine Corps Security Guard Program and the procedural rules of engagement under the Program, in light of current and emerging threats to United States diplomatic personnel; and

(B) submit to Congress a report on the assessment, including a description and assessment of options to improve the Program to respond to such threats.

(2) NOTIFICATION OF CHANGES IN SCOPE OF PROGRAM IN RESPONSE TO CHANGING THREATS.—If the President determines that a modification (whether an increase or a decrease) in the scope of the Marine Corps Security Guard Program is necessary or advisable in light of any change in the nature of threats to United States embassies, consulates, and other diplomatic facilities abroad, the President shall—

President. Determination.

(A) notify Congress of such modification and the change in the nature of threats prompting such modification; and

(B) take such modification into account in requesting an end strength and funds for the Program for any fiscal year in which such modification is in effect.

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2013, as follows:

(1) The Army National Guard of the United States, 358,200.
(2) The Army Reserve, 205,000.
(3) The Navy Reserve, 62,500.
(4) The Marine Corps Reserve, 39,600.
(5) The Air National Guard of the United States, 105,700.
(6) The Air Force Reserve, 70,880.
(7) The Coast Guard Reserve, 9,000.

(b) END STRENGTH REDUCTIONS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) END STRENGTH INCREASES.—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2013, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 32,060.
(2) The Army Reserve, 16,277.
(3) The Navy Reserve, 10,114.
(4) The Marine Corps Reserve, 2,261.
(5) The Air National Guard of the United States, 14,765.
(6) The Air Force Reserve, 2,888.

SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

The minimum number of military technicians (dual status) as of the last day of fiscal year 2013 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 27,210.
(2) For the Army Reserve, 8,395.

(3) For the Air National Guard of the United States, 22,180.
(4) For the Air Force Reserve, 10,400.

SEC. 414. FISCAL YEAR 2013 LIMITATION ON NUMBER OF NON-DUAL STATUS TECHNICIANS.

(a) LIMITATIONS.—

(1) NATIONAL GUARD.—Within the limitation provided in section 10217(c)(2) of title 10, United States Code, the number of non-dual status technicians employed by the National Guard as of September 30, 2013, may not exceed the following:

(A) For the Army National Guard of the United States, 1,600.

(B) For the Air National Guard of the United States, 350.

(2) ARMY RESERVE.—The number of non-dual status technicians employed by the Army Reserve as of September 30, 2013, may not exceed 595.

(3) AIR FORCE RESERVE.—The number of non-dual status technicians employed by the Air Force Reserve as of September 30, 2013, may not exceed 90.

(b) NON-DUAL STATUS TECHNICIANS DEFINED.—In this section, the term "non-dual status technician" has the meaning given that term in section 10217(a) of title 10, United States Code.

SEC. 415. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.

During fiscal year 2013, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.
(2) The Army Reserve, 13,000.
(3) The Navy Reserve, 6,200.
(4) The Marine Corps Reserve, 3,000.
(5) The Air National Guard of the United States, 16,000.
(6) The Air Force Reserve, 14,000.

Subtitle C—Authorization of Appropriations

SEC. 421. MILITARY PERSONNEL.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) CONSTRUCTION OF AUTHORIZATION.—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2013.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

Sec. 501. Limitation on number of Navy flag officers on active duty.
Sec. 502. Reinstatement of authority for enhanced selective early retirement boards and early discharges.
Sec. 503. Modification of definition of joint duty assignment to include all instructor assignments for joint training and education.
Sec. 504. Exception to required retirement after 30 years of service for Regular Navy warrant officers in the grade of Chief Warrant Officer, W–5.
Sec. 505. Extension of temporary authority to reduce minimum length of active service as a commissioned officer required for voluntary retirement as an officer.
Sec. 506. Temporary increase in the time-in-grade retirement waiver limitation for lieutenant colonels and colonels in the Army, Air Force, and Marine Corps and commanders and captains in the Navy.
Sec. 507. Modification to limitations on number of officers for whom service-in-grade requirements may be reduced for retirement in grade upon voluntary retirement.
Sec. 508. Air Force Chief of Chaplains.

Subtitle B—Reserve Component Management

Sec. 511. Codification of staff assistant positions for Joint Staff related to National Guard and Reserve matters.
Sec. 512. Automatic Federal recognition of promotion of certain National Guard warrant officers.
Sec. 513. Availability of Transition Assistance Advisors to assist members of reserve components who serve on active duty for more than 180 consecutive days.

Subtitle C—General Service Authorities

Sec. 518. Authority for additional behavioral health professionals to conduct pre-separation medical exams for post-traumatic stress disorder.
Sec. 519. Diversity in the Armed Forces and related reporting requirements.
Sec. 520. Limitation on reduction in number of military and civilian personnel assigned to duty with service review agencies.
Sec. 521. Extension of temporary increase in accumulated leave carryover for members of the Armed Forces.
Sec. 522. Modification of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces.
Sec. 523. Prohibition on waiver for commissioning or enlistment in the Armed Forces for any individual convicted of a felony sexual offense.
Sec. 524. Quality review of Medical Evaluation Boards, Physical Evaluation Boards, and Physical Evaluation Board Liaison Officers.
Sec. 525. Reports on involuntary separation of members of the Armed Forces.
Sec. 526. Report on feasibility of developing gender-neutral occupational standards for military occupational specialties currently closed to women.
Sec. 527. Report on education and training and promotion rates for pilots of remotely piloted aircraft.
Sec. 528. Impact of numbers of members within the Integrated Disability Evaluation System on readiness of Armed Forces to meet mission requirements.

Subtitle D—Military Justice and Legal Matters

Sec. 531. Clarification and enhancement of the role of Staff Judge Advocate to the Commandant of the Marine Corps.
Sec. 532. Additional information in reports on annual surveys of the Committee on the Uniform Code of Military Justice.
Sec. 533. Protection of rights of conscience of members of the Armed Forces and chaplains of such members.
Sec. 534. Reports on hazing in the Armed Forces.

Subtitle E—Member Education and Training Opportunities and Administration

Sec. 541. Transfer of Troops-to-Teachers Program from Department of Education to Department of Defense and enhancements to the Program.
Sec. 542. Support of Naval Academy athletic and physical fitness programs.
Sec. 543. Expansion of Department of Defense pilot program on receipt of civilian credentialing for military occupational specialty skills.

Sec. 544. State consideration of military training in granting certain State certifications and licenses as a condition on the receipt of funds for veterans employment and training.
Sec. 545. Department of Defense review of access to military installations by representatives of institutions of higher education.
Sec. 546. Report on Department of Defense efforts to standardize educational transcripts issued to separating members of the Armed Forces.
Sec. 547. Comptroller General of the United States reports on joint professional military education matters.

Subtitle F—Reserve Officers' Training Corps and Related Matters

Sec. 551. Repeal of requirement for eligibility for in-State tuition of at least 50 percent of participants in Senior Reserve Officers' Training Corps program.
Sec. 552. Consolidation of military department authority to issue arms, tentage, and equipment to educational institutions not maintaining units of Junior Reserve Officers' Training Corps.
Sec. 553. Modification of requirements on plan to increase the number of units of the Junior Reserve Officers' Training Corps.
Sec. 554. Comptroller General report on Reserve Officers' Training Corps programs.

Subtitle G—Defense Dependents' Education and Military Family Readiness

Sec. 561. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 562. Impact aid for children with severe disabilities.
Sec. 563. Amendments to the Impact Aid program.
Sec. 564. Transitional compensation for dependent children who are carried during pregnancy at time of dependent-abuse offense committed by an individual while a member of the Armed Forces.
Sec. 565. Modification of authority to allow Department of Defense domestic dependent elementary and secondary schools to enroll certain students.
Sec. 566. Noncompetitive appointment authority regarding certain military spouses.
Sec. 567. Report on future of family support programs of the Department of Defense.
Sec. 568. Sense of Congress regarding support for Yellow Ribbon Day.

Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces

Sec. 570. Armed Forces Workplace and Gender Relations Surveys.
Sec. 571. Authority to retain or recall to active duty reserve component members who are victims of sexual assault while on active duty.
Sec. 572. Additional elements in comprehensive Department of Defense policy on sexual assault prevention and response.
Sec. 573. Establishment of special victim capabilities within the military departments to respond to allegations of certain special victim offenses.
Sec. 574. Enhancement to training and education for sexual assault prevention and response.
Sec. 575. Modification of annual Department of Defense reporting requirements regarding sexual assaults.
Sec. 576. Independent reviews and assessments of Uniform Code of Military Justice and judicial proceedings of sexual assault cases.
Sec. 577. Retention of certain forms in connection with Restricted Reports on sexual assault at request of the member of the Armed Forces making the report.
Sec. 578. General or flag officer review of and concurrence in separation of members of the Armed Forces making an Unrestricted Report of sexual assault.
Sec. 579. Department of Defense policy and plan for prevention and response to sexual harassment in the Armed Forces.

Subtitle I—Suicide Prevention and Resilience

Sec. 580. Enhancement of oversight and management of Department of Defense suicide prevention and resilience programs.
Sec. 581. Reserve component suicide prevention and resilience program.
Sec. 582. Comprehensive policy on prevention of suicide among members of the Armed Forces.
Sec. 583. Study of resilience programs for members of the Army.

Subtitle J—Other Matters

Sec. 584. Issuance of prisoner-of-war medal.

Sec. 585. Technical amendments relating to the termination of the Armed Forces Institute of Pathology under defense base closure and realignment.
Sec. 586. Modification of requirement for reports in Federal Register on institutions of higher education ineligible for contracts and grants for denial of ROTC or military recruiter access to campus.
Sec. 587. Acceptance of gifts and services related to educational activities and voluntary services to account for missing persons.
Sec. 588. Display of State, District of Columbia, commonwealth, and territorial flags by the Armed Forces.
Sec. 589. Enhancement of authorities on admission of defense industry civilians to certain Department of Defense educational institutions and programs.
Sec. 590. Extension of authorities to carry out a program of referral and counseling services to veterans at risk of homelessness who are transitioning from certain institutions.
Sec. 591. Inspection of military cemeteries under the jurisdiction of Department of Defense.
Sec. 592. Report on results of investigations and reviews conducted with respect to Port Mortuary Division of the Air Force Mortuary Affairs Operations Center at Dover Air Force Base.
Sec. 593. Preservation of editorial independence of Stars and Stripes.
Sec. 594. National public awareness and participation campaign for Veterans' History Project of American Folklife Center.
Sec. 595. Report on accuracy of data in the Defense Enrollment Eligibility Reporting System.
Sec. 596. Sense of Congress that the bugle call commonly known as Taps should be designated as the National Song of Military Remembrance.

Subtitle A—Officer Personnel Policy Generally

SEC. 501. LIMITATION ON NUMBER OF NAVY FLAG OFFICERS ON ACTIVE DUTY.

(a) ADDITIONAL FLAG OFFICER AUTHORIZED.—Section 526(a)(2) of title 10, United States Code, is amended by striking "160" and inserting "162".

(b) CORRESPONDING CHANGE IN COMPUTING NUMBER OF FLAG OFFICERS IN STAFF CORPS OF THE NAVY.—Section 5150(c) of such title is amended by striking the last sentence.

(c) MODIFICATION OF EFFECTIVE DATE OF CERTAIN REFORMS OF THE STRENGTH AND DISTRIBUTION LIMITATIONS APPLICABLE TO MARINE CORPS GENERAL OFFICERS.—Paragraph (3) of section 502(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1387; 10 U.S.C. 525 note) is amended to read as follows:

"(3) EFFECTIVE DATES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the amendments made by this subsection shall take effect on October 1, 2013.

"(B) MARINE CORPS OFFICERS.—The amendments made by paragraphs (1)(A)(iv) and (2)(D) shall take effect on October 1, 2012.".

SEC. 502. REINSTATEMENT OF AUTHORITY FOR ENHANCED SELECTIVE EARLY RETIREMENT BOARDS AND EARLY DISCHARGES.

Section 638a of title 10 United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)";

(B) by striking ", during the period beginning on October 1, 1990," and all that follows through "December 31, 2012,"; and

(C) by adding at the end the following new paragraph:

"(2) Any authority provided to the Secretary of a military department under paragraph (1) shall expire on the date specified by the Secretary of Defense, but such expiration date may not be later than December 31, 2018.";

Expiration date.

(2) in subsection (b), by striking paragraph (3) and redesignating paragraph (4) as paragraph (3);

(3) in subsection (c), by adding at the end the following new paragraph:

"(4) In the case of an action under subsection (b)(2), the Secretary of Defense may also authorize the Secretary of the military department concerned to waive the five-year period specified in section 638(c) of this title if the Secretary of Defense determines that it is necessary for the Secretary of that military department to have such authority in order to meet mission needs."; and

Waiver authority.

(4) in subsection (d)—

(A) by striking "subsection (b)(4)" each place it appears and inserting "subsection (b)(3)"; and

(B) in paragraph (2), by striking "except that during the period beginning on October 1, 2006, and ending on December 31, 2012," in subparagraphs (A) and (B) and inserting "except that through December 31, 2018,".

SEC. 503. MODIFICATION OF DEFINITION OF JOINT DUTY ASSIGNMENT TO INCLUDE ALL INSTRUCTOR ASSIGNMENTS FOR JOINT TRAINING AND EDUCATION.

Section 668(b)(1)(B) of title 10, United States Code, is amended by striking "assignments for joint" and all that follows through "Phase II" and inserting "student assignments for joint training and education".

SEC. 504. EXCEPTION TO REQUIRED RETIREMENT AFTER 30 YEARS OF SERVICE FOR REGULAR NAVY WARRANT OFFICERS IN THE GRADE OF CHIEF WARRANT OFFICER, W–5.

Section 1305(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "A regular warrant officer (other than a regular Army warrant officer)" and inserting "Subject to paragraphs (2) and (3), a regular warrant officer"; and

(B) by striking "he" and inserting "the officer"; and

(2) by adding at the end the following new paragraph:

"(3) In the case of a regular Navy warrant officer in the grade of chief warrant officer, W–5, the officer shall be retired 60 days after the date on which the officer completes 33 years of total active service.".

SEC. 505. EXTENSION OF TEMPORARY AUTHORITY TO REDUCE MINIMUM LENGTH OF ACTIVE SERVICE AS A COMMISSIONED OFFICER REQUIRED FOR VOLUNTARY RETIREMENT AS AN OFFICER.

(a) ARMY.—Section 3911(b)(2) of title 10, United States Code, is amended by striking "September 30, 2013" and inserting "September 30, 2018".

(b) NAVY AND MARINE CORPS.—Section 6323(a)(2)(B) of such title is amended by striking "September 30, 2013" and inserting "September 30, 2018".

(c) AIR FORCE.—Section 8911(b)(2) of such title is amended by striking "September 30, 2013" and inserting "September 30, 2018".

SEC. 506. TEMPORARY INCREASE IN THE TIME-IN-GRADE RETIREMENT WAIVER LIMITATION FOR LIEUTENANT COLONELS AND COLONELS IN THE ARMY, AIR FORCE, AND MARINE CORPS AND COMMANDERS AND CAPTAINS IN THE NAVY.

Section 1370(a)(2)(F) of title 10, United States Code, is amended—

(1) by striking "the period ending on December 31, 2007" and inserting "fiscal years 2013 through 2018";

(2) by striking "Air Force" and inserting "Army, Air Force, and Marine Corps"; and

(3) by striking "in the period".

SEC. 507. MODIFICATION TO LIMITATIONS ON NUMBER OF OFFICERS FOR WHOM SERVICE-IN-GRADE REQUIREMENTS MAY BE REDUCED FOR RETIREMENT IN GRADE UPON VOLUNTARY RETIREMENT.

Section 1370(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (E)—

(A) by inserting "(i)" after "exceed"; and

(B) by inserting before the period at the end the following: "or (ii) in the case of officers of that armed force in a grade specified in subparagraph (G), two officers, whichever number is greater"; and

(2) by adding at the end the following new subparagraph:

"(G) Notwithstanding subparagraph (E), during fiscal years 2013 through 2017, the total number of brigadier generals and major generals of the Army, Air Force, and Marine Corps, and the total number of rear admirals (lower half) and rear admirals of the Navy, for whom a reduction is made under this section during any fiscal year of service-in-grade otherwise required under this paragraph may not exceed 10 percent of the authorized active-duty strength for that fiscal year for officers of that armed force in those grades.".

SEC. 508. AIR FORCE CHIEF OF CHAPLAINS.

(a) ESTABLISHMENT OF POSITIONS; APPOINTMENT.—Chapter 805 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 8039.

"§ 8039. Chief of Chaplains: appointment; duties

President.

"(a) CHIEF OF CHAPLAINS.—(1) There is a Chief of Chaplains in the Air Force, appointed by the President, by and with the advice and consent of the Senate, from officers of the Air Force designated under section 8067(h) of this title as chaplains who—

"(A) are serving in the grade of colonel or above;

"(B) are serving on active duty; and

"(C) have served on active duty as a chaplain for at least eight years.

"(2) An officer appointed as the Chief of Chaplains shall be appointed for a term of three years. However, the President may terminate or extend the appointment at any time.

"(3) The Chief of Chaplains shall perform such duties as may be prescribed by the Secretary of the Air Force and by law.

Regulations.

"(b) SELECTION BOARD.—Under regulations approved by the Secretary of Defense, the Secretary of the Air Force, in selecting an officer for recommendation to the President for appointment as the Chief of Chaplains, shall ensure that the officer selected

is recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to the selection boards convened under chapter 36 of this title.

"(c) GRADE.—An officer appointed as Chief of Chaplains who holds a lower regular grade may be appointed in the regular grade of major general.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

10 USC prec. 8031.

"8039. Chief of Chaplains: appointment; duties.".

Subtitle B—Reserve Component Management

SEC. 511. CODIFICATION OF STAFF ASSISTANT POSITIONS FOR JOINT STAFF RELATED TO NATIONAL GUARD AND RESERVE MATTERS.

(a) CODIFICATION OF EXISTING POSITIONS.—Chapter 5 of title 10, United States Code, is amended by inserting after section 155 the following new section:

"§ 155a. Assistants to the Chairman of the Joint Chiefs of Staff for National Guard matters and Reserve matters

10 USC 155a.

"(a) ESTABLISHMENT OF POSITIONS.—The Secretary of Defense shall establish the following positions within the Joint Staff:

"(1) Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters.

"(2) Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters.

"(b) SELECTION.—(1) The Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters shall be selected by the Chairman from officers of the Army National Guard of the United States or the Air Guard of the United States who—

"(A) are recommended for such selection by their respective Governors or, in the case of the District of Columbia, the commanding general of the District of Columbia National Guard;

"(B) have had at least 10 years of federally recognized commissioned service in the National Guard and significant joint duty experience, as determined by the Chairman; and

"(C) are in a grade above the grade of colonel.

"(2) The Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters shall be selected by the Chairman from officers of the Army Reserve, the Navy Reserve, the Marine Corps Reserve, or the Air Force Reserve who—

"(A) are recommended for such selection by the Secretary of the military department concerned;

"(B) have had at least 10 years of commissioned service in their reserve component and significant joint duty experience, as determined by the Chairman; and

"(C) are in a grade above the grade of colonel or, in the case of the Navy Reserve, captain.

"(c) TERM OF OFFICE.—Each Assistant to the Chairman of the Joint Chiefs of Staff under subsection (a) serves at the pleasure

of the Chairman for a term of two years and may be continued in that assignment in the same manner for one additional term. However, in time of war there is no limit on the number of terms.

"(d) GRADE.—Each Assistant to the Chairman of the Joint Chiefs of Staff under subsection (a), while so serving, holds the grade of major general or, in the case of the Navy Reserve, rear admiral. Each such officer shall be considered to be serving in a position covered by the limited exclusion from the authorized strength of general officers and flag officers on active duty provided by section 526(b) of this title.

"(e) DUTIES.—(1) The Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters is an adviser to the Chairman on matters relating to the National Guard and performs the duties prescribed for that position by the Chairman.

"(2) The Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters is an adviser to the Chairman on matters relating to the reserves and performs the duties prescribed for that position by the Chairman.

"(f) OTHER RESERVE COMPONENT REPRESENTATION ON JOINT STAFF.—The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall develop appropriate policy guidance to ensure that, to the maximum extent practicable, the level of representation of reserve component officers on the Joint Staff is commensurate with the significant role of the reserve components within the armed forces.".

10 USC prec. 151.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item related to section 155 the following new item:

"155a. Assistants to the Chairman of the Joint Chiefs of Staff for National Guard matters and Reserve matters.".

(c) REPEAL OF SUPERSEDED LAW.—Section 901 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 10 U.S.C. 155 note) is repealed.

SEC. 512. AUTOMATIC FEDERAL RECOGNITION OF PROMOTION OF CERTAIN NATIONAL GUARD WARRANT OFFICERS.

Section 310(a) of title 32, United States Code, is amended—

(1) by inserting "(1)" before "Notwithstanding"; and

(2) by adding at the end the following new paragraph:

"(2) Notwithstanding sections 307 and 309 of this title, if a warrant officer, W–1, of the National Guard is promoted to the grade of chief warrant officer, W–2, to fill a vacancy in a federally recognized unit in the National Guard, Federal recognition is automatically extended to that officer in the grade of chief warrant officer, W–2, effective as of the date on which that officer has completed the service in the grade prescribed by the Secretary concerned under section 12242 of title 10, if the warrant officer has remained in an active status since the warrant officer was so recommended.".

10 USC 12681.

SEC. 513. AVAILABILITY OF TRANSITION ASSISTANCE ADVISORS TO ASSIST MEMBERS OF RESERVE COMPONENTS WHO SERVE ON ACTIVE DUTY FOR MORE THAN 180 CONSECUTIVE DAYS.

(a) TRANSITION ASSISTANCE ADVISOR PROGRAM AUTHORIZED.—The Chief of the National Guard Bureau may establish a program to provide professionals (to be known as Transition Assistance

Advisors) in each State to serve as points of contact to assist eligible members of the reserve components in accessing benefits and health care furnished under laws administered by the Secretary of Defense and benefits and health care furnished under laws administered by the Secretary of Veterans Affairs.

(b) ELIGIBLE MEMBERS.—To be eligible for assistance under this section, a member of a reserve component must have served on active duty in the Armed Forces for a period of more than 180 consecutive days.

(c) DUTIES.—The duties of a Transition Assistance Advisor include the following:

(1) To assist with the creation and execution of an individual transition plan for an eligible member of a reserve component and dependents of the member for the reintegration of the member into civilian life.

(2) To provide employment support services to the member and dependents of the member, including assistance with finding employment opportunities and identifying and obtaining assistance from programs within and outside of the Federal Government.

(3) To provide information on relocation, health care, mental health care, and financial support services available to the member and dependents of the member from the Department of Defense, the Department of Veterans Affairs, and other Federal, State, and local agencies.

(4) To provide information on educational support services available to the member, including Post-9/11 Educational Assistance under chapter 33 of title 38, United States Code.

(d) TRANSITION PLANS.—The individual transition plan referred to in subsection (c)(1) created for an eligible member of a reserve component shall include at a minimum the following:

(1) A plan for the transition of the member to civilian life, including with respect to employment, education, and health care.

(2) A description of the transition services that the member and dependents of the member will need to achieve their transition objectives, including information on any forms that the member will need to fill out to be eligible for such services.

(3) A point of contact for each agency or entity that can provide the transition services described in paragraph (2).

(4) Such other information determined to be essential for the transition of the member, as determined by the Chief of the National Guard Bureau in consultation with the Secretary of Defense and the Secretary of Veterans Affairs.

(e) FUNDING.—Funding for Transition Assistance Advisors for a fiscal year shall be derived from amounts authorized to be appropriated for operation and maintenance for the National Guard for that fiscal year.

(f) STATE DEFINED.—In this section, the term "State" means each of the several States of the United States, the District of Columbia, and any territory of the United States.

Subtitle C—General Service Authorities

SEC. 518. AUTHORITY FOR ADDITIONAL BEHAVIORAL HEALTH PROFESSIONALS TO CONDUCT PRE-SEPARATION MEDICAL EXAMS FOR POST-TRAUMATIC STRESS DISORDER.

Section 1177(a) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "or psychiatrist" and inserting "psychiatrist, licensed clinical social worker, or psychiatric advanced practice registered nurse"; and

(2) in paragraph (3), by striking "or psychiatrist" and inserting ", psychiatrist, licensed clinical social worker, or psychiatric advanced practice registered nurse".

SEC. 519. DIVERSITY IN THE ARMED FORCES AND RELATED REPORTING REQUIREMENTS.

(a) PLAN TO ACHIEVE MILITARY LEADERSHIP REFLECTING DIVERSITY OF UNITED STATES POPULATION.—

(1) IN GENERAL.—Chapter 37 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 656.

"§ 656. Diversity in military leadership: plan

"(a) PLAN.—The Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard when it is not operating as a service in the Department of the Navy) shall develop and implement a plan to accurately measure the efforts of the Department of Defense and the Coast Guard to achieve a dynamic, sustainable level of members of the armed forces (including reserve components) that, among both commissioned officers and senior enlisted personnel of each armed force, will reflect the diverse population of the United States eligible to serve in the armed forces, including gender specific, racial, and ethnic populations. Any metric established pursuant to this subsection may not be used in a manner that undermines the merit-based processes of the Department of Defense and the Coast Guard, including such processes for accession, retention, and promotion. Such metrics may not be combined with the identification of specific quotas based upon diversity characteristics. The Secretary concerned shall continue to account for diversified language and cultural skills among the total force of the armed forces.

Procedures.

"(b) METRICS TO MEASURE PROGRESS IN DEVELOPING AND IMPLEMENTING PLAN.—In developing and implementing the plan under subsection (a), the Secretary of Defense and the Secretary of Homeland Security shall develop a standard set of metrics and collection procedures that are uniform across the armed forces. The metrics required by this subsection shall be designed—

"(1) to accurately capture the inclusion and capability aspects of the armed forces' broader diversity plans, including race, ethnic, and gender specific groups, as potential factors of force readiness that would supplement continued accounting by the Department of Defense and the Coast Guard of diversified language and cultural skills among the total force as part of the assessment of current and future national security needs; and

"(2) to be verifiable and systematically linked to strategic plans that will drive improvements.

"(c) DEFINITION OF DIVERSITY.—In developing and implementing the plan under subsection (a), the Secretary of Defense and the Secretary of Homeland Security shall develop a uniform definition of diversity.

"(d) CONSULTATION.—Not less than annually, the Secretary of Defense and the Secretary of Homeland Security shall meet with the Secretaries of the military departments, the Joint Chiefs of Staff, the Commandant of the Coast Guard, and senior enlisted members of the armed forces to discuss the progress being made toward developing and implementing the plan established under subsection (a).

"(e) COOPERATION WITH STATES.—The Secretary of Defense shall coordinate with the National Guard Bureau and States in tracking the progress of the National Guard toward developing and implementing the plan established under subsection (a).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

10 USC prec. 651.

"656. Diversity in military leadership: plan.".

(b) INCLUSION IN DOD MANPOWER REQUIREMENTS REPORT.—Section 115a of such title is amended by inserting after subsection (f) the following new subsection:

"(g) In each report submitted under subsection (a) during fiscal years 2013 through 2017, the Secretary shall also include a detailed discussion of the following:

"(1) The progress made in implementing the plan required by section 656 of this title to accurately measure the efforts of the Department to reflect the diverse population of the United States eligible to serve in the armed forces.

"(2) The number of members of the armed forces, including reserve components, listed by gender and race or ethnicity for each rank under each military department.

"(3) The number of members of the armed forces, including reserve components, who were promoted during the year covered by the report, listed by gender and race or ethnicity for each rank under each military department.

"(4) The number of members of the armed forces, including reserve components, who reenlisted or otherwise extended the commitment to military service during the year covered by the report, listed by gender and race or ethnicity for each rank under each military department.

"(5) The available pool of qualified candidates for the general officer grades of general and lieutenant general and the flag officer grades of admiral and vice admiral.".

(c) COAST GUARD REPORT.—

(1) ANNUAL REPORT REQUIRED.—The Secretary of Homeland Security (or the Secretary of the Navy in the event the Coast Guard is operating as a service in the Department of the Navy) shall prepare an annual report addressing diversity among commissioned officers of the Coast Guard and Coast Guard Reserve and among enlisted personnel of the Coast Guard and Coast Guard Reserve. The report shall include—

(A) an assessment of the available pool of qualified candidates for the flag officer grades of admiral and vice admiral;

(B) the number of such officers and personnel, listed by gender and race or ethnicity for each rank;

(C) the number of such officers and personnel who were promoted during the year covered by the report, listed by gender and race or ethnicity for each rank; and

(D) the number of such officers and personnel who reenlisted or otherwise extended the commitment to the Coast Guard during the year covered by the report, listed by gender and race or ethnicity for each rank.

(2) SUBMISSION.—The report under paragraph (1) shall be submitted during each of fiscal years 2013 through 2017 not later than 45 days after the date on which the President submits to Congress the budget for the next fiscal year under section 1105 of title 31, United States Code. Each report shall be submitted to the Committee on Armed Services, the Committee on Transportation and Infrastructure, and the Committee on Homeland Security of the House of Representatives, and the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 520. LIMITATION ON REDUCTION IN NUMBER OF MILITARY AND CIVILIAN PERSONNEL ASSIGNED TO DUTY WITH SERVICE REVIEW AGENCIES.

Section 1559(a) of title 10, United States Code, is amended by striking "December 31, 2013" and inserting "December 31, 2016".

SEC. 521. EXTENSION OF TEMPORARY INCREASE IN ACCUMULATED LEAVE CARRYOVER FOR MEMBERS OF THE ARMED FORCES.

Section 701(d) of title 10, United States Code, is amended by striking "September 30, 2013" and inserting "September 30, 2015".

SEC. 522. MODIFICATION OF AUTHORITY TO CONDUCT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.

(a) EXTENSION OF PROGRAMS TO CERTAIN ACTIVE GUARD AND RESERVE PERSONNEL.—Section 533 of Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. prec. 701 note) is amended—

(1) in subsection (a)(1), by inserting "and members on active Guard and Reserve duty" after "officers and enlisted members of the regular components";

(2) by redesignating subsection (l) as subsection (m); and

(3) by inserting after subsection (k) the following new subsection (l):

"(l) DEFINITION.—In this section, the term 'active Guard and Reserve duty' has the meaning given that term in section 101(d)(6) of title 10, United States Code.".

(b) AUTHORITY TO CARRY FORWARD UNUSED ACCRUED LEAVE.—Subsection (h) of such section is amended by adding at the end the following new paragraph:

"(5) LEAVE.—A member who participates in a pilot program is entitled to carry forward the leave balance existing as of the day on which the member begins participation and accumulated in accordance with section 701 of title 10, United States Code, but not to exceed 60 days.".

(c) AUTHORITY FOR DISABILITY PROCESSING.—Subsection (j) of such section is amended—

(1) in the subsection heading, by striking "MEDICAL AND DENTAL CARE" and inserting "CONTINUED ENTITLEMENTS";

(2) by striking "for purposes of the entitlement" and inserting "for purposes of—

"(1) the entitlement";

(3) by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(2) retirement or separation for physical disability under the provisions of chapters 55 and 61 of title 10, United States Code.".

SEC. 523. PROHIBITION ON WAIVER FOR COMMISSIONING OR ENLISTMENT IN THE ARMED FORCES FOR ANY INDIVIDUAL CONVICTED OF A FELONY SEXUAL OFFENSE. 10 USC 504 note.

An individual may not be provided a waiver for commissioning or enlistment in the Armed Forces if the individual has been convicted under Federal or State law of a felony offense of any of the following:

(1) Rape.

(2) Sexual abuse.

(3) Sexual assault.

(4) Incest.

(5) Any other sexual offense.

SEC. 524. QUALITY REVIEW OF MEDICAL EVALUATION BOARDS, PHYSICAL EVALUATION BOARDS, AND PHYSICAL EVALUATION BOARD LIAISON OFFICERS. 10 USC 1222 note.

(a) IN GENERAL.—The Secretary of Defense shall standardize, assess, and monitor the quality assurance programs of the military departments to evaluate the following in the performance of their duties (including duties under chapter 61 of title 10, United States Code):

(1) Medical Evaluation Boards.

(2) Physical Evaluation Boards.

(3) Physical Evaluation Board Liaison Officers.

(b) OBJECTIVES.—The objectives of the quality assurance program shall be as follows:

(1) To ensure accuracy and consistency in the determinations and decisions of Medical Evaluation Boards and Physical Evaluation Boards.

(2) To otherwise monitor and sustain proper performance of the duties of Medical Evaluation Boards and Physical Evaluation Boards, and of Physical Evaluation Board Liaison Officers.

(3) Such other objectives as the Secretary shall specify for purposes of the quality assurance program.

(c) REPORTS.—

(1) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report setting forth the plan of the Secretary for the implementation of the requirements of this section.

(2) ANNUAL REPORTS.—Not later than one year after the date of the submittal of the report required by paragraph (1), and annually thereafter for the next four years, the Secretary shall submit to the appropriate committees of Congress

a report setting forth an assessment of the implementation of the requirements of this section during the one-year period ending on the date of the report under this paragraph. Each report shall include, in particular, an assessment of the extent to which the quality assurance program under the requirements of this section meets the objectives specified in subsection (b).

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Armed Services and the Committee on Veterans' Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 525. REPORTS ON INVOLUNTARY SEPARATION OF MEMBERS OF THE ARMED FORCES.

(a) PERIODIC REPORTS REQUIRED.—Not later than 30 days after the end of each half-year period during calendar years 2013 and 2014, the Secretary of each military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the number of members of the regular components of the Armed Forces under the jurisdiction of such Secretary who were involuntarily separated from active duty in the Armed Forces (for reasons other than for cause) to meet force reduction requirements during the six-month period covered by the report.

(b) ELEMENTS.—Each report on an Armed Force under subsection (a) shall set forth the following for the period covered by the report:

(1) The total number members of that Armed Force involuntarily separated from active duty in the Armed Forces (for reasons other than for cause) to meet force reduction requirements.

(2) The number of members covered by paragraph (1) separately set forth by grade, by total years of service in the Armed Forces at the time of separation, and by military occupational specialty or rating (or competitive category in the case of officers).

(3) The number of members covered by paragraph (1) who received involuntary separation pay, or who are authorized to receive temporary retired pay, in connection with the separation.

(4) The number of members covered by paragraph (1) who completed transition assistance programs relating to future employment.

(5) The average number of months members covered by paragraph (1) were deployed to overseas contingency operations, separately set forth by grade.

SEC. 526. REPORT ON FEASIBILITY OF DEVELOPING GENDER-NEUTRAL OCCUPATIONAL STANDARDS FOR MILITARY OCCUPATIONAL SPECIALTIES CURRENTLY CLOSED TO WOMEN.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report evaluating the feasibility of incorporating gender-neutral occupational standards for military occupational specialties closed, as of the date of the enactment of this Act, to female members of the Armed Forces.

SEC. 527. REPORT ON EDUCATION AND TRAINING AND PROMOTION RATES FOR PILOTS OF REMOTELY PILOTED AIRCRAFT.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force and the Chief of Staff of the Air Force shall jointly submit to the congressional defense committees a report on education and training and promotion rates for Air Force pilots of remotely piloted aircraft (RPA).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A detailed analysis of the reasons for persistently lower average education and training and promotion rates for Air Force pilots of remotely piloted aircraft.

(2) An assessment of the long-term impact on the Air Force of the sustainment of such lower rates.

(3) A plan to raise such rates, including—

(A) a description of the near-term and longer-term actions the Air Force intends to undertake to implement the plan; and

(B) an analysis of the potential direct and indirect impacts of the plan on the achievement and sustainment of the combat air patrol objectives of the Air Force for remotely piloted aircraft.

SEC. 528. IMPACT OF NUMBERS OF MEMBERS WITHIN THE INTEGRATED DISABILITY EVALUATION SYSTEM ON READINESS OF ARMED FORCES TO MEET MISSION REQUIREMENTS.

(a) ANNUAL IMPACT STATEMENT.—In the materials submitted to Congress in support of the budget for the Department of Defense for each of fiscal years 2014 through 2018, the Secretary of each military department shall include a statement concerning the extent to which the number of members of an Armed Force under the jurisdiction of the Secretary who are within the Integrated Disability Evaluation System impacts—

(1) the readiness of that Armed Force to meet on-going mission requirements; and

(2) dwell time for other members of that Armed Force.

(b) RESPONSE PLAN.—If the statement of the Secretary of a military department under subsection (a) for a fiscal year concludes that an adverse impact on readiness or dwell time of an Armed Force is occurring, the Secretary shall include with the budget materials a plan describing how the Armed Force will mitigate the impact.

Subtitle D—Military Justice and Legal Matters

SEC. 531. CLARIFICATION AND ENHANCEMENT OF THE ROLE OF STAFF JUDGE ADVOCATE TO THE COMMANDANT OF THE MARINE CORPS.

(a) APPOINTMENT BY THE PRESIDENT AND PERMANENT APPOINTMENT TO GRADE OF MAJOR GENERAL.—Subsection (a) of section 5046 of title 10, United States Code, is amended—

(1) in the first sentence, by striking "detailed" and inserting "appointed by the President, by and with the advice and consent of the Senate,"; and

(2) by striking the second sentence and inserting the following new sentence: "If the officer to be appointed as the Staff Judge Advocate to the Commandant of the Marine Corps holds a grade lower than the grade of major general immediately before the appointment, the officer shall be appointed in the grade of major general.".

(b) DUTIES, AUTHORITY, AND ACCOUNTABILITY.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

"(c) The Staff Judge Advocate to the Commandant of the Marine Corps, under the direction of the Commandant of the Marine Corps and the Secretary of the Navy, shall—

"(1) perform such duties relating to legal matters arising in the Marine Corps as may be assigned to the Staff Judge Advocate;

"(2) perform the functions and duties, and exercise the powers, prescribed for the Staff Judge Advocate to the Commandant of the Marine Corps in chapter 47 (the Uniform Code of Military Justice) and chapter 53 of this title; and

"(3) perform such other duties as may be assigned to the Staff Judge Advocate.".

(c) COMPOSITION OF HEADQUARTERS, MARINE CORPS.—Section 5041(b) of such title is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) The Staff Judge Advocate to the Commandant of the Marine Corps.".

(d) SUPERVISION OF CERTAIN LEGAL SERVICES.—

(1) ADMINISTRATION OF MILITARY JUSTICE.—Section 806(a) of such title (article 6(a) of the Uniform Code of Military Justice) is amended in the third sentence by striking "The Judge Advocate General" and all that follows through "shall" and inserting "The Judge Advocates General, and within the Marine Corps the Staff Judge Advocate to the Commandant of the Marine Corps, or senior members of their staffs, shall".

(2) DELIVERY OF LEGAL ASSISTANCE.—Section 1044(b) of such title is amended by inserting ", and within the Marine Corps the Staff Judge Advocate to the Commandant of the Marine Corps," after "jurisdiction of the Secretary".

SEC. 532. ADDITIONAL INFORMATION IN REPORTS ON ANNUAL SURVEYS OF THE COMMITTEE ON THE UNIFORM CODE OF MILITARY JUSTICE.

Subsection (c)(2) of section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice), is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and

(2) by inserting after subparagraph (A) the following new subparagraph (B):

"(B) Information from the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps on the following:

"(i) The appellate review process, including—

"(I) information on compliance with processing time goals;

"(II) discussions of the circumstances surrounding cases in which general court-martial or special court-martial convictions are reversed as a result of command influence or denial of the right to a speedy review or otherwise remitted due to loss of records of trial or other administrative deficiencies; and

"(III) discussions of cases in which a provision of this chapter is held unconstitutional.

"(ii) Measures implemented by each armed force to ensure the ability of judge advocates to competently participate as trial and defense counsel in, and preside as military judges over, capital cases, national security cases, sexual assault cases, and proceedings of military commissions.

"(iii) The independent views of the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps on the sufficiency of resources available within their respective armed forces, including total workforce, funding, training, and officer and enlisted grade structure, to capably perform military justice functions.".

SEC. 533. PROTECTION OF RIGHTS OF CONSCIENCE OF MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS.

10 USC prec. 1030 note.

(a) PROTECTION OF RIGHTS OF CONSCIENCE.—

(1) ACCOMMODATION.—The Armed Forces shall accommodate the beliefs of a member of the armed forces reflecting the conscience, moral principles, or religious beliefs of the member and, in so far as practicable, may not use such beliefs as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment.

(2) DISCIPLINARY OR ADMINISTRATIVE ACTION.—Nothing in paragraph (1) precludes disciplinary or administrative action for conduct that is proscribed by chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), including actions and speech that threaten good order and discipline.

(b) PROTECTION OF CHAPLAIN DECISIONS RELATING TO CONSCIENCE, MORAL PRINCIPLES, OR RELIGIOUS BELIEFS.—No member of the Armed Forces may—

(1) require a chaplain to perform any rite, ritual, or ceremony that is contrary to the conscience, moral principles, or religious beliefs of the chaplain; or

(2) discriminate or take any adverse personnel action against a chaplain, including denial of promotion, schooling, training, or assignment, on the basis of the refusal by the chaplain to comply with a requirement prohibited by paragraph (1).

(c) REGULATIONS.—The Secretary of Defense shall issue regulations implementing the protections afforded by this section.

SEC. 534. REPORTS ON HAZING IN THE ARMED FORCES.

(a) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, each Secretary of a military department (and the Secretary of Homeland Security in the case

of the Coast Guard) shall submit to the congressional committees specified in subsection (c) a report on hazing in each Armed Force under the jurisdiction of the Secretary.

(b) ELEMENTS.—The report on an Armed Force required by subsection (a) shall include the following:

(1) An evaluation of the definition of hazing contained in the Secretary of Defense Policy Memorandum dated August 28, 1997.

(2) A discussion of the policies of the Armed Force for preventing and responding to incidents of hazing.

(3) A description of the methods implemented to track and report, including report anonymously, incidents of hazing in the Armed Force.

(4) An assessment by the Secretary submitting the report of the following:

(A) The scope of the problem of hazing in the Armed Force.

(B) The training on recognizing and preventing hazing provided members of the Armed Force.

(C) The actions taken to prevent and respond to hazing incidents in the Armed Force.

(D) The extent to which the Uniform Code of Military Justice specifically addresses the prosecution of persons subject to the Code who are alleged to have committed hazing.

(E) The feasibility of establishing a database to track, respond to, and resolve incidents of hazing.

(5) A description of the additional actions, if any, the Secretary submitting the report proposes to take to further address the incidence of hazing in the Armed Force.

(6) Any recommended changes to the Uniform Code of Military Justice or the Manual for Courts-Martial to improve the prosecution of persons alleged to have committed hazing in the Armed Forces.

(c) SUBMISSION OF REPORTS.—The reports required by subsection (a) shall be submitted—

(1) to the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) to the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives.

Subtitle E—Member Education and Training Opportunities and Administration

SEC. 541. TRANSFER OF TROOPS-TO-TEACHERS PROGRAM FROM DEPARTMENT OF EDUCATION TO DEPARTMENT OF DEFENSE AND ENHANCEMENTS TO THE PROGRAM.

10 USC 1154 note.

(a) TRANSFER OF FUNCTIONS.—

(1) TRANSFER.—The responsibility and authority for operation and administration of the Troops-to-Teachers Program in chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is transferred from the Secretary of Education to the Secretary of Defense.

(2) MEMORANDUM OF AGREEMENT.—In connection with the transfer of responsibility and authority for operation and administration of the Troops-to-Teachers Program from the Secretary of Education to the Secretary of Defense under paragraph (1), the Secretaries shall enter into a memorandum of agreement pursuant to which the Secretary of Education will undertake the following:

(A) Disseminate information about the Troops-to-Teachers Program to eligible schools (as defined in subsection (a) of section 1154 of title 10, United States Code, as added by subsection (b)).

(B) Advise the Department of Defense on how to prepare eligible members of the Armed Forces described in subsection (d) of such section 1154 to become participants in the Program, to meet the requirements necessary to become a teacher in a school described in subsection (b)(2) of such section 1154, and to find post-service employment in an eligible school.

(C) Advise the Department of Defense on how to identify teacher preparation programs for participants in the Program.

(D) Inform the Department of Defense of academic subject areas with critical teacher shortages.

(E) Identify geographic areas with critical teacher shortages, especially in high-need schools (as defined in subsection (a) of such section 1154).

(3) EFFECTIVE DATE.—The transfer of responsibility and authority for operation and administration of the Troops-to-Teachers Program under paragraph (1) shall take effect—

(A) on the first day of the first month beginning more than 90 days after the date of the enactment of this Act; or

(B) on such earlier date as the Secretary of Education and the Secretary of Defense may jointly provide.

(b) ENACTMENT OF PROGRAM AUTHORITY IN TITLE 10, UNITED STATES CODE.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 1154. Assistance to eligible members and former members to obtain employment as teachers: Troops-to-Teachers Program 10 USC 1154.

"(a) DEFINITIONS.—In this section:

"(1) CHARTER SCHOOL.—The term 'charter school' has the meaning given that term in section 5210(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i(1)).

"(2) ELIGIBLE SCHOOL.—The term 'eligible school' means—

"(A) a public school, including a charter school, at which—

"(i) at least 30 percent of the students enrolled in the school are from families with incomes below 185 percent of poverty level (as defined by the Office of Management and Budget and revised at least annually in accordance with section 9(b)(1) of the Richard B. Russell National School Lunch Act (42

U.S.C. 1758(b)(1)) applicable to a family of the size involved; or

"(ii) at least 13 percent of the students enrolled in the school qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C.1411 et seq.); or

"(B) a Bureau-funded school as defined in section 1141(3) of the Education Amendments of 1978 (25 U.S.C. 2021(3)).

"(3) HIGH-NEED SCHOOL.—The term 'high-need school' means—

"(A) an elementary or middle school in which at least 50 percent of the enrolled students are children from low-income families, based on the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the number of children eligible to receive medical assistance under the Medicaid program, or a composite of these indicators;

"(B) a high school in which at least 40 percent of enrolled students are children from low-income families, which may be calculated using comparable data from feeder schools; or

"(C) a school that is in a local educational agency that is eligible under section 6211(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7345(b)).

"(4) MEMBER OF THE ARMED FORCES.—The term 'member of the armed forces' includes a retired or former member of the armed forces.

"(5) PARTICIPANT.—The term 'participant' means an eligible member of the armed forces selected to participate in the Program.

"(6) PROGRAM.—The term 'Program' means the Troops-to-Teachers Program authorized by this section.

"(7) SECRETARY.—The term 'Secretary' means the Secretary of Defense.

"(8) ADDITIONAL TERMS.—The terms 'elementary school', 'local educational agency', 'secondary school', and 'State' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(b) PROGRAM AUTHORIZATION.—The Secretary of Defense may carry out a Troops-to-Teachers Program—

"(1) to assist eligible members of the armed forces described in subsection (d) to meet the requirements necessary to become a teacher in a school described in paragraph (2); and

"(2) to facilitate the employment of such members—

"(A) by local educational agencies or charter schools that the Secretary of Education identifies as—

"(i) receiving grants under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

"(ii) experiencing a shortage of teachers, in particular a shortage of science, mathematics, special education, foreign language, or career or technical teachers; and

"(B) in elementary schools or secondary schools, or as career or technical teachers.

"(c) COUNSELING AND REFERRAL SERVICES.—The Secretary may provide counseling and referral services to members of the armed forces who do not meet the eligibility criteria described in subsection (d), including the education qualification requirements under paragraph (3)(B) of such subsection.

"(d) ELIGIBILITY AND APPLICATION PROCESS.—

"(1) ELIGIBLE MEMBERS.—The following members of the armed forces are eligible for selection to participate in the Program:

"(A) Any member who—

"(i) on or after October 1, 1999, becomes entitled to retired or retainer pay under this title or title 14;

"(ii) has an approved date of retirement that is within one year after the date on which the member submits an application to participate in the Program; or

"(iii) has been transferred to the Retired Reserve.

"(B) Any member who, on or after January 8, 2002—

"(i)(I) is separated or released from active duty after four or more years of continuous active duty immediately before the separation or release; or

"(II) has completed a total of at least six years of active duty service, six years of service computed under section 12732 of this title, or six years of any combination of such service; and

"(ii) executes a reserve commitment agreement for a period of not less than three years under paragraph (5)(B).

"(C) Any member who, on or after January 8, 2002, is retired or separated for physical disability under chapter 61 of this title.

"(2) SUBMISSION OF APPLICATIONS.—(A) Selection of eligible members of the armed forces to participate in the Program shall be made on the basis of applications submitted to the Secretary within the time periods specified in subparagraph (B). An application shall be in such form and contain such information as the Secretary may require.

"(B) In the case of an eligible member of the armed forces described in subparagraph (A)(i), (B), or (C) of paragraph (1), an application shall be considered to be submitted on a timely basis if the application is submitted not later than three years after the date on which the member is retired, separated, or released from active duty, whichever applies to the member.

"(3) SELECTION CRITERIA; EDUCATIONAL BACKGROUND REQUIREMENTS; HONORABLE SERVICE REQUIREMENT.—(A) The Secretary shall prescribe the criteria to be used to select eligible members of the armed forces to participate in the Program.

"(B) If a member of the armed forces is applying for the Program to receive assistance for placement as an elementary school or secondary school teacher, the Secretary shall require

the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

"(C) If a member of the armed forces is applying for the Program to receive assistance for placement as a career or technical teacher, the Secretary shall require the member—

"(i) to have received the equivalent of one year of college from an accredited institution of higher education or the equivalent in military education and training as certified by the Department of Defense; or

"(ii) to otherwise meet the certification or licensing requirements for a career or technical teacher in the State in which the member seeks assistance for placement under the Program.

"(D) A member of the armed forces is eligible to participate in the Program only if the member's last period of service in the armed forces was honorable, as characterized by the Secretary concerned. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member's last period of service is characterized as honorable by the Secretary concerned.

"(4) SELECTION PRIORITIES.—In selecting eligible members of the armed forces to receive assistance under the Program, the Secretary—

"(A) shall give priority to members who—

"(i) have educational or military experience in science, mathematics, special education, foreign language, or career or technical subjects; and

"(ii) agree to seek employment as science, mathematics, foreign language, or special education teachers in elementary schools or secondary schools or in other schools under the jurisdiction of a local educational agency; and

"(B) may give priority to members who agree to seek employment in a high-need school.

"(5) OTHER CONDITIONS ON SELECTION.—(A) Subject to subsection (i), the Secretary may not select an eligible member of the armed forces to participate in the Program and receive financial assistance unless the Secretary has sufficient appropriations for the Program available at the time of the selection to satisfy the obligations to be incurred by the United States under subsection (e) with respect to the member.

"(B) The Secretary may not select an eligible member of the armed forces described in paragraph (1)(B)(i) to participate in the Program and receive financial assistance under subsection (e) unless the member executes a written agreement to serve as a member of the Selected Reserve of a reserve component of the armed forces for a period of not less than three years.

"(e) PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.—

"(1) PARTICIPATION AGREEMENT.—(A) An eligible member of the armed forces selected to participate in the Program under subsection (b) and to receive financial assistance under this subsection shall be required to enter into an agreement with the Secretary in which the member agrees—

"(i) within such time as the Secretary may require, to meet the requirements necessary to become a teacher in a school described in subsection (b)(2); and

"(ii) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or career or technical teacher for not less than three school years in an eligible school to begin the school year after obtaining that certification or licensing.

Waiver authority.

"(B) The Secretary may waive the three-year commitment described in subparagraph (A)(ii) for a participant if the Secretary determines such waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (f), for failure to meet the three-year commitment.

"(2) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant shall not be considered to be in violation of the participation agreement entered into under paragraph (1) during any period in which the participant—

"(A) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;

"(B) is serving on active duty as a member of the armed forces;

"(C) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

"(D) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

"(E) is unable to find full-time employment as a teacher in an eligible elementary school or secondary school or as a career or technical teacher for a single period not to exceed 27 months; or

"(F) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the Secretary.

"(3) STIPEND AND BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (C), the Secretary may pay to a participant a stipend to cover expenses incurred by the participant to obtain the required educational level, certification, or licensing. Such stipend may not exceed $5,000 and may vary by participant.

"(B)(i) Subject to subparagraph (C), the Secretary may pay a bonus to a participant who agrees in the participation agreement under paragraph (1) to accept full-time employment as an elementary school teacher, secondary school teacher, or career or technical teacher for not less than three school years in an eligible school.

"(ii) The amount of the bonus may not exceed $5,000, unless the eligible school is a high-need school, in which case the amount of the bonus may not exceed $10,000. Within such limits, the bonus may vary by participant and may take into account the priority placements as determined by the Secretary.

"(C)(i) The total number of stipends that may be paid under subparagraph (A) in any fiscal year may not exceed 5,000.

"(ii) The total number of bonuses that may be paid under subparagraph (B) in any fiscal year may not exceed 3,000.

"(iii) A participant may not receive a stipend under subparagraph (A) if the participant is eligible for benefits under chapter 33 of title 38.

"(iv) The combination of a stipend under subparagraph (A) and a bonus under subparagraph (B) for any one participant may not exceed $10,000.

"(4) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this subsection to a participant shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

"(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

"(1) REIMBURSEMENT REQUIRED.—A participant who is paid a stipend or bonus under this subsection shall be subject to the repayment provisions of section 373 of title 37 under the following circumstances:

"(A) The participant fails to meet the requirements necessary to become a teacher in a school described in subsection (b)(2) or to obtain employment as an elementary school teacher, secondary school teacher, or career or technical teacher as required by the participation agreement under subsection (e)(1).

"(B) The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or career or technical teacher during the three years of required service in violation of the participation agreement.

"(C) The participant executed a written agreement with the Secretary concerned under subsection (d)(5)(B) to serve as a member of a reserve component of the armed forces for a period of three years and fails to complete the required term of service.

"(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under subsection (e) shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the three years of required service.

"(3) INTEREST.—Any amount owed by a participant under this subsection shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.

"(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be excused from reimbursement under this subsection if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The Secretary may also waive the reimbursement in cases of extreme hardship to the participant, as determined by the Secretary.

Waiver authority.

"(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—Except as provided in subsection (e)(3)(C)(iii), the receipt by a participant of a stipend or bonus under subsection (e) shall not reduce or otherwise affect the entitlement of the

participant to any benefits under chapter 30 or 33 of title 38 or chapter 1606 of this title.

"(h) PARTICIPATION BY STATES.—

"(1) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the Program to carry out activities authorized for such States under the Program through one or more consortia of such States.

"(2) ASSISTANCE TO STATES.—(A) Subject to subparagraph (B), the Secretary may make grants to States participating in the Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the armed forces for participation in the Program and facilitating the employment of participants as elementary school teachers, secondary school teachers, and career or technical teachers.

"(B) The total amount of grants made under subparagraph (A) in any fiscal year may not exceed $5,000,000.

"(i) LIMITATION ON TOTAL FISCAL-YEAR OBLIGATIONS.—The total amount obligated by the Secretary under the Program for any fiscal year may not exceed $15,000,000.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

10 USC prec. 1141.

"1154. Assistance to eligible members and former members to obtain employment as teachers: Troops-to-Teachers Program.".

(c) CONFORMING AMENDMENT.—Section 1142(b)(4)(C) of such title is amended by striking "under section 2302" and all that follows through "6672)".

(d) TERMINATION OF DEPARTMENT OF EDUCATION TROOPS-TO-TEACHERS PROGRAM.—

(1) TERMINATION.—Subject to paragraph (3), chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is repealed.

20 USC 6671–6677.

(2) CLERICAL AMENDMENT.—The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by striking the items relating to chapter A of subpart 1 of part C of title II of such Act.

20 USC 6671 note.

(3) EXISTING AGREEMENTS.—The repeal of chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) by paragraph (1) shall not affect—

(A) the validity or terms of any agreement entered into under such chapter, as in effect immediately before such repeal, before the effective date of the transfer of the Troops-to-Teachers Program under subsection (a); or

(B) the authority to pay assistance, make grants, or obtain reimbursement in connection with such an agreement as in effect before the effective date of the transfer of the Troops-to-Teachers Program under subsection (a).

SEC. 542. SUPPORT OF NAVAL ACADEMY ATHLETIC AND PHYSICAL FITNESS PROGRAMS.

(a) IN GENERAL.—Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 6981.

"§ 6981. Support of athletic and physical fitness programs

"(a) AUTHORITY.—

"(1) CONTRACTS AND COOPERATIVE AGREEMENTS.—The Secretary of the Navy may enter into contracts and cooperative agreements with the Naval Academy Athletic Association for the purpose of supporting the athletic and physical fitness programs of the Naval Academy. Notwithstanding section 2304(k) of this title, the Secretary may enter such contracts or cooperative agreements on a sole source basis pursuant to section 2304(c)(5) of this title. Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit or use of the Naval Academy.

"(2) LEASES.—The Secretary may enter into leases, in accordance with section 2667 of this title, or licenses with the Association for the purpose of supporting the athletic and physical fitness programs of the Naval Academy. Any such lease or license shall be deemed to satisfy the conditions of section 2667(h)(2) of this title.

"(b) USE OF NAVY PERSONAL PROPERTY BY THE ASSOCIATION.—The Secretary may allow the Association to use, at no cost, personal property of the Department of the Navy to assist the Association in supporting the athletic and physical fitness programs of the Naval Academy.

"(c) ACCEPTANCE OF SUPPORT.—

"(1) SUPPORT RECEIVED FROM THE ASSOCIATION.—Notwithstanding section 1342 of title 31, the Secretary may accept from the Association funds, supplies, and services for the support of the athletic and physical fitness programs of the Naval Academy. For purposes of this section, employees or personnel of the Association may not be considered to be employees of the United States.

"(2) FUNDS RECEIVED FROM NCAA.—The Secretary may accept funds from the National Collegiate Athletic Association to support the athletic and physical fitness programs of the Naval Academy.

"(3) LIMITATION.—The Secretary shall ensure that contributions under this subsection do not reflect unfavorably on the ability of the Department of the Navy, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner, or compromise the integrity or appearance of integrity of any program of the Department of the Navy, or any individual involved in such a program.

"(d) RETENTION AND USE OF FUNDS.—Notwithstanding section 2260(d) of this title, funds received under this section may be retained for use in support of athletic and physical fitness programs of the Naval Academy and shall remain available until expended.

"(e) TRADEMARKS AND SERVICE MARKS.—

"(1) LICENSING, MARKETING, AND SPONSORSHIP AGREEMENTS.—An agreement under subsection (a)(1) may, consistent with sections 2260 (other than subsection (d)) and 5022(b)(3) of this title, authorize the Association to enter into licensing, marketing, and sponsorship agreements relating to trademarks and service marks identifying the Naval Academy, subject to the approval of the Department of the Navy.

"(2) LIMITATIONS.—No such licensing, marketing, or sponsorship agreement may be entered into if it would reflect unfavorably on the ability of the Department of the Navy, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner, or if the Secretary determines that the use of the trademark or service mark would compromise the integrity or appearance of integrity of any program of the Department of the Navy, or any individual involved in such a program.

"(f) SERVICE ON ASSOCIATION BOARD OF CONTROL.—The Association is a designated entity for which authorization under sections 1033(a) and 1589(a) of this title may be provided.

"(g) CONDITIONS.—The authority provided in this section with respect to the Association is available only so long as the Association continues to—

"(1) qualify as a nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986 and operates in accordance with this section, the laws of the State of Maryland, and the constitution and bylaws of the Association; and

"(2) operate exclusively to support the athletic and physical fitness programs of the Naval Academy.

"(h) ASSOCIATION DEFINED.—In this section, the term 'Association' means the Naval Academy Athletic Association.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

10 USC prec. 6951.

"6981. Support of athletic and physical fitness programs.".

SEC. 543. EXPANSION OF DEPARTMENT OF DEFENSE PILOT PROGRAM ON RECEIPT OF CIVILIAN CREDENTIALING FOR MILITARY OCCUPATIONAL SPECIALTY SKILLS.

(a) EXPANSION OF PROGRAM.—Subsection (b)(1) of section 558 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1418; 10 U.S.C. 2015 note) is amended by striking "or more than five".

(b) USE OF INDUSTRY-RECOGNIZED CERTIFICATIONS.—Subsection (b) of such section is further amended—

(1) by striking "and" at the end of paragraph (1);

(2) by redesignating paragraph (2) as paragraph (3); and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) consider utilizing industry-recognized certifications or licensing standards for civilian occupational skills comparable to the specialties or codes so designated; and".

SEC. 544. STATE CONSIDERATION OF MILITARY TRAINING IN GRANTING CERTAIN STATE CERTIFICATIONS AND LICENSES AS A CONDITION ON THE RECEIPT OF FUNDS FOR VETERANS EMPLOYMENT AND TRAINING.

(a) IN GENERAL.—Section 4102A(c) of title 38, United States Code, is amended by adding at the end the following new paragraph:

"(9)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for any program year, the Secretary may require the State—

"(i) to demonstrate that when the State approves or denies a certification or license described in subparagraph (B) for

a veteran the State takes into consideration any training received or experience gained by the veteran while serving on active duty in the Armed Forces; and

"(ii) to disclose to the Secretary in writing the following:

"(I) Criteria applicants must satisfy to receive a certification or license described in subparagraph (B) by the State.

"(II) A description of the standard practices of the State for evaluating training received by veterans while serving on active duty in the Armed Forces and evaluating the documented work experience of such veterans during such service for purposes of approving or denying a certification or license described in subparagraph (B).

"(III) Identification of areas in which training and experience described in subclause (II) fails to meet criteria described in subclause (I)."

"(B) A certification or license described in this subparagraph is any of the following:

"(i) A license to be a nonemergency medical professional.

"(ii) A license to be an emergency medical professional.

"(iii) A commercial driver's license.

"(C) The Secretary shall share the information the Secretary receives under subparagraph (A)(ii) with the Secretary of Defense to help the Secretary of Defense improve training for military occupational specialties so that individuals who receive such training are able to receive a certification or license described in subparagraph (B) from a State.

Web posting. Public information.

"(D) The Secretary shall publish on the Internet website of the Department available to the public—

"(i) any guidance the Secretary gives the Secretary of Defense with respect to carrying out this section; and

"(ii) any information the Secretary receives from a State pursuant to subparagraph (A).".

38 USC 4102A note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a program year beginning on or after the date of the enactment of this Act.

SEC. 545. DEPARTMENT OF DEFENSE REVIEW OF ACCESS TO MILITARY INSTALLATIONS BY REPRESENTATIVES OF INSTITUTIONS OF HIGHER EDUCATION.

(a) REVIEW REQUIRED.—The Secretary of Defense shall conduct a review to assess the extent of access that representatives of institutions of higher education have to military installations.

(b) ELEMENTS OF REVIEW.—The review required by subsection (a) shall include, at a minimum, an assessment of the following:

(1) The policies and procedures that govern the availability and the degree to which representatives of institutions of higher education obtain access to military installations for marketing and recruitment purposes to members of the Armed Forces and their families.

(2) The extent to which persons employed by institutions of higher education who have authorized access to military installations are engaged in the unauthorized or inappropriate marketing of products and services to members of the Armed Forces through such access.

(3) The policies and regulations that are in effect to prevent inappropriate marketing of educational products and services

on military installations and the effectiveness or shortcomings, and the adequacy of the enforcement, of those policies and regulations.

(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the results of the review required by subsection (a). The report shall include any recommendations for statutory or regulatory change that the Secretary considers appropriate to enhance the protection of members of the Armed Forces from inappropriate marketing and recruitment on military installations by representatives of institutions of higher education.

SEC. 546. REPORT ON DEPARTMENT OF DEFENSE EFFORTS TO STANDARDIZE EDUCATIONAL TRANSCRIPTS ISSUED TO SEPARATING MEMBERS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the efforts of the Department of Defense to standardize the educational transcripts issued to members of the Armed Forces on their separation from the Armed Forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the similarities and differences between the educational transcripts issued to members separating from the each of the Armed Forces.

(2) A description of any assessments done by the Department, or in conjunction with educational institutions, to identify shortcomings in the transcripts issued to separating members in connection with their ability to qualify for civilian educational credits.

(3) A description of the implementation plan for the Joint Services Transcript, including a schedule and the elements of existing educational transcripts to be incorporated into the Joint Services Transcript.

SEC. 547. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON JOINT PROFESSIONAL MILITARY EDUCATION MATTERS.

(a) REPORT ON REVIEW OF MILITARY EDUCATION COORDINATION COUNCIL REPORT.—

(1) REVIEW OF METHODOLOGY.—The Comptroller General of the United States shall review the methodology used by the Military Education Coordination Council in compiling the report on joint professional military education that is to be submitted to the Director of Joint Force Development by March 1, 2013, pursuant to the Joint Staff Memorandum, Joint Staff Review, dated July 16, 2012. The review shall include an examination of the analytical approach used by the Council for that report, including the types of information considered, the cost savings identified, the benefits of options considered, the time frames for implementation, and transparency.

(2) REPORT.—Not later than 90 days after receiving from the Director of Joint Force Development the report described in paragraph (1), the Comptroller General shall submit to the

Committees on Armed Services of the Senate and the House of Representatives a report on the review under paragraph (1) of the report described in that paragraph. The report of the Comptroller General under this paragraph shall set forth the following:

(A) The results of the review under paragraph (1).

(B) Such recommendations as the Comptroller General considers appropriate in light of the results of the review.

(b) REPORT ON JOINT PROFESSIONAL MILITARY EDUCATION RESEARCH INSTITUTIONS.—

(1) REPORT REQUIRED.—Not later than January 31, 2014, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment by the Comptroller General of the work performed by joint professional military education research institutions in support of professional military education and the broader mission of the Department of Defense, the military departments, and the Defense Agencies.

(2) ELEMENTS.—The report required by paragraph (1) shall include an assessment of the following:

(A) The systems, mechanisms, and structures within the senior and intermediate joint professional military education colleges and universities for oversight, governance, and management of the joint professional military education research institutions, including systems, mechanisms, and structures relating to the development of policies and budgets for research.

(B) The factors contributing to and the extent of growth in the number and size of joint professional military education research institutions since 2000.

(C) The causes and extent of cost growth at joint professional military education research institutions since 2000.

(D) The focus of research activity conducted by the joint professional military education research institutions, and the extent to which each joint professional military education research institution performs a unique research function or engages in similar or duplicative efforts with other components or elements of the Department of Defense.

(E) The measures of effectiveness used by the joint professional military education research institutions, the senior and intermediate joint professional military education colleges and universities, and other oversight entities to evaluate the performance of the joint professional military education research institutions in meeting established goals or objectives.

(3) DEFINITIONS.—In this subsection:

(A) The term "joint professional military education research institutions" means subordinate organizations (including centers, institutes, and schools) under the senior and intermediate joint professional military education colleges and universities for which research is the primary mission or reason for existence.

(B) The term "senior and intermediate joint professional military education colleges and universities" means the following:

(i) The National Defense University.

(ii) The Army War College.
(iii) The Navy War College.
(iv) The Air University.
(v) The Air War College.
(vi) The Marine Corp University.

Subtitle F—Reserve Officers' Training Corps and Related Matters

SEC. 551. REPEAL OF REQUIREMENT FOR ELIGIBILITY FOR IN-STATE TUITION OF AT LEAST 50 PERCENT OF PARTICIPANTS IN SENIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

Section 2107(c)(1) of title 10, United States Code, is amended by striking the third sentence.

SEC. 552. CONSOLIDATION OF MILITARY DEPARTMENT AUTHORITY TO ISSUE ARMS, TENTAGE, AND EQUIPMENT TO EDUCATIONAL INSTITUTIONS NOT MAINTAINING UNITS OF JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(a) CONSOLIDATION.—Chapter 102 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2034. Educational institutions not maintaining units of Junior Reserve Officers' Training Corps: issuance of arms, tentage, and equipment 10 USC 2034.

"The Secretary of a military department may issue arms, tentage, and equipment to an educational institution at which no unit of the Junior Reserve Officers' Training Corps is maintained if the educational institution—

"(1) offers a course in military training prescribed by that Secretary; and

"(2) has a student body of at least 50 students who are in a grade above the eighth grade.".

(b) REPEAL OF SEPARATE AUTHORITIES.—Sections 4651, 7911, and 9651 of such title are repealed.

(c) CLERICAL AMENDMENTS.—

(1) CONSOLIDATED AUTHORITY.—The table of sections at the beginning of chapter 102 of such title is amended by adding at the end the following new item: 10 USC prec. 2031.

"2034. Educational institutions not maintaining units of Junior Reserve Officers' Training Corps: issuance of arms, tentage, and equipment.".

(2) ARMY AUTHORITY.—The table of sections at the beginning of chapter 441 of such title is amended by striking the item relating to section 4651. 10 USC prec. 4651.

(3) NAVY AUTHORITY.—The table of sections at the beginning of chapter 667 of such title is amended by striking the item relating to section 7911. 10 USC prec. 7911.

(4) AIR FORCE AUTHORITY.—The table of sections at the beginning of chapter 941 of such title is amended by striking the item relating to section 9651. 10 USC prec. 9651.

SEC. 553. MODIFICATION OF REQUIREMENTS ON PLAN TO INCREASE THE NUMBER OF UNITS OF THE JUNIOR RESERVE OFFICERS' TRAINING CORPS.

10 USC 2031 note.

(a) NUMBER OF UNITS COVERED BY PLAN.—Subsection (a) of section 548 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4466) is amended by striking "not less than 3,700 units" and inserting "not less than 3,000, and not more than 3,700, units".

(b) ADDITIONAL EXCEPTION.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(3) if the Secretaries of the military departments determine that the level of support of all kinds (including appropriated funds) provided to youth development programs within the Armed Forces is consistent with funding limitations and the achievement of the objectives of such programs.".

(c) SUBMITTAL OF REVISED PLAN AND IMPLEMENTATION REPORTS.—Subsection (e) of such section is amended to read as follows:

"(e) TIME FOR SUBMISSION.—Not later than March 31, 2013, the Secretary of Defense shall submit to the congressional defense committees a revised plan under subsection (a) to reflect amendments made to subsections (a) and (b) during fiscal year 2013 and a new report under subsection (d) to address the revised plan. The Secretary shall submit an updated report not later than March 31 of each of 2015, 2018, and 2020.".

SEC. 554. COMPTROLLER GENERAL REPORT ON RESERVE OFFICERS' TRAINING CORPS PROGRAMS.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment of the Comptroller General regarding the following:

(1) Whether the Reserve Officers' Training Corps (ROTC) programs of the military departments are effectively meeting, and structured to meet, current and projected requirements for newly commissioned officers in the Armed Forces.

(2) The cost-effectiveness and unit productivity of the current Reserve Officers' Training Corps programs.

(3) The adequacy of current oversight and criteria for the establishment and disestablishment of units of the Reserve Officers' Training Corps.

(b) ELEMENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) A list of the units of the Reserve Officers' Training Corps by Armed Force, and by college or university, and the number of cadets and midshipman currently enrolled by class or year group.

(2) The number of officers commissioned in 2012 from the Reserve Officers' Training Corps programs, and the number projected to be commissioned over the period of the current future-years defense program under section 221 of title 10,

United States Code, from each unit listed under paragraph (1).

(3) An assessment of the requirements of each Armed Force for newly commissioned officers in 2012 and the strategic planning regarding such requirements over the period of the current future-years defense program.

(4) The number of military and civilian personnel of the Department of Defense assigned to lead and manage units of the Reserve Officers' Training Corps, and the grades of the military personnel so assigned.

(5) An assessment of Department of Defense-wide and Armed-Force specific standards regarding the productivity of units of the Reserve Officers' Training Corps, and an assessment of compliance with such standards.

(6) An assessment of the projected use by the Armed Forces of the procedures available to the Armed Forces to respond to overages in the number of cadets and midshipmen in the Reserve Officers' Training Corps programs.

(7) A description of the plans of the Armed Forces to retain or disestablish units of the Reserve Officers' Training Corps that do not meet productivity standards.

Subtitle G—Defense Dependents' Education and Military Family Readiness

SEC. 561. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2013 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $25,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 20 U.S.C. 7703b).

(b) ASSISTANCE TO SCHOOLS WITH ENROLLMENT CHANGES DUE TO BASE CLOSURES, FORCE STRUCTURE CHANGES, OR FORCE RELOCATIONS.—

(1) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Section 572(b)(4) of the National Defense Authorization Act for Fiscal Year 2006 (20 U.S.C. 7703b(b)(4)) is amended by striking "September 30, 2012" and inserting "September 30, 2014".

(2) AMOUNT OF ASSISTANCE AUTHORIZED.—Of the amount authorized to be appropriated for fiscal year 2013 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $5,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (20 U.S.C. 7703b).

(c) REPEAL OF OBSOLETE FUNDING REFERENCE.—Section 572 of the National Defense Authorization Act for Fiscal Year 2006 (20 U.S.C. 7703b) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsection (f) as subsection (e).

(d) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

SEC. 562. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2013 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

Impact Aid Improvement Act of 2012. 20 USC 6301 note.

SEC. 563. AMENDMENTS TO THE IMPACT AID PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "Impact Aid Improvement Act of 2012".

(b) AMENDMENTS TO THE IMPACT AID PROGRAM.—Title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) is amended—

(1) in section 8002 (20 U.S.C. 7702)—

(A) in subsection (a)—

(i) by striking "for a fiscal year ending prior to October 1, 2003"; and

(ii) by inserting "or (h)" after "subsection (b)";

(B) in subsection (b)—

(i) in paragraph (2), by striking "aggregate assessed" and inserting "estimated taxable"; and

(ii) by striking paragraph (3) and inserting the following:

"(3) DETERMINATION OF TAXABLE VALUE FOR ELIGIBLE FEDERAL PROPERTY.—

"(A) IN GENERAL.—In determining the estimated taxable value of such acquired Federal property for fiscal year 2010 and each succeeding fiscal year, the Secretary shall—

"(i) first determine the total taxable value for the purpose of levying property tax for school purposes for current expenditures of real property located within the boundaries of such local educational agency;

"(ii) then determine the per acre value of the eligible Federal property by dividing the total taxable value as determined in clause (i) by the difference between the total acres located within the boundaries of the local educational agency and the number of Federal acres eligible under this section; and

"(iii) then determine the total taxable value of the eligible Federal property by multiplying the per acre value as calculated under clause (ii) by the number of Federal acres eligible under this section.

"(B) SPECIAL RULE.—In the case of Federal property eligible under this section that is within the boundaries

of 2 or more local educational agencies, such a local educational agency may ask the Secretary to calculate the per acre value of each such local educational agency as provided under subparagraph (A) and apply the average of these per acre values to the acres of the Federal property in such agency."; and

(C) in subsection (h)—

(i) in paragraph (1)—

(I) in the paragraph heading, by striking "FOR PRE-1995 RECIPIENTS " and inserting "FOR PRE-2010 RECIPIENTS"; and

(II) by striking subparagraphs (A) and (B) and inserting the following:

"(A) IN GENERAL.—The Secretary shall first make a foundation payment to each local educational agency that is determined by the Secretary to be eligible to receive a payment under this section for the fiscal year involved and that filed a timely application, and met, or has been determined by statute to meet, the eligibility requirements of subsection (a) for fiscal year 2009. Payment.

"(B) AMOUNT.—

"(i) IN GENERAL.—The amount of a payment under subparagraph (A) for a local educational agency shall be equal to the greater of 90 percent of the payment the local educational agency received from dollars appropriated for fiscal year 2009 or 90 percent of the average payment that the local educational agency received from dollars appropriated for fiscal years 2006, 2007, 2008, and 2009, and shall be calculated without regard to the maximum payment provisions in subsection (b)(1)(C).

"(ii) EXCEPTION.—In calculating such average payment for a local educational agency that did not receive a payment under subsection (b) for 1 or more of the fiscal years between fiscal year 2006 and 2009, inclusive, the lowest such payment made to the agency for fiscal year 2006, 2007, 2008, or 2009, shall be treated as the payment that the agency received under subsection (b) for each fiscal year for which the agency did not receive such a payment."; and

(ii) by striking paragraphs (2) through (4) and inserting the following:

"(2) FOUNDATION PAYMENTS FOR NEW APPLICANTS.—

"(A) FIRST YEAR.—From any amounts remaining after making payments under paragraph (1) and subsection (i)(1) for the fiscal year involved, the Secretary shall make a payment, in an amount determined in accordance with subparagraph (C), to each local educational agency that the Secretary determines eligible for a payment under this section for a fiscal year after fiscal year 2009 and that did not receive a payment under paragraph (1) for the fiscal year for which such agency was determined eligible for such payment.

"(B) SECOND AND SUCCEEDING YEARS.—For any succeeding fiscal year after the first fiscal year that a local educational agency receives a foundation payment under subparagraph (A), the amount of the local educational

agency's foundation payment under this paragraph for such succeeding fiscal year shall be equal to the local educational agency's foundation payment under this paragraph for the first fiscal year.

Determination.

"(C) AMOUNTS.—The amount of a payment under subparagraph (A) for a local educational agency shall be determined as follows:

"(i) Calculate the local educational agency's maximum payment under subsection (b).

"(ii) Calculate the percentage that the amount appropriated under section 8014(a) for the most recent fiscal year for which the Secretary has completed making payments under this section is of the total maximum payments for such fiscal year for all local educational agencies eligible for a payment under subsection (b) and multiply the agency's maximum payment by such percentage.

"(iii) Multiply the amount determined under clause (ii) by 90 percent.

"(D) INSUFFICIENT FUNDS.—If the amount appropriated under section 8014(a) of this title is insufficient to pay the full amount determined under this paragraph for all eligible local educational agencies for the fiscal year, then the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

"(3) REMAINING FUNDS.—From any funds remaining after making payments under paragraphs (1) and (2) for the fiscal year involved, the Secretary shall make a payment to each local educational agency that received a foundation payment under paragraph (1) or (2) or subsection (i)(1), for the fiscal year involved in an amount that bears the same relation to the remainder as a percentage share determined for the local educational agency (by dividing the maximum amount that the agency is eligible to receive under subsection (b) by the total of the maximum amounts for all such agencies) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that, for the purpose of calculating a local educational agency's maximum amount under subsection (b), data from the most current fiscal year shall be used.

Deadline.

"(4) DATA.—For each local educational agency that received a payment under this section for fiscal year 2010 through the fiscal year in which the Impact Aid Improvement Act of 2012 is enacted, the Secretary shall not make a payment under paragraph (3) to a local educational agency that fails to submit, within 60 days of the date the Secretary notifies the agency that the information is needed, the data necessary to calculate the maximum amount of a payment under subsection (b) for that local educational agency.";

(2) by striking section 8003(a)(4) (20 U.S.C. 7703(a)(4)) and inserting the following:

"(4) MILITARY INSTALLATION AND INDIAN HOUSING UNDERGOING RENOVATION OR REBUILDING.—

Effective date.
Determination.
Certification.

"(A) MILITARY INSTALLATION HOUSING.—Beginning in fiscal year 2014, in determining the amount of a payment for a local educational agency for children described in

paragraph (1)(D)(i), the Secretary shall consider those children as if they were children described in paragraph (1)(B) if the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of Defense, that those children would have resided in housing on Federal property if the housing was not undergoing renovation or rebuilding. The total number of children treated as children described in paragraph (1)(B) shall not exceed the lessor of—

"(i) the total number of children eligible under paragraph (1)(B) for the year prior to the initiation of the housing project on Federal property undergoing renovation or rebuilding; or

"(ii) the total number of Federally connected children enrolled at the local educational agency as stated in the application filed for the payment for the year for which the determination is made.

"(B) INDIAN LANDS.—Beginning in fiscal year 2014, in determining the amount of a payment for a local educational agency that received a payment for children that resided on Indian lands in accordance with paragraph (1)(C) for the fiscal year prior to the fiscal year for which the local educational agency is making an application, the Secretary shall consider those children to be children described in paragraph (1)(C) if the Secretary determines on the basis of a certification provided to the Secretary by a designated representative of the Secretary of the Interior or the Secretary of Housing and Urban Development that those children would have resided in housing on Indian lands if the housing was not undergoing renovation or rebuilding. The total number of children treated as children described in paragraph (1)(C) shall not exceed the lessor of—

"(i) the total number of children eligible under paragraph (1)(C) for the year prior to the initiation of the housing project on Indian lands undergoing renovation or rebuilding; or

"(ii) the total number of Federally connected children enrolled at the local educational agency as stated in the application filed for the payment for the year for which the determination is made.

"(C) ELIGIBLE HOUSING.—Renovation or rebuilding shall be defined as projects considered as capitalization, modernization, or restoration, as defined by the Secretary of Defense or the Secretary of the Interior (as the case may be) and are projects that last more than 30 days, but do not include 'sustainment projects' such as painting, carpeting, or minor repairs."; and

(3) in section 8010 (20 U.S.C. 7710)—

(A) in subsection (c)(1), by striking "paragraph (3) of this subsection" both places the term appears and inserting "paragraph (2)"; and

(B) by adding at the end the following:

"(d) TIMELY PAYMENTS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall pay a local educational agency the full amount that the agency is eligible to receive under this title for a fiscal year

not later than September 30 of the second fiscal year following the fiscal year for which such amount has been appropriated if, not later than 1 calendar year following the fiscal year in which such amount has been appropriated, such local educational agency submits to the Secretary all the data and information necessary for the Secretary to pay the full amount that the agency is eligible to receive under this title for such fiscal year.

Applicability.

"(2) PAYMENTS WITH RESPECT OF FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—For a fiscal year in which the amount appropriated under section 8014 is insufficient to pay the full amount a local educational agency is eligible to receive under this title, paragraph (1) shall be applied by substituting 'is available to pay the agency' for 'the agency is eligible to receive' each place the term appears.".

20 USC 7702 note.
Time period.

(c) EFFECTIVE DATE, IMPLEMENTATION, AND REPEAL.—

(1) IN GENERAL.—The amendments made by subsection (b) shall be effective for a 2-year period beginning on the date of enactment of this Act.

(2) EFFECTIVE DATE.—Notwithstanding section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)), subsection (b)(1), and the amendments made by subsection (b)(1), shall take effect with respect to applications submitted under section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) for fiscal year 2010.

(3) IMPLEMENTATION.—The Secretary of Education shall carry out the amendments made by this section without regard to the rulemaking procedures under section 553 of title 5, United States Code.

Applicability.
20 USC 7702, 7703, 7710.

(4) REPEAL.—The amendments made by subsection (b) shall be repealed on the day after the 2-year period described in paragraph (1) and title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) shall be applied as if such subsection and the amendments made by such subsection had never been enacted.

SEC. 564. TRANSITIONAL COMPENSATION FOR DEPENDENT CHILDREN WHO ARE CARRIED DURING PREGNANCY AT TIME OF DEPENDENT-ABUSE OFFENSE COMMITTED BY AN INDIVIDUAL WHILE A MEMBER OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1059 of title 10, United States Code, is amended—

(1) in subsection (f), by adding at the end the following new paragraph:

"(4) Payment to a child under this section shall not cover any period before the birth of the child."; and

(2) in subsection (l), by striking "at the time of the dependent-abuse offense resulting in the separation of the former member" in the matter preceding paragraph (1) and inserting "or eligible spouse at the time of the dependent-abuse offense resulting in the separation of the former member or who was carried during pregnancy at the time of the dependent-abuse offense resulting in the separation of the former member and was subsequently born alive to the eligible spouse or former spouse".

(b) PROSPECTIVE APPLICABILITY.—No benefits shall accrue by reason of the amendments made by this section for any month that begins before the date of the enactment of this Act. 10 USC 1059 note.

SEC. 565. MODIFICATION OF AUTHORITY TO ALLOW DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS TO ENROLL CERTAIN STUDENTS.

Section 2164 of title 10, United States Code, is amended by adding at the end the following new subsections:

"(k) ENROLLMENT OF RELOCATED DEFENSE DEPENDENTS' EDUCATION SYSTEM STUDENTS.—(1) The Secretary of Defense may authorize the enrollment in a Department of Defense education program provided by the Secretary pursuant to subsection (a) of a dependent of a member of the armed forces or a dependent of a Federal employee who is enrolled in the defense dependents' education system established under section 1402 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921) if—

"(A) the dependents departed the overseas location as a result of a evacuation order;

"(B) the designated safe haven of the dependent is located within reasonable commuting distance of a school operated by the Department of Defense education program; and

"(C) the school possesses the capacity and resources necessary to enable the student to attend the school.

"(2) Unless waived by the Secretary of Defense, a dependent described in paragraph (1) who is enrolled in a school operated by the Department of Defense education program pursuant to such paragraph may attend the school only through the end of the school year.

"(l) ENROLLMENT IN VIRTUAL ELEMENTARY AND SECONDARY EDUCATION PROGRAM.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary may authorize the enrollment in the virtual elementary and secondary education program established as a component of the Department of Defense education program of a dependent of a member of the armed forces on active duty who— Regulations.

"(A) is enrolled in an elementary or secondary school operated by a local educational agency or another accredited educational program in the United States (other than a school operated by the Department of Defense education program); and

"(B) immediately before such enrollment, was enrolled in the defense dependents' education system established under section 1402 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921).

"(2) Enrollment of a dependent described in paragraph (1) pursuant to such paragraph shall be on a tuition basis.".

SEC. 566. NONCOMPETITIVE APPOINTMENT AUTHORITY REGARDING CERTAIN MILITARY SPOUSES.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following new section:

"§ 3330d. Appointment of certain military spouses 10 USC 3330d.

"(a) DEFINITIONS.—In this section:

"(1) The term 'active duty'—

"(A) has the meaning given that term in section 101(d)(1) of title 10;

"(B) includes full-time National Guard duty (as defined in section 101(d)(5) of title 10); and

"(C) for a member of a reserve component (as described in section 10101 of title 10), does not include training duties or attendance at a service school.

"(2) The term 'agency'—

"(A) has the meaning given the term 'Executive agency' in section 105 of this title; and

"(B) does not include the Government Accountability Office.

"(3) The term 'geographic area of the permanent duty station' means the area from which individuals reasonably can be expected to travel daily to and from work at the location of a member's permanent duty station.

"(4) The term 'permanent change of station' means the assignment, detail, or transfer of a member of the Armed Forces who is on active duty and serving at a permanent duty station under a competent authorization or order that does not—

"(A) specify the duty as temporary;

"(B) provide for assignment, detail, or transfer, after that different permanent duty station, to a further different permanent duty station; or

"(C) direct return to the initial permanent duty station.

"(5) The term 'relocating spouse of a member of the Armed Forces' means an individual who—

"(A) is married to a member of the Armed Forces (on or prior to a permanent change of station of the member) who is ordered to active duty for a period of more than 180 consecutive days;

"(B) relocates to the member's permanent duty station; and

"(C) before relocating as described in subparagraph (B), resided outside the geographic area of the permanent duty station.

"(6) The term 'spouse of a disabled or deceased member of the Armed Forces' means an individual—

"(A) who is married to a member of the Armed Forces who—

"(i) is retired, released, or discharged from the Armed Forces; and

"(ii) on the date on which the member retires, is released, or is discharged, has a disability rating of 100 percent under the standard schedule of rating disabilities in use by the Department of Veterans Affairs; or

"(B) who—

"(i) was married to a member of the Armed Forces on the date on which the member dies while on active duty in the Armed Forces; and

"(ii) has not remarried.

"(b) APPOINTMENT AUTHORITY.—The head of an agency may appoint noncompetitively—

"(1) a relocating spouse of a member of the Armed Forces; or

"(2) a spouse of a disabled or deceased member of the Armed Forces.

"(c) SPECIAL RULES REGARDING RELOCATING SPOUSE.—

"(1) IN GENERAL.—An appointment of a relocating spouse of a member of the Armed Forces under this section may only be to a position the duty station for which is within the geographic area of the permanent duty station of the member of the Armed Forces, unless there is no agency with a position with a duty station within the geographic area of the permanent duty station of the member of the Armed Forces.

"(2) SINGLE PERMANENT APPOINTMENT PER DUTY STATION.—A relocating spouse of a member of the Armed Forces may not receive more than 1 permanent appointment under this section for each time the spouse relocates as described in subparagraphs (B) and (C) of subsection (a)(5).

"(d) SPECIAL RULES REGARDING SPOUSE OF A DISABLED OR DECEASED MEMBER OF THE ARMED FORCES.—

"(1) IN GENERAL.—An appointment of an eligible spouse as described in subparagraph (A) or (B) of subsection (a)(6) is not restricted to a geographical area.

"(2) SINGLE PERMANENT APPOINTMENT.—A spouse of a disabled or deceased member of the Armed Forces may not receive more than 1 permanent appointment under this section.".

Deadline. 5 USC 3330d note.

(b) REGULATIONS.—Not later than 180 after the date of the enactment of this Act, the Director of the Office of Personnel Management shall amend section 315.612 of title 5, Code of Federal Regulations (relating to noncompetitive appointment of certain military spouses), in accordance with the amendment made by subsection (a) and promulgate or amend any other regulations necessary to carry out the amendment made by subsection (a).

5 USC prec. 3301.

(c) CLERICAL AMENDMENT.—The table of sections for chapter 33 of title 5, United States Code, is amended by inserting after the item relating to section 3330c the following new item:

"3330d. Appointment of certain military spouses.".

SEC. 567. REPORT ON FUTURE OF FAMILY SUPPORT PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the anticipated future of the family support programs of the Department of Defense during the five-year period beginning on the date of the submittal of the report as end strengths for the Armed Forces are reduced and the Armed Forces are drawn down from combat operations in Afghanistan.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the current family support programs of each of the Armed Forces and the Department of Defense, including the name, scope and intended purpose of each program.

(2) An assessment of the current costs of the family support programs covered by paragraph (1), and an estimate of the costs of anticipated family support programs of the Armed Forces and Department over the period covered by the report.

(3) An assessment of the costs and other consequences associated with the elimination or reduction of any current

family support programs covered by paragraph (1) over the period covered by the report.

(4) An assessment of the family support programs of each of the Armed Forces covered by paragraph (1), including any planned or anticipated changes to the programs over the period covered by the report.

SEC. 568. SENSE OF CONGRESS REGARDING SUPPORT FOR YELLOW RIBBON DAY.

Congress supports the goals and ideals of Yellow Ribbon Day in honor of members of the Armed Forces and other individuals of the United States who are serving overseas apart from their families and loved ones.

Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces

SEC. 570. ARMED FORCES WORKPLACE AND GENDER RELATIONS SURVEYS.

(a) ADDITIONAL CONTENT OF SURVEYS.—Subsection (c) of section 481 of title 10, United States Code, is amended—

(1) by striking "harassment and discrimination" and inserting "harassment, assault, and discrimination";

(2) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4); respectively;

(3) by inserting after paragraph (1) the following new paragraph (2):

"(2) The specific types of assault that have occurred, and the number of times each respondent has been assaulted during the preceding year.";

(4) in paragraph (4), as so redesignated, by striking "discrimination" and inserting "discrimination, harassment, and assault"; and

(5) by adding at the end the following new paragraph:

"(5) Any other issues relating to discrimination, harassment, or assault as the Secretary of Defense considers appropriate.".

(b) TIME FOR CONDUCTING OF SURVEYS.—Such section is further amended—

(1) in subsection (a)(1), by striking "four quadrennial surveys (each in a separate year)" and inserting "four surveys"; and

(2) by striking subsection (d) and inserting the following new subsection:

"(d) WHEN SURVEYS REQUIRED.—(1) One of the two Armed Forces Workplace and Gender Relations Surveys shall be conducted in 2014 and then every second year thereafter and the other Armed Forces Workplace and Gender Relations Survey shall be conducted in 2015 and then every second year thereafter, so that one of the two surveys is being conducted each year.

"(2) The two Armed Forces Workplace and Equal Opportunity Surveys shall be conducted at least once every four years. The two surveys may not be conducted in the same year.".

SEC. 571. AUTHORITY TO RETAIN OR RECALL TO ACTIVE DUTY RESERVE COMPONENT MEMBERS WHO ARE VICTIMS OF SEXUAL ASSAULT WHILE ON ACTIVE DUTY.

(a) IN GENERAL.—Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 12323. Active duty pending line of duty determination required for response to sexual assault 10 USC 12323.

"(a) CONTINUATION ON ACTIVE DUTY.—In the case of a member of a reserve component who is the alleged victim of sexual assault committed while on active duty and who is expected to be released from active duty before the determination is made regarding whether the member was assaulted while in the line of duty (in this section referred to as a 'line of duty determination'), the Secretary concerned, upon the request of the member, may order the member to be retained on active duty until completion of the line of duty determination. A member eligible for continuation on active duty under this subsection shall be informed as soon as practicable after the alleged assault of the option to request continuation on active duty under this subsection.

"(b) RETURN TO ACTIVE DUTY.—In the case of a member of a reserve component not on active duty who is the alleged victim of a sexual assault that occurred while the member was on active duty and when the line of duty determination is not completed, the Secretary concerned, upon the request of the member, may order the member to active duty for such time as necessary for completion of the line of duty determination.

"(c) REGULATIONS.—The Secretaries of the military departments shall prescribe regulations to carry out this section, subject to guidelines prescribed by the Secretary of Defense. The guidelines of the Secretary of Defense shall provide that— Guidelines. Deadlines.

"(1) a request submitted by a member described in subsection (a) or (b) to continue on active duty, or to be ordered to active duty, respectively, must be decided within 30 days from the date of the request; and

"(2) if the request is denied, the member may appeal to the first general officer or flag officer in the chain of command of the member, and in the case of such an appeal a decision on the appeal must be made within 15 days from the date of the appeal.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1209 of such title is amended adding at the end the following new item: 10 USC prec. 12301.

"12323. Active duty pending line of duty determination required for response to sexual assault.".

SEC. 572. ADDITIONAL ELEMENTS IN COMPREHENSIVE DEPARTMENT OF DEFENSE POLICY ON SEXUAL ASSAULT PREVENTION AND RESPONSE.

(a) POLICY MODIFICATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall modify the revised comprehensive policy for the Department of Defense sexual assault prevention and response program required by section 1602 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4430; 10 U.S.C. 1561 note) to include in the policy the following new requirements: Deadline.

Records.

(1) Subject to subsection (b), a requirement that the Secretary of each military department establish a record on the disposition of any Unrestricted Report of sexual assault involving a member of the Armed Forces, whether such disposition is court martial, nonjudicial punishment, or other administrative action.

(2) A requirement that the Secretary of each military department establish policies to require the processing for administrative separation of any member of the Armed Forces under the jurisdiction of such Secretary whose conviction for a covered offense is final and who is not punitively discharged from the Armed Forces in connection with such conviction. Such requirement—

Procedures.
Regulations.

(A) shall ensure that any separation decision is based on the full facts of the case and that due process procedures are provided under regulations prescribed by the Secretary of Defense; and

(B) shall not be interpreted to limit or alter the authority of the Secretary of the military department concerned to process members of the Armed Forces for administrative separation for other offenses or under other provisions of law.

Deadline.
Assessment.

(3) A requirement that the commander of each military command and other units specified by the Secretary of Defense for purposes of the policy shall conduct, within 120 days after the commander assumes command and at least annually thereafter while retaining command, a climate assessment of the command or unit for purposes of preventing and responding to sexual assaults. The climate assessment shall include an opportunity for members of the Armed Forces to express their opinions regarding the manner and extent to which their leaders, including commanders, respond to allegations of sexual assault and complaints of sexual harassment and the effectiveness of such response.

Communication and telecommunications.

(4) A requirement to post and widely disseminate information about resources available to report and respond to sexual assaults, including the establishment of hotline phone numbers and Internet websites available to all members of the Armed Forces.

Notification.

(5) A requirement for a general education campaign to notify members of the Armed Forces regarding the authorities available under chapter 79 of title 10, United States Code, for the correction of military records when a member experiences any retaliatory personnel action for making a report of sexual assault or sexual harassment.

(b) ADDITIONAL REQUIREMENTS REGARDING DISPOSITION RECORDS OF SEXUAL ASSAULT REPORTS.—

(1) ELEMENTS.—The record of the disposition of an Unrestricted Report of sexual assault established under subsection (a)(1) shall include information regarding the following, as appropriate:

(A) Documentary information collected about the incident, other than investigator case notes.

(B) Punishment imposed, including the sentencing by judicial or non-judicial means, including incarceration, fines, restriction, and extra duty as a result of military

court-martial, Federal or local court and other sentencing, or any other punishment imposed.

(C) Adverse administrative actions taken against the subject of the investigation, if any.

(D) Any pertinent referrals made for the subject of the investigation, offered as a result of the incident, such as drug and alcohol counseling and other types of counseling or intervention.

(2) RETENTION OF RECORDS.—The Secretary of Defense shall require that—

(A) the disposition records established pursuant to subsection (a)(1) be retained for a period of not less than 20 years; and

(B) information from the records that satisfies the reporting requirements established in section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 10 U.S.C. 1561 note) be incorporated into the Defense Sexual Assault Incident Database and maintained for the same period as applies to retention of the records under subparagraph (A).

(c) COVERED OFFENSE DEFINED.—For purposes of subsection (a)(2), the term "covered offense" means the following:

(1) Rape or sexual assault under subsection (a) or (b) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice).

(2) Forcible sodomy under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice).

(3) An attempt to commit an offense specified in paragraph (1) or (2) under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

SEC. 573. ESTABLISHMENT OF SPECIAL VICTIM CAPABILITIES WITHIN THE MILITARY DEPARTMENTS TO RESPOND TO ALLEGATIONS OF CERTAIN SPECIAL VICTIM OFFENSES.

10 USC 1561 note.

(a) ESTABLISHMENT REQUIRED.—Under regulations prescribed by the Secretary of Defense, the Secretary of each military department shall establish special victim capabilities for the purposes of—

Regulations.

(1) investigating and prosecuting allegations of child abuse, serious domestic violence, or sexual offenses; and

(2) providing support for the victims of such offenses.

(b) PERSONNEL.—The special victim capabilities developed under subsection (a) shall include specially trained and selected—

(1) investigators from the Army Criminal Investigative Command, Naval Criminal Investigative Service, or Air Force Office of Special Investigations;

(2) judge advocates;

(3) victim witness assistance personnel; and

(4) administrative paralegal support personnel.

(c) TRAINING, SELECTION, AND CERTIFICATION STANDARDS.—The Secretary of Defense shall prescribe standards for the training, selection, and certification of personnel who will provide special victim capabilities for a military department.

(d) DISCRETION REGARDING EXTENT OF CAPABILITIES.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of a military department shall determine the extent to which

Determination.

special victim capabilities will be established within the military department and prescribe regulations for the management and use of the special victim capabilities.

(2) REQUIRED ELEMENTS.—At a minimum, the special victim capabilities established within a military department must provide effective, timely, and responsive world-wide support for the purposes described in subsection (a).

Deadlines.

(e) TIME FOR ESTABLISHMENT.—

Reports.

(1) IMPLEMENTATION PLAN.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing—

(A) the plans and time lines of the Secretaries of the military departments for the establishment of the special victims capabilities; and

(B) an assessment by the Secretary of Defense of the plans and time lines.

(2) INITIAL CAPABILITIES.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall have available an initial special victim capability consisting of the personnel specified in subsection (b).

Deadline.

(f) EVALUATION OF EFFECTIVENESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

Criteria.

(1) prescribe the common criteria to be used by the Secretaries of the military departments to measure the effectiveness and impact of the special victim capabilities from the investigative, prosecutorial, and victim's perspectives; and

Reports.

(2) require the Secretaries of the military departments to collect and report the data used to measure such effectiveness and impact.

(g) SPECIAL VICTIM CAPABILITIES DEFINED.—In this section, the term "special victim capabilities" means a distinct, recognizable group of appropriately skilled professionals who work collaboratively to achieve the purposes described in subsection (a). This section does not require that the special victim capabilities be created as separate military unit or have a separate chain of command.

SEC. 574. ENHANCEMENT TO TRAINING AND EDUCATION FOR SEXUAL ASSAULT PREVENTION AND RESPONSE.

Section 585 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1434; 10 U.S.C. 1561 note) is amended by adding at the end the following new subsections:

"(d) COMMANDERS' TRAINING.—The Secretary of Defense shall provide for the inclusion of a sexual assault prevention and response training module in the training for new or prospective commanders at all levels of command. The training shall be tailored to the responsibilities and leadership requirements of members of the Armed Forces as they are assigned to command positions. Such training shall include the following:

"(1) Fostering a command climate that does not tolerate sexual assault.

"(2) Fostering a command climate in which persons assigned to the command are encouraged to intervene to prevent potential incidents of sexual assault.

"(3) Fostering a command climate that encourages victims of sexual assault to report any incident of sexual assault.

"(4) Understanding the needs of, and the resources available to, the victim after an incident of sexual assault.

"(5) Use of military criminal investigative organizations for the investigation of alleged incidents of sexual assault.

"(6) Available disciplinary options, including court-martial, non-judicial punishment, administrative action, and deferral of discipline for collateral misconduct, as appropriate.

"(e) EXPLANATION TO BE INCLUDED IN INITIAL ENTRY AND ACCESSION TRAINING.—

"(1) REQUIREMENT.—The Secretary of Defense shall require that the matters specified in paragraph (2) be carefully explained to each member of the Army, Navy, Air Force, and Marine Corps at the time of (or within fourteen duty days after)—

"(A) the member's initial entrance on active duty; or

"(B) the member's initial entrance into a duty status with a reserve component.

"(2) MATTERS TO BE EXPLAINED.—This subsection applies with respect to the following: Applicability.

"(A) Department of Defense policy with respect to sexual assault.

"(B) The resources available with respect to sexual assault reporting and prevention and the procedures to be followed by a member seeking to access those resources.".

SEC. 575. MODIFICATION OF ANNUAL DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS REGARDING SEXUAL ASSAULTS.

(a) GREATER DETAIL IN CASE SYNOPSES PORTION OF REPORT.—Section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4433; 10 U.S.C. 1561 note) is amended by adding at the end the following new subsection:

"(f) ADDITIONAL DETAILS FOR CASE SYNOPSES PORTION OF REPORT.—The Secretary of each military department shall include in the case synopses portion of each report described in subsection (b)(3) the following additional information:

"(1) If charges are dismissed following an investigation conducted under section 832 of title 10, United States Code (article 32 of the Uniform Code of Military Justice), the case synopsis shall include the reason for the dismissal of the charges.

"(2) If the case synopsis states that a member of the Armed Forces accused of committing a sexual assault was administratively separated or, in the case of an officer, allowed to resign in lieu of facing a court-martial, the case synopsis shall include the characterization (honorable, general, or other than honorable) given the service of the member upon separation.

"(3) The case synopsis shall indicate whether a member of the Armed Forces accused of committing a sexual assault was ever previously accused of a substantiated sexual assault or was admitted to the Armed Forces under a moral waiver granted with respect to prior sexual misconduct.

"(4) The case synopsis shall indicate the branch of the Armed Forces of each member accused of committing a sexual assault and the branch of the Armed Forces of each member who is a victim of a sexual assault.

"(5) If the case disposition includes non-judicial punishment, the case synopsis shall explicitly state the nature of the punishment.

"(6) The case synopsis shall indicate whether alcohol was involved in any way in a substantiated sexual assault incident.".

(b) ADDITIONAL ELEMENTS OF EACH REPORT.—Subsection (b) of such section is amended by adding at the end the following new paragraphs:

"(7) The number of applications submitted under section 673 of title 10, United States Code, during the year covered by the report for a permanent change of station or unit transfer for members of the Armed Forces on active duty who are the victim of a sexual assault or related offense, the number of applications denied, and, for each application denied, a description of the reasons why the application was denied.

"(8) An analysis and assessment of trends in the incidence, disposition, and prosecution of sexual assaults by units, commands, and installations during the year covered by the report, including trends relating to prevalence of incidents, prosecution of incidents, and avoidance of incidents.

"(9) An assessment of the adequacy of sexual assault prevention and response activities carried out by training commands during the year covered by the report.

"(10) An analysis of the specific factors that may have contributed to sexual assault during the year covered by the report, an assessment of the role of such factors in contributing to sexual assaults during that year, and recommendations for mechanisms to eliminate or reduce the incidence of such factors or their contributions to sexual assaults.".

10 USC 1561 note.

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply beginning with the report regarding sexual assaults involving members of the Armed Forces required to be submitted by March 1, 2014, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

SEC. 576. INDEPENDENT REVIEWS AND ASSESSMENTS OF UNIFORM CODE OF MILITARY JUSTICE AND JUDICIAL PROCEEDINGS OF SEXUAL ASSAULT CASES.

Establishment.

(a) INDEPENDENT REVIEWS AND ASSESSMENTS REQUIRED.—

(1) RESPONSE SYSTEMS TO ADULT SEXUAL ASSAULT CRIMES.—The Secretary of Defense shall establish a panel to conduct an independent review and assessment of the systems used to investigate, prosecute, and adjudicate crimes involving adult sexual assault and related offenses under section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), for the purpose of developing recommendations regarding how to improve the effectiveness of such systems.

(2) JUDICIAL PROCEEDINGS SINCE FISCAL YEAR 2012 AMENDMENTS.—The Secretary of Defense shall establish a panel to conduct an independent review and assessment of judicial proceedings conducted under the Uniform Code of Military Justice involving adult sexual assault and related offenses since the

amendments made to the Uniform Code of Military Justice by section 541 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1404) for the purpose of developing recommendations for improvements to such proceedings.

(b) ESTABLISHMENT OF INDEPENDENT REVIEW PANELS.—

(1) COMPOSITION.—

(A) RESPONSE SYSTEMS PANEL.—The panel required by subsection (a)(1) shall be composed of nine members, five of whom are appointed by the Secretary of Defense and one member each appointed by the chairman and ranking member of the Committees on Armed Services of the Senate and the House of Representatives.

(B) JUDICIAL PROCEEDINGS PANEL.—The panel required by subsection (a)(2) shall be appointed by the Secretary of Defense and consist of five members, two of whom must have also served on the panel established under subsection (a)(1).

(2) QUALIFICATIONS.—The members of each panel shall be selected from among private United States citizens who collectively possess expertise in military law, civilian law, the investigation, prosecution, and adjudication of sexual assaults in State and Federal criminal courts, victim advocacy, treatment for victims, military justice, the organization and missions of the Armed Forces, and offenses relating to rape, sexual assault, and other adult sexual assault crimes.

(3) CHAIR.—The chair of each panel shall be appointed by the Secretary of Defense from among the members of the panel.

(4) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in a panel shall be filled in the same manner as the original appointment.

(5) DEADLINE FOR APPOINTMENTS.—

(A) RESPONSE SYSTEMS PANEL.—All original appointments to the panel required by subsection (a)(1) shall be made not later than 120 days after the date of the enactment of this Act.

(B) JUDICIAL PROCEEDINGS PANEL.—All original appointments to the panel required by subsection (a)(2) shall be made before the termination date of the panel established under subsection (a)(1), but no later than 30 days before the termination date.

(6) MEETINGS.—A panel shall meet at the call of the chair.

(7) FIRST MEETING.—The chair shall call the first meeting of a panel not later than 60 days after the date of the appointment of all the members of the panel. Deadline.

(c) REPORTS AND DURATION.—

(1) RESPONSE SYSTEMS PANEL.—The panel established under subsection (a)(1) shall terminate upon the earlier of the following:

(A) Thirty days after the panel has submitted a report of its findings and recommendations, through the Secretary of Defense, to the Committees on Armed Services of the Senate and the House of Representatives.

(B) Eighteen months after the first meeting of the panel, by which date the panel is expected to have made its report.

(2) JUDICIAL PROCEEDINGS PANEL.—

(A) FIRST REPORT.—The panel established under subsection (a)(2) shall submit a first report, including any proposals for legislative or administrative changes the panel considers appropriate, to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives not later than 180 days after the first meeting of the panel.

(B) SUBSEQUENT REPORTS.—The panel established under subsection (a)(2) shall submit subsequent reports during fiscal years 2014 through 2017.

(C) TERMINATION.—The panel established under subsection (a)(2) shall terminate on September 30, 2017.

(d) DUTIES OF PANELS.—

Recommendations.

(1) RESPONSE SYSTEMS PANEL.—In conducting a systemic review and assessment, the panel required by subsection (a)(1) shall provide recommendations on how to improve the effectiveness of the investigation, prosecution, and adjudication of crimes involving adult sexual assault and related offenses under section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice). The review shall include the following:

(A) Using criteria the panel considers appropriate, an assessment of the strengths and weaknesses of the systems, including the administration of the Uniform Code of the Military Justice, and the investigation, prosecution, and adjudication, of adult sexual assault crimes during the period 2007 through 2011.

(B) A comparison of military and civilian systems for the investigation, prosecution, and adjudication of adult sexual assault crimes. This comparison shall include an assessment of differences in providing support and protection to victims and the identification of civilian best practices that may be incorporated into any phase of the military system.

(C) An assessment of advisory sentencing guidelines used in civilian courts in adult sexual assault cases and whether it would be advisable to promulgate sentencing guidelines for use in courts-martial.

(D) An assessment of the training level of military defense and trial counsel, including their experience in defending or prosecuting adult sexual assault crimes and related offenses, as compared to prosecution and defense counsel for similar cases in the Federal and State court systems.

(E) An assessment and comparison of military court-martial conviction rates with those in the Federal and State courts and the reasons for any differences.

(F) An assessment of the roles and effectiveness of commanders at all levels in preventing sexual assaults and responding to reports of sexual assault.

(G) An assessment of the strengths and weakness of proposed legislative initiatives to modify the current role of commanders in the administration of military justice and the investigation, prosecution, and adjudication of adult sexual assault crimes.

(H) An assessment of the adequacy of the systems and procedures to support and protect victims in all phases of the investigation, prosecution, and adjudication of adult sexual assault crimes, including whether victims are provided the rights afforded by section 3771 of title 18, United States Code, Department of Defense Directive 1030.1, and Department of Defense Instruction 1030.2.

(I) Such other matters and materials the panel considers appropriate.

(2) JUDICIAL PROCEEDINGS PANEL.—The panel required by subsection (a)(2) shall perform the following duties:

(A) Assess and make recommendations for improvements in the implementation of the reforms to the offenses relating to rape, sexual assault, and other sexual misconduct under the Uniform Code of Military Justice that were enacted by section 541 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1404).

(B) Review and evaluate current trends in response to sexual assault crimes whether by courts-martial proceedings, non-judicial punishment and administrative actions, including the number of punishments by type, and the consistency and appropriateness of the decisions, punishments, and administrative actions based on the facts of individual cases.

(C) Identify any trends in punishments rendered by military courts, including general, special, and summary courts-martial, in response to sexual assault, including the number of punishments by type, and the consistency of the punishments, based on the facts of each case compared with the punishments rendered by Federal and State criminal courts.

(D) Review and evaluate court-martial convictions for sexual assault in the year covered by the most-recent report required by subsection (c)(2) and the number and description of instances when punishments were reduced or set aside upon appeal and the instances in which the defendant appealed following a plea agreement, if such information is available.

(E) Review and assess those instances in which prior sexual conduct of the alleged victim was considered in a proceeding under section 832 of title 10, United States Code (article 32 of the Uniform Code of Military Justice), and any instances in which prior sexual conduct was determined to be inadmissible.

(F) Review and assess those instances in which evidence of prior sexual conduct of the alleged victim was introduced by the defense in a court-martial and what impact that evidence had on the case.

(G) Building on the data compiled as a result of paragraph (1)(D), assess the trends in the training and experience levels of military defense and trial counsel in adult sexual assault cases and the impact of those trends in the prosecution and adjudication of such cases.

(H) Monitor trends in the development, utilization and effectiveness of the special victims capabilities required by section 573 of this Act.

(I) Monitor the implementation of the April 20, 2012, Secretary of Defense policy memorandum regarding withholding initial disposition authority under the Uniform Code of Military Justice in certain sexual assault cases.

(J) Consider such other matters and materials as the panel considers appropriate for purposes of the reports.

(3) UTILIZATION OF OTHER STUDIES.—In conducting reviews and assessments and preparing reports, a panel may review, and incorporate as appropriate, the data and findings of applicable ongoing and completed studies.

(e) AUTHORITY OF PANELS.—

(1) HEARINGS.—A panel may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the panel considers appropriate to carry out its duties under this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—Upon request by the chair of a panel, a department or agency of the Federal Government shall provide information that the panel considers necessary to carry out its duties under this section.

(f) PERSONNEL MATTERS.—

(1) PAY OF MEMBERS.—Members of a panel shall serve without pay by reason of their work on the panel.

(2) TRAVEL EXPENSES.—The members of a panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance or services for the panel.

(3) STAFFING AND RESOURCES.—The Secretary of Defense shall provide staffing and resources to support the panels, except that the Secretary may not assign primary responsibility for such staffing and resources to the Sexual Assault Prevention and Response Office.

10 USC 1561 note.

SEC. 577. RETENTION OF CERTAIN FORMS IN CONNECTION WITH RESTRICTED REPORTS ON SEXUAL ASSAULT AT REQUEST OF THE MEMBER OF THE ARMED FORCES MAKING THE REPORT.

(a) PERIOD OF RETENTION.—At the request of a member of the Armed Forces who files a Restricted Report on an incident of sexual assault involving the member, the Secretary of Defense shall ensure that all copies of Department of Defense Form 2910 and Department of Defense Form 2911 filed in connection with the Restricted Report be retained for the longer of—

(1) 50 years commencing on the date of signature of the member on Department of Defense Form 2910; or

(2) the time provided for the retention of such forms in connection with Unrestricted Reports on incidents of sexual assault involving members of the Armed Forces under Department of Defense Directive-Type Memorandum (DTM) 11–062, entitled "Document Retention in Cases of Restricted and Unrestricted Reports of Sexual Assault", or any successor directive or policy.

(b) PROTECTION OF CONFIDENTIALITY.—Any Department of Defense form retained under subsection (a) shall be retained in a manner that protects the confidentiality of the member of the Armed Forces concerned in accordance with procedures for the

protection of confidentiality of information in Restricted Reports under Department of Defense memorandum JTF–SAPR–009, relating to the Department of Defense policy on confidentiality for victims of sexual assault, or any successor policy or directive.

SEC. 578. GENERAL OR FLAG OFFICER REVIEW OF AND CONCURRENCE IN SEPARATION OF MEMBERS OF THE ARMED FORCES MAKING AN UNRESTRICTED REPORT OF SEXUAL ASSAULT.

10 USC 1561 note.

(a) REVIEW REQUIRED.—The Secretary of Defense shall develop a policy to require a general officer or flag officer of the Armed Forces to review the circumstances of, and grounds for, the proposed involuntary separation of any member of the Armed Forces who—

Policy.

(1) made an Unrestricted Report of a sexual assault;

(2) within one year after making the Unrestricted Report of a sexual assault, is recommended for involuntary separation from the Armed Forces; and

(3) requests the review on the grounds that the member believes the recommendation for involuntary separation from the Armed Forces was initiated in retaliation for making the report.

(b) CONCURRENCE REQUIRED.—If a review is requested by a member of the Armed Forces as authorized by subsection (a), the concurrence of the general officer or flag officer conducting the review of the proposed involuntary separation of the member is required in order to separate the member.

(c) SUBMISSION OF POLICY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing the policy developed under subsection (a).

Deadline. Reports.

(d) APPLICATION OF POLICY.—The policy developed under subsection (a) shall take effect on the date of the submission of the policy to Congress under subsection (c) and apply to members of the Armed Forces described in subsection (a) who are proposed to be involuntarily separated from the Armed Forces on or after that date.

Effective date.

SEC. 579. DEPARTMENT OF DEFENSE POLICY AND PLAN FOR PREVENTION AND RESPONSE TO SEXUAL HARASSMENT IN THE ARMED FORCES.

10 USC 1561 note.

(a) COMPREHENSIVE PREVENTION AND RESPONSE POLICY.—

(1) POLICY REQUIRED.—The Secretary of Defense shall develop a comprehensive policy to prevent and respond to sexual harassment in the Armed Forces. The policy shall provide for the following:

(A) Training for members of the Armed Forces on the prevention of sexual harassment.

(B) Mechanisms for reporting incidents of sexual harassment in the Armed Forces, including procedures for reporting anonymously.

(C) Mechanisms for responding to and resolving incidents of alleged sexual harassment incidences involving members of the Armed Forces, including through the prosecution of offenders.

(2) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the

House of Representatives a report setting forth the policy required by paragraph (1).

(3) CONSULTATION.—The Secretary of Defense shall prepare the policy and report required by this subsection in consultation with the Secretaries of the military departments and the Equal Opportunity Office of the Department of Defense.

(b) DATA COLLECTION AND REPORTING REGARDING SUBSTANTIATED INCIDENTS OF SEXUAL HARASSMENT.—

(1) PLAN REQUIRED.—The Secretary of Defense shall develop a plan to collect information and data regarding substantiated incidents of sexual harassment involving members of the Armed Forces. The plan shall specifically deal with the need to identify cases in which a member is accused of multiple incidents of sexual harassment.

Deadline.

(2) SUBMISSION OF PLAN.—Not later than June 1, 2013, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives the plan developed under paragraph (1).

(3) REPORTING REQUIREMENT.—As part of the reports required to be submitted in 2014 under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4433; 10 U.S.C. 1561 note), the Secretary of Defense shall include information and data collected under the plan during the preceding year regarding substantiated incidents of sexual harassment involving members of the Armed Forces.

Subtitle I—Suicide Prevention and Resilience

10 USC 1071 note.

SEC. 580. ENHANCEMENT OF OVERSIGHT AND MANAGEMENT OF DEPARTMENT OF DEFENSE SUICIDE PREVENTION AND RESILIENCE PROGRAMS.

Establishment.

(a) IN GENERAL.—The Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, establish within the Office of the Secretary of Defense a position with responsibility for oversight of all suicide prevention and resilience programs of the Department of Defense (including those of the military departments and the Armed Forces).

(b) SCOPE OF RESPONSIBILITIES.—The individual serving in the position established under subsection (a) shall have the responsibilities as follows:

(1) To establish a uniform definition of resiliency for use in the suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces).

(2) To oversee the implementation of the comprehensive policy on the prevention of suicide among members of the Armed Forces required by section 582.

SEC. 581. RESERVE COMPONENT SUICIDE PREVENTION AND RESILIENCE PROGRAM.

(a) CODIFICATION, TRANSFER OF RESPONSIBILITY, AND EXTENSION.—

(1) IN GENERAL.—Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 10219. Suicide prevention and resilience program

10 USC 10219.

"(a) PROGRAM REQUIREMENT.—The Secretary of Defense shall establish and carry out a program to provide members of the National Guard and Reserves and their families with training in suicide prevention, resilience, and community healing and response to suicide, including provision of such training at Yellow Ribbon Reintegration Program events and activities authorized under section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note).

"(b) SUICIDE PREVENTION TRAINING.—Under the program, the Secretary shall provide members of the National Guard and Reserves with training in suicide prevention. Such training may include—

"(1) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

"(2) examining the influence of military culture on risk and protective factors for suicide; and

"(3) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

"(c) COMMUNITY RESPONSE TRAINING.—Under the program, the Secretary shall provide the families and communities of members of the National Guard and Reserves with training in responses to suicide that promote individual and community healing. Such training may include—

"(1) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

"(2) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

"(3) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

"(4) managing resources to assist key community and military service providers in helping the families, friends, and fellow servicemembers of a suicide victim through the processes of grieving and healing.

"(d) COMMUNITY TRAINING ASSISTANCE.—The program shall include the provision of assistance with such training to the local communities of those servicemembers and families, to be provided in coordination with local community programs.

"(e) COLLABORATION.—In carrying out the program, the Secretary shall collect and analyze 'lessons learned' and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.

"(f) TERMINATION.—The program under this section shall terminate on October 1, 2017.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1007 of such title is amended by adding at the end the following new item:

10 USC prec. 10201.

"10219. Suicide prevention and resilience program.".

(b) REPEAL OF SUPERSEDED PROVISION.—Subsection (i) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 10101 note) is repealed.

10 USC 1071 note.

SEC. 582. COMPREHENSIVE POLICY ON PREVENTION OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES.

Deadline.

(a) COMPREHENSIVE POLICY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, develop within the Department of Defense a comprehensive policy on the prevention of suicide among members of the Armed Forces. In developing the policy, the Secretary shall consider recommendations from the operational elements of the Armed Forces regarding the feasibility of the implementation and execution of particular elements of the policy.

Recommendations.

(b) ELEMENTS.—The policy required by subsection (a) shall cover each of the following:

(1) Increased awareness among members of the Armed Forces about mental health conditions and the stigma associated with mental health conditions and mental health care.

(2) The means of identifying members who are at risk for suicide (including enhanced means for early identification and treatment of such members).

(3) The continuous access by members to suicide prevention services, including suicide crisis services.

(4) The means to evaluate and assess the effectiveness of the suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces), including the development of metrics for that purpose.

(5) The means to evaluate and assess the current diagnostic tools and treatment methods in the programs referred to in paragraph (4) to ensure clinical best practices are used in such programs.

(6) The standard of care for suicide prevention to be used throughout the Department.

(7) The training of mental health care providers on suicide prevention.

(8) The training standards for behavioral health care providers to ensure that such providers receive training on clinical best practices and evidence-based treatments as information on such practices and treatments becomes available.

(9) The integration of mental health screenings and suicide risk and prevention for members into the delivery of primary care for such members.

(10) The standards for responding to attempted or completed suicides among members, including guidance and training to assist commanders in addressing incidents of attempted or completed suicide within their units.

(11) The means to ensure the protection of the privacy of members seeking or receiving treatment relating to suicide.

(12) Such other matters as the Secretary considers appropriate in connection with the prevention of suicide among members.

SEC. 583. STUDY OF RESILIENCE PROGRAMS FOR MEMBERS OF THE ARMY.

(a) STUDY REQUIRED.—The Secretary of the Army shall conduct a study of resilience programs within the Army for the purpose of assessing the effectiveness of the current Comprehensive Soldier and Family Fitness (CSF2) Program of the Army, while verifying the current means of the Army to reduce trends in high risk or self-destructive behavior and to prepare members of the Army to manage stressful or traumatic situations by training members in resilience strategies and techniques.

(b) ELEMENTS.—In conducting the study, the Secretary of the Army shall determine the effectiveness and quality of training under the Comprehensive Soldier and Family Fitness program in—

(1) enhancing individual performance through resiliency techniques and use of positive and sports psychology; and

(2) identifying and responding to early signs of high-risk behavior in members of the Army.

(c) USE OF SCIENCE-BASED EVIDENCE AND TECHNIQUES.—In conducting the study, the Secretary of the Army shall utilize scientific evidence, including professionally accepted measurements and assessments, to evaluate those interventions that show positive results and those interventions that have no impact.

(d) DURATION OF STUDY.—The study shall be conducted through September 30, 2014.

(e) REPORT ON STUDY RESULTS.—Not later than October 31, 2014, the Secretary of the Army shall submit to the Committees on Armed Forces of the Senate and the House of Representatives a report containing the results of the study. The report shall include the following:

(1) A description of the trends in high risk or self-destructive behavior among members of the Army.

(2) A description and measurements of the effectiveness of Comprehensive Soldier and Family Fitness Program training in enhancing individual performance through resiliency techniques, utilization of positive psychology.

(3) Such recommendations or other information as the Secretary considers appropriate.

Subtitle J—Other Matters

SEC. 584. ISSUANCE OF PRISONER-OF-WAR MEDAL.

Section 1128 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting "or" at the end of paragraph (2);

(B) by striking "; or" at the end of paragraph (3) and inserting a period; and

(C) by striking paragraph (4);

(2) by redesignating subsections (b) through (h) as subsections (c) through (i), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) Under uniform regulations prescribed by the Secretary of Defense, the Secretary concerned may issue a prisoner-of-war medal to any person who, while serving in any capacity with the armed forces, was held captive under circumstances not covered

Regulations.

by paragraph (1), (2), or (3) of subsection (a), but which the Secretary concerned finds were comparable to those circumstances under which persons have generally been held captive by enemy armed forces during periods of armed conflict.".

SEC. 585. TECHNICAL AMENDMENTS RELATING TO THE TERMINATION OF THE ARMED FORCES INSTITUTE OF PATHOLOGY UNDER DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 177 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by striking "those professional societies" and all that follows through "the Armed Forces Institute of Pathology" and inserting "the professional societies and organizations that support the activities of the American Registry of Pathology"; and

(ii) by striking the second sentence; and

(B) in paragraph (3), by striking "with the concurrence of the Director of the Armed Forces Institute of Pathology";

(2) in subsection (b)—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively; and

(3) in subsection (d), by striking "to the Director" and all that follows through "it deems desirable," and inserting "annually to its Board and supporting organizations referred to in subsection (a)(2)".

SEC. 586. MODIFICATION OF REQUIREMENT FOR REPORTS IN FEDERAL REGISTER ON INSTITUTIONS OF HIGHER EDUCATION INELIGIBLE FOR CONTRACTS AND GRANTS FOR DENIAL OF ROTC OR MILITARY RECRUITER ACCESS TO CAMPUS.

Section 983 of title 10, United States Code, is amended by striking subsection (f).

SEC. 587. ACCEPTANCE OF GIFTS AND SERVICES RELATED TO EDUCATIONAL ACTIVITIES AND VOLUNTARY SERVICES TO ACCOUNT FOR MISSING PERSONS.

(a) ACTIVITIES BENEFITTING EDUCATION AS SERVICES ELIGIBLE FOR ACCEPTANCE.—Section 2601(i)(2) of title 10, United States Code, is amended by inserting "education," before "morale,".

(b) ACCEPTANCE OF VOLUNTARY SERVICES RELATED TO ACCOUNTING FOR MISSING PERSONS.—Section 1588(a) of such title is amended by adding at the end the following new paragraph:

"(9) Voluntary services to facilitate accounting for missing persons.".

SEC. 588. DISPLAY OF STATE, DISTRICT OF COLUMBIA, COMMONWEALTH, AND TERRITORIAL FLAGS BY THE ARMED FORCES.

(a) DISPLAY.—Subsection (a) of section 2249b of title 10, United States Code, is amended to read as follows:

"(a) DISPLAY OF FLAGS BY ARMED FORCES.—The Secretary of Defense shall ensure that, whenever the official flags of all 50 States are displayed by the armed forces, such display shall include the flags of the District of Columbia, the Commonwealth of Puerto

Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.".

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 2249b. Display of State, District of Columbia, commonwealth, and territorial flags by the armed forces".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 134 of such title is amended by striking the item relating to section 2249b and inserting the following new item:

10 USC prec. 2241.

"2249b. Display of State, District of Columbia, commonwealth, and territorial flags by the armed forces.".

SEC. 589. ENHANCEMENT OF AUTHORITIES ON ADMISSION OF DEFENSE INDUSTRY CIVILIANS TO CERTAIN DEPARTMENT OF DEFENSE EDUCATIONAL INSTITUTIONS AND PROGRAMS.

(a) NAVY DEFENSE PRODUCT DEVELOPMENT PROGRAM.—Section 7049(a) of title 10, United States Code, is amended—

(1) in the second sentence, by inserting "or professional continuing education certificate" after "master's degree"; and

(2) in the last sentence, by inserting before the period at the end the following: "or an appropriate professional continuing education certificate, as applicable".

(b) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—Section 9314a(a) of such title is amended—

(1) in paragraph (1), by inserting "or professional continuing education certificate" after "graduate degree"; and

(2) in paragraph (3), by inserting before the period at the end the following: "or an appropriate professional continuing education certificate, as applicable".

10 USC 7049 note. Determination.

(c) REQUEST FOR INCREASE IN NUMBER OF DEFENSE INDUSTRY CIVILIANS AUTHORIZED FOR ADMISSION.—If the Secretary of Defense determines that it is in the best interest of the Department of Defense to increase the maximum number of defense industry employees authorized to be enrolled in the Naval Defense Development Program or the Air Force Institute of Technology at any one time, as specified in sections 7049(a) and 9314a(a) of title 10, United States Code, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a request for such an increase, including draft legislation to effectuate the increase.

SEC. 590. EXTENSION OF AUTHORITIES TO CARRY OUT A PROGRAM OF REFERRAL AND COUNSELING SERVICES TO VETERANS AT RISK OF HOMELESSNESS WHO ARE TRANSITIONING FROM CERTAIN INSTITUTIONS.

Section 2023(d) of title 38, United States Code, is amended by striking "September 30, 2012" and inserting "September 30, 2013".

SEC. 591. INSPECTION OF MILITARY CEMETERIES UNDER THE JURISDICTION OF DEPARTMENT OF DEFENSE.

(a) DOD INSPECTOR GENERAL INSPECTION OF ARLINGTON NATIONAL CEMETERY AND UNITED STATES SOLDIERS' AND AIRMEN'S

HOME NATIONAL CEMETERY.—Section 1(d) of Public Law 111–339 (124 Stat. 3592) is amended—

(1) in paragraph (1), by striking "The Secretary" in the first sentence and inserting "Subject to paragraph (2), the Secretary"; and

Reports. Assessment.

(2) in paragraph (2), by adding at the end the following new sentence: "However, in the case of the report required to be submitted during 2013, the assessment described in paragraph (1) shall be conducted, and the report shall be prepared and submitted, by the Inspector General of the Department of Defense instead of the Secretary of the Army.".

(b) TIME FOR SUBMISSION OF REPORT AND PLAN OF ACTION REGARDING INSPECTION OF CEMETERIES AT MILITARY INSTALLATIONS.—Section 592(d)(2) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1443) is amended—

(1) by striking "December 31, 2012" and inserting "June 29, 2013"; and

(2) by striking "April 1, 2013" and inserting "October 1, 2013".

SEC. 592. REPORT ON RESULTS OF INVESTIGATIONS AND REVIEWS CONDUCTED WITH RESPECT TO PORT MORTUARY DIVISION OF THE AIR FORCE MORTUARY AFFAIRS OPERATIONS CENTER AT DOVER AIR FORCE BASE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report of the investigations and reviews that were conducted with respect to the improper handling and preparation of the remains of deceased members of the Armed Forces and civilians at the Port Mortuary Division of the Air Force Mortuary Affairs Operations Center at Dover Air Force Base. The investigations and reviews considered shall include—

(1) the 436th Air Wing Inspector General review;

(2) the Air Force Office of Special Investigations report;

(3) the Air Force Office of Inspector General investigation;

(4) the Office of Special Counsel review;

(5) the Defense Health Board's Dover Port Mortuary Independent Review Subcommittee report; and

(6) any other reviews or investigations of operations at Dover Port Mortuary that have been conducted since January 1, 2011.

(b) ELEMENTS OF REPORT.—The report shall—

(1) summarize and evaluate the recommendations made, and the actions undertaken, as a result of the investigations and reviews, and the current status of implementation of such recommendations and actions; and

(2) provide any additional recommendations for improvement of operations at Dover Port Mortuary, including any best practices for casualty notification, family support, and mortuary affairs operations.

SEC. 593. PRESERVATION OF EDITORIAL INDEPENDENCE OF STARS AND STRIPES.

Extension. Contracts.

(a) MAINTENANCE OF GEOGRAPHIC SEPARATION.—To preserve the actual and perceived editorial and management independence of the Stars and Stripes newspaper, the Secretary of Defense shall

extend the lease for the commercial office space in the District of Columbia currently occupied by the editorial and management operations of the Stars and Stripes newspaper until such time as the Secretary provides space and information technology and other support for such operations in a Government-owned facility in the National Capital Region geographically remote from facilities of the Defense Media Activity at Fort Meade, Maryland.

(b) IMPLEMENTATION REPORT.—Not later than February 1, 2013, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the implementation of subsection (a).

SEC. 594. NATIONAL PUBLIC AWARENESS AND PARTICIPATION CAMPAIGN FOR VETERANS' HISTORY PROJECT OF AMERICAN FOLKLIFE CENTER.

20 USC 2142 note.

(a) IN GENERAL.—The Director of the American Folklife Center at the Library of Congress shall carry out a national public awareness and participation campaign for the program required by section 3(a) of the Veterans' Oral History Project Act (20 U.S.C. 2142(a)). Such campaign shall provide for the following:

(1) Encouraging the people of the United States, veterans organizations, community groups, and national organizations to participate in such program.

(2) Ensuring greater awareness and participation throughout the United States in such program.

(3) Providing meaningful opportunities for learning about the experiences of veterans.

(4) Complementing the efforts supporting the readjustment and successful reintegration of veterans into civilian life after service in the Armed Forces.

(b) COORDINATION AND COOPERATION.—To the degree practicable, the Director shall, in carrying out the campaign required by subsection (a), coordinate and cooperate with veterans service organizations.

(c) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term "veterans service organization" means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

SEC. 595. REPORT ON ACCURACY OF DATA IN THE DEFENSE ENROLLMENT ELIGIBILITY REPORTING SYSTEM.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to improve the completeness and accuracy of the data contained in the Defense Enrollment Eligibility Reporting System (DEERS) in order—

(1) to provide for the standardization of identification credentials required for eligibility, enrollment, transactions, and updates across all Department of Defense installations; and

(2) to ensure that persons issued military identification cards and receiving benefits based on DEERS data are actually eligible for such cards and benefits.

SEC. 596. SENSE OF CONGRESS THAT THE BUGLE CALL COMMONLY KNOWN AS TAPS SHOULD BE DESIGNATED AS THE NATIONAL SONG OF MILITARY REMEMBRANCE.

It is the sense of Congress that the bugle call commonly known as "Taps" should be designated as the National Song of Military Remembrance.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

Sec. 601. Fiscal year 2013 increase in military basic pay.
Sec. 602. Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.
Sec. 603. Basic allowance for housing for two-member couples when one member is on sea duty.
Sec. 604. Rates of basic allowance for housing for members performing active Guard and Reserve duty.
Sec. 605. Payment of benefit for nonparticipation of eligible members in Post-Deployment/Mobilization Respite Absence program due to Government error.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.
Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.
Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.
Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.
Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.
Sec. 616. Increase in maximum amount of officer affiliation bonus for officers in the Selected Reserve.
Sec. 617. Increase in maximum amount of incentive bonus for reserve component members who convert military occupational specialty to ease personnel shortages.

Subtitle C—Travel and Transportation Allowances

Sec. 621. Permanent change of station allowances for members of Selected Reserve units filling a vacancy in another unit after being involuntarily separated.
Sec. 622. Authority for comprehensive program for space-available travel on Department of Defense aircraft.

Subtitle D—Benefits and Services for Members Being Separated or Recently Separated

Sec. 631. Extension of authority to provide two years of commissary and exchange benefits after separation.
Sec. 632. Transitional use of military family housing.

Subtitle E—Disability, Retired Pay, and Survivor Benefits

Sec. 641. Repeal of requirement for payment of Survivor Benefit Plan premiums when participant waives retired pay to provide a survivor annuity under Federal Employees Retirement System and terminating payment of the Survivor Benefit Plan annuity.
Sec. 642. Repeal of automatic enrollment in Family Servicemembers' Group Life Insurance for members of the Armed Forces married to other members.
Sec. 643. Clarification of computation of combat-related special compensation for chapter 61 disability retirees.

Subtitle F—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Sec. 651. Repeal of certain recordkeeping and reporting requirements applicable to commissary and exchange stores overseas.

Sec. 652. Treatment of Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, as a Fisher House.

Subtitle G—Military Lending

Sec. 661. Additional enhancements of protections on consumer credit for members of the Armed Forces and their dependents.
Sec. 662. Effect of violations of protections on consumer credit extended to members of the Armed Forces and their dependents.
Sec. 663. Consistent definition of dependent for purposes of applying limitations on terms of consumer credit extended to certain members of the Armed Forces and their dependents.

Subtitle H—Military Compensation and Retirement Modernization Commission

Sec. 671. Purpose, scope, and definitions.
Sec. 672. Military Compensation and Retirement Modernization Commission.
Sec. 673. Commission hearings and meetings.
Sec. 674. Principles and procedure for Commission recommendations.
Sec. 675. Consideration of Commission recommendations by the President.
Sec. 676. Executive Director.
Sec. 677. Staff.
Sec. 678. Judicial review precluded.
Sec. 679. Termination.
Sec. 680. Funding.

Subtitle I—Other Matters

Sec. 681. Equal treatment for members of Coast Guard Reserve called to active duty under title 14, United States Code.
Sec. 682. Report regarding Department of Veterans Affairs claims process transformation plan.

Subtitle A—Pay and Allowances

SEC. 601. FISCAL YEAR 2013 INCREASE IN MILITARY BASIC PAY.

37 USC 1009 note.

(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2013 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.

Effective date.

(b) INCREASE IN BASIC PAY.—Effective on January 1, 2013, the rates of monthly basic pay for members of the uniformed services are increased by 1.7 percent.

SEC. 602. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking "December 31, 2012" and inserting "December 31, 2013".

SEC. 603. BASIC ALLOWANCE FOR HOUSING FOR TWO-MEMBER COUPLES WHEN ONE MEMBER IS ON SEA DUTY.

(a) IN GENERAL.—Subparagraph (C) of section 403(f)(2) of title 37, United States Code, is amended to read as follows:

"(C) Notwithstanding section 421 of this title, a member of a uniformed service in a pay grade below pay grade E–6 who is assigned to sea duty and is married to another member of a uniformed service is entitled to a basic allowance for housing subject to the limitations of subsection (e).".

37 USC 403 note.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2013.

SEC. 604. RATES OF BASIC ALLOWANCE FOR HOUSING FOR MEMBERS PERFORMING ACTIVE GUARD AND RESERVE DUTY.

(a) TREATMENT OF ACTIVE GUARD AND RESERVE DUTY.—Section 403(g) of title 37, United States Code, is amended by adding at the end the following new paragraph:

Applicability.

"(6)(A) This paragraph applies with respect to a member of a reserve component who performs active Guard and Reserve duty (as defined in section 101(d)(6) of title 10).

"(B) The rate of basic allowance for housing to be paid to a member described in subparagraph (A) shall be based on the member's permanent duty station, even during instances in which the member is mobilized for service on active duty other than active Guard and Reserve duty.

"(C)(i) During transitions in service status from active Guard and Reserve duty to other active duty and back to active Guard and Reserve duty, or following the start of new periods of service resulting from a change in orders, a member described in subparagraph (A) shall be considered as retaining uninterrupted eligibility to receive a basic allowance for housing in an area as provided for under subsections (b)(6) and (c)(2) so long as the member remains on active duty without a break in service.

"(ii) Clause (i) does not apply if the member's permanent duty station changes as a result of orders directing a permanent change in station with the authority for the movement of household goods.

"(iii) For purposes of clause (i), a break in active service occurs when one or more calendar days between active service periods do not qualify as active service.

Applicability.

"(D) Subsections (d)(3) and (o) also apply to a member described in subparagraph (A).".

37 USC 403 note.

(b) TRANSITIONAL PROVISIONS.—

(1) IN GENERAL.—The basic allowance for housing paid to a member of a reserve component described in subparagraph (A) of paragraph (6) of section 403(g) of title 37, United States Code, as added by subsection (a), who on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013 is being paid basic allowance for housing at a rate that is based on a housing area other than the member's permanent duty station, shall be paid at that current rate until the member is assigned to perform duty at the member's permanent duty station, at which time the member shall be paid basic allowance for housing at the prevailing permanent duty station housing area rate or at the permanent duty station housing rate for which the member has qualified under such paragraph (6).

(2) ALTERNATIVE RATE.—The Secretary of a military department, with the approval of the Secretary of Defense, may pay a member covered by paragraph (1) and under the jurisdiction of that Secretary a basic allowance for housing at a rate higher than the rate provided under such paragraph to ensure that the member is treated fairly and equitably or to serve the best interests of the United States.

SEC. 605. PAYMENT OF BENEFIT FOR NONPARTICIPATION OF ELIGIBLE MEMBERS IN POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM DUE TO GOVERNMENT ERROR.

(a) PAYMENT OF BENEFIT.—

(1) IN GENERAL.—Upon application, the Secretary concerned shall make a payment to each individual described in paragraph (2) of $200 for each day of nonparticipation of such individual in the Post-Deployment/Mobilization Respite Absence program as described in that paragraph.

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is an individual who—

(A) was eligible for participation as a member of the Armed Forces in the Post-Deployment/Mobilization Respite Absence program; but

(B) as determined by the Secretary concerned pursuant to an application for the correction of the military records of such individual pursuant to section 1552 of title 10, United States Code, or other process as determined by the Secretary, did not participate in one or more days in the program for which the individual was so eligible due to Government error.

(b) DECEASED INDIVIDUALS.—

(1) APPLICATIONS.—If an individual otherwise covered by subsection (a) is deceased, the application required by that subsection shall be made by the individual's legal representative.

(2) PAYMENT.—If an individual to whom payment would be made under subsection (a) is deceased at time of payment, payment shall be made in the manner specified in section 1552(c)(2) of title 10, United States Code, or other process as determined by the Secretary concerned.

(c) PAYMENT IN LIEU OF ADMINISTRATIVE ABSENCE.—Payment under subsection (a) with respect to a day described in that subsection shall be in lieu of any entitlement of the individual concerned to a day of administrative absence for such day.

(d) CONSTRUCTION.—

(1) CONSTRUCTION WITH OTHER PAY.—Any payment with respect to an individual under subsection (a) is in addition to any other pay provided by law.

(2) CONSTRUCTION OF AUTHORITY.—It is the sense of Congress that—

(A) the sole purpose of the authority in this section is to remedy administrative errors; and

(B) the authority in this section is not intended to establish any entitlement in connection with the Post-Deployment/Mobilization Respite Absence program.

(e) DEFINITIONS.—In this section, the terms "Post-Deployment/Mobilization Respite Absence program" and "Secretary concerned" have the meaning given such terms in section 604(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2350).

Subtitle B—Bonuses and Special and Incentive Pays

SEC. 611. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.

The following sections of title 37, United States Code, are amended by striking "December 31, 2012" and inserting "December 31, 2013":

(1) Section 308b(g), relating to Selected Reserve reenlistment bonus.

(2) Section 308c(i), relating to Selected Reserve affiliation or enlistment bonus.

(3) Section 308d(c), relating to special pay for enlisted members assigned to certain high-priority units.

(4) Section 308g(f)(2), relating to Ready Reserve enlistment bonus for persons without prior service.

(5) Section 308h(e), relating to Ready Reserve enlistment and reenlistment bonus for persons with prior service.

(6) Section 308i(f), relating to Selected Reserve enlistment and reenlistment bonus for persons with prior service.

37 USC 478a.

(7) Section 408a(e), relating to reimbursement of travel expenses for inactive-duty training outside of normal commuting distance.

(8) Section 910(g), relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service.

SEC. 612. ONE-YEAR EXTENSION OF CERTAIN BONUS AND SPECIAL PAY AUTHORITIES FOR HEALTH CARE PROFESSIONALS.

(a) TITLE 10 AUTHORITIES.—The following sections of title 10, United States Code, are amended by striking "December 31, 2012" and inserting "December 31, 2013":

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(b) TITLE 37 AUTHORITIES.—The following sections of title 37, United States Code, are amended by striking "December 31, 2012" and inserting "December 31, 2013":

(1) Section 302c–1(f), relating to accession and retention bonuses for psychologists.

(2) Section 302d(a)(1), relating to accession bonus for registered nurses.

(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.

(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.

(5) Section 302h(a)(1), relating to accession bonus for dental officers.

(6) Section 302j(a), relating to accession bonus for pharmacy officers.

(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.

(8) Section 302l(g), relating to accession bonus for dental specialist officers in critically short wartime specialties.

SEC. 613. ONE-YEAR EXTENSION OF SPECIAL PAY AND BONUS AUTHORITIES FOR NUCLEAR OFFICERS.

The following sections of title 37, United States Code, are amended by striking "December 31, 2012" and inserting "December 31, 2013":

(1) Section 312(f), relating to special pay for nuclear-qualified officers extending period of active service.

(2) Section 312b(c), relating to nuclear career accession bonus.

(3) Section 312c(d), relating to nuclear career annual incentive bonus.

SEC. 614. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.

The following sections of title 37, United States Code, are amended by striking "December 31, 2012" and inserting "December 31, 2013":

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 333(i), relating to special bonus and incentive pay authorities for nuclear officers.

(4) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(5) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

SEC. 615. ONE-YEAR EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER TITLE 37 BONUSES AND SPECIAL PAYS.

The following sections of title 37, United States Code, are amended by striking "December 31, 2012" and inserting "December 31, 2013":

(1) Section 301b(a), relating to aviation officer retention bonus.

(2) Section 307a(g), relating to assignment incentive pay.

(3) Section 308(g), relating to reenlistment bonus for active members.

(4) Section 309(e), relating to enlistment bonus.

(5) Section 324(g), relating to accession bonus for new officers in critical skills.

(6) Section 326(g), relating to incentive bonus for conversion to military occupational specialty to ease personnel shortage.

(7) Section 327(h), relating to incentive bonus for transfer between armed forces.

(8) Section 330(f), relating to accession bonus for officer candidates.

SEC. 616. INCREASE IN MAXIMUM AMOUNT OF OFFICER AFFILIATION BONUS FOR OFFICERS IN THE SELECTED RESERVE.

Section 308j(d) of title 37, United States Code, is amended by striking "$10,000" and inserting "$20,000".

SEC. 617. INCREASE IN MAXIMUM AMOUNT OF INCENTIVE BONUS FOR RESERVE COMPONENT MEMBERS WHO CONVERT MILITARY OCCUPATIONAL SPECIALTY TO EASE PERSONNEL SHORTAGES.

Section 326(c)(1) of title 37, United States Code, is amended by striking "$4,000, in the case of a member of a regular component of the armed forces, and $2,000, in the case of a member of a reserve component of the armed forces." and inserting "$4,000.".

Subtitle C—Travel and Transportation Allowances

SEC. 621. PERMANENT CHANGE OF STATION ALLOWANCES FOR MEMBERS OF SELECTED RESERVE UNITS FILLING A VACANCY IN ANOTHER UNIT AFTER BEING INVOLUNTARILY SEPARATED.

(a) TRAVEL AND TRANSPORTATION ALLOWANCES GENERALLY.—Section 474 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

Time periods.

"(6) upon filling a vacancy in a Selected Reserve unit at a duty station that is more than 150 miles from the member's residence if—

"(A) during the preceding three years the member was involuntarily separated under other than adverse conditions (as characterized by the Secretary concerned) while assigned to a unit of the Selected Reserve certified by the Secretary concerned as having been adversely affected by force structure reductions during the period beginning on October 1, 2012, and ending on December 31, 2018;

"(B) the involuntary separation occurred during the period beginning on October 1, 2012, and ending on December 31, 2018; and

"(C) the member is—

"(i) qualified in a skill designated as critically short by the Secretary concerned; or

"(ii) filling a vacancy in a Selected Reserve unit with a critical manpower shortage, or in a pay grade with a critical manpower shortage in such unit.";

(2) in subsection (f), by adding at the end the following new paragraph:

"(4)(A) A member may be provided travel and transportation allowances under subsection (a)(6) only with respect to the filling of a vacancy in a Selected Reserve unit one time.

Regulations.

"(B) Regulations under this section shall provide that whenever travel and transportation allowances are paid under subsection (a)(6), the cost shall be borne by the unit filling the vacancy."; and

(3) in subsection (j), by inserting "(except subsection (a)(6))" after "In this section".

(b) TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS AND HOUSEHOLD EFFECTS.—Section 476 of such title is amended—

(1) by redesignating subsections (l), (m), and (n) as subsections (m), (n), and (o), respectively; and

(2) by inserting after subsection (k) the following new subsection (l):

"(l)(1) A member described in paragraph (2) is entitled to the travel and transportation allowances, including allowances with respect to dependents, authorized by this section upon filling a vacancy as described in that paragraph as if the member were undergoing a permanent change of station under orders in filling such vacancy.

"(2) A member described in this paragraph is a member who is filling a vacancy in a Selected Reserve unit at a duty station that is more than 150 miles from the member's residence if— Time periods.

"(A) during the three years preceding filling the vacancy, the member was involuntarily separated under other than adverse conditions (as characterized by the Secretary concerned) while assigned to a unit of the Selected Reserve certified by the Secretary concerned as having been adversely affected by force structure reductions during the period beginning on October 1, 2012, and ending on December 31, 2018;

"(B) the involuntary separation occurred during the period beginning on October 1, 2012, and ending on December 31, 2018; and

"(C) the member is—

"(i) qualified in a skill designated as critically short by the Secretary concerned; or

"(ii) filling a vacancy in a Selected Reserve unit with a critical manpower shortage, or in a pay grade with a critical manpower shortage in such unit.

"(3) Any allowances authorized by this section that are payable under this subsection may be payable in advance if payable in advance to a member undergoing a permanent change of station under orders under the applicable provision of this section.".

SEC. 622. AUTHORITY FOR COMPREHENSIVE PROGRAM FOR SPACE-AVAILABLE TRAVEL ON DEPARTMENT OF DEFENSE AIRCRAFT.

(a) PROGRAM AUTHORIZED.—Section 2641b of title 10, United States Code, is amended to read as follows:

"§ 2641b. Space-available travel on Department of Defense aircraft: program authorized and eligible recipients

"(a) AUTHORITY TO ESTABLISH PROGRAM.—(1) The Secretary of Defense may establish a program (in this section referred to as the 'travel program') to provide transportation on Department of Defense aircraft on a space-available basis to the categories of individuals eligible under subsection (c).

"(2) If the Secretary makes a determination to establish the travel program, the Secretary shall prescribe regulations for the operation of the travel program not later than one year after the date on which the determination was made. The regulations shall take effect on that date or such earlier date as the Secretary shall specify in the regulations. Determination. Regulations.

Deadline.
Reports.

"(3) Not later than 30 days after making the determination to establish the travel program, the Secretary shall submit to the congressional defense committees an initial implementation report describing—

"(A) the basis for the determination;

"(B) any additional categories of individuals to be eligible for the travel program under subsection (c)(5);

"(C) how the Secretary will ensure that the travel program is established and operated in compliance with the conditions specified in subsection (b); and

"(D) the metrics by which the Secretary will monitor the travel program to determine the efficient and effective execution of the travel program.

"(b) CONDITIONS ON ESTABLISHMENT AND OPERATION.—(1) The Secretary of Defense shall operate the travel program in a budget-neutral manner.

"(2) No additional funds may be used, or flight hours performed, for the purpose of providing transportation under the travel program.

"(c) ELIGIBLE INDIVIDUALS.—Subject to subsection (d), the Secretary of Defense shall provide transportation under the travel program (if established) to the following categories of individuals:

"(1) Members of the armed forces on active duty.

"(2) Members of the Selected Reserve who hold a valid Uniformed Services Identification and Privilege Card.

"(3) Retired members of a regular or reserve component of the armed forces, including retired members of reserve components who, but for being under the eligibility age applicable under section 12731 of this title, would be eligible for retired pay under chapter 1223 of this title.

"(4) Such categories of dependents of individuals described in paragraphs (1) through (3) as the Secretary shall specify in the regulations under subsection (a), under such conditions and circumstances as the Secretary shall specify in such regulations.

"(5) Such other categories of individuals as the Secretary, in the discretion of the Secretary, considers appropriate.

"(d) PRIORITIES AND RESTRICTIONS.—In operating the travel program, the Secretary of Defense shall—

"(1) in the sole discretion of the Secretary, establish an order of priority for transportation under the travel program for categories of eligible individuals that is based on considerations of military necessity, humanitarian concerns, and enhancement of morale;

"(2) give priority in consideration of transportation under the travel program to the demands of members of the armed forces in the regular components and in the reserve components on active duty and to the need to provide such members, and their dependents, a means of respite from such demands; and

"(3) implement policies aimed at ensuring cost control (as required by subsection (b)) and the safety, security, and efficient processing of travelers, including limiting the benefit under the travel program to one or more categories of otherwise eligible individuals if considered necessary by the Secretary.

"(e) SPECIAL PRIORITY FOR RETIRED MEMBERS RESIDING IN COMMONWEALTHS AND POSSESSIONS OF THE UNITED STATES WHO

NEED CERTAIN HEALTH CARE SERVICES.—(1) Notwithstanding subsection (d)(1), in establishing space-available transportation priorities under the travel program, the Secretary of Defense shall provide transportation for an individual described in paragraph (2), and a single dependent of the individual if needed to accompany the individual, at a priority level in the same category as the priority level for an unaccompanied dependent over the age of 18 traveling on environmental and morale leave.

"(2) Subject to paragraph (3), paragraph (1) applies with respect to an individual described in subsection (c)(3) who— Applicability.

"(A) resides in or is located in a Commonwealth or possession of the United States; and

"(B) is referred by a military or civilian primary care provider located in that Commonwealth or possession to a specialty care provider for services to be provided outside of that Commonwealth or possession.

"(3) If an individual described in subsection (c)(3) is a retired member of a reserve component who is ineligible for retired pay under chapter 1223 of this title by reason of being under the eligibility age applicable under section 12731 of this title, paragraph (1) applies to the individual only if the individual is also enrolled in the TRICARE program for certain members of the Retired Reserve authorized under section 1076e of this title.

"(4) The priority for space-available transportation required by this subsection applies with respect to both— Applicability.

"(A) the travel from the Commonwealth or possession of the United States to receive the specialty care services; and

"(B) the return travel.

"(5) The requirement to provide transportation on Department of Defense aircraft on a space-available basis on the priority basis described in paragraph (1) to individuals covered by this subsection applies whether or not the travel program is established under this section. Applicability.

"(6) In this subsection, the terms 'primary care provider' and 'specialty care provider' refer to a medical or dental professional who provides health care services under chapter 55 of this title. Definitions.

"(f) CONSTRUCTION.—The authority to provide transportation under the travel program is in addition to any other authority under law to provide transportation on Department of Defense aircraft on a space-available basis.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 157 of such title is amended by striking the item relating to section 2641b and inserting the following new item: 10 USC prec. 2631.

"2641b. Space-available travel on Department of Defense aircraft: program authorized and eligible recipients.".

Subtitle D—Benefits and Services for Members Being Separated or Recently Separated

SEC. 631. EXTENSION OF AUTHORITY TO PROVIDE TWO YEARS OF COMMISSARY AND EXCHANGE BENEFITS AFTER SEPARATION.

(a) EXTENSION OF AUTHORITY.—Section 1146 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "2012" and inserting "2018"; and

(2) in subsection (b), by striking "2012" and inserting "2018".

(b) CORRECTION OF REFERENCE TO ADMINISTERING SECRETARY.—Such section is further amended—

(1) in subsection (a), by striking "The Secretary of Transportation" and inserting "The Secretary concerned"; and

(2) in subsection (b), by striking "The Secretary of Homeland Security" and inserting "The Secretary concerned".

SEC. 632. TRANSITIONAL USE OF MILITARY FAMILY HOUSING.

(a) RESUMPTION OF AUTHORITY TO AUTHORIZE TRANSITIONAL USE.—Subsection (a) of section 1147 of title 10, United States Code, is amended—

(1) in paragraph (1), by striking "October 1, 1990, and ending on December 31, 2001" and inserting "October 1, 2012, and ending on December 31, 2018"; and

(2) in paragraph (2), by striking "October 1, 1994, and ending on December 31, 2001" and inserting "October 1, 2012, and ending on December 31, 2018".

(b) PROHIBITION ON PROVISION OF TRANSITIONAL BASIC ALLOWANCE FOR HOUSING.—Such section is further amended by adding at the end the following new subsection:

"(c) NO TRANSITIONAL BASIC ALLOWANCE FOR HOUSING.—Nothing in this section shall be construed to authorize the Secretary concerned to continue to provide for any period of time to an individual who is involuntarily separated all or any portion of a basic allowance for housing to which the individual was entitled under section 403 of title 37 immediately before being involuntarily separated, even in cases in which the individual or members of the individual's household continue to reside after the separation in a housing unit acquired or constructed under the alternative authority of subchapter IV of chapter 169 of this title that is not owned or leased by the United States.".

(c) CORRECTION OF REFERENCE TO ADMINISTERING SECRETARY.—Subsection (a)(2) of such section is further amended by striking "The Secretary of Transportation" and inserting "The Secretary concerned".

Subtitle E—Disability, Retired Pay, and Survivor Benefits

SEC. 641. REPEAL OF REQUIREMENT FOR PAYMENT OF SURVIVOR BENEFIT PLAN PREMIUMS WHEN PARTICIPANT WAIVES RETIRED PAY TO PROVIDE A SURVIVOR ANNUITY UNDER FEDERAL EMPLOYEES RETIREMENT SYSTEM AND TERMINATING PAYMENT OF THE SURVIVOR BENEFIT PLAN ANNUITY.

(a) DEPOSITS NOT REQUIRED.—Section 1452(e) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting "AND FERS" after "CSRS";

(2) by inserting "or chapter 84 of such title" after "chapter 83 of title 5";

(3) by inserting "or 8416(a)" after "8339(j)"; and

(4) by inserting "or 8442(a)" after "8341(b)".

(b) CONFORMING AMENDMENTS.—Section 1450(d) of such title is amended—

(1) by inserting "or chapter 84 of such title" after "chapter 83 of title 5";

(2) by inserting "or 8416(a)" after "8339(j)"; and

(3) by inserting "or 8442(a)" after "8341(b)".

(c) APPLICATION OF AMENDMENTS.—The amendments made by this section shall apply with respect to any participant electing an annuity for survivors under chapter 84 of title 5, United States Code, on or after the date of the enactment of this Act.

10 USC 1450 note.

SEC. 642. REPEAL OF AUTOMATIC ENROLLMENT IN FAMILY SERVICEMEMBERS' GROUP LIFE INSURANCE FOR MEMBERS OF THE ARMED FORCES MARRIED TO OTHER MEMBERS.

Section 1967(a)(1) of title 38, United States Code, is amended—

(1) in subparagraph (A)(ii), by inserting after "insurable dependent of the member" the following: "(other than a dependent who is also a member of a uniformed service and, because of such membership, is automatically insured under this paragraph)"; and

(2) in subparagraph (C)(ii), by inserting after "insurable dependent of the member" the following: "(other than a dependent who is also a member of a uniformed service and, because of such membership, is automatically insured under this paragraph)".

SEC. 643. CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.

(a) IN GENERAL.—Section 1413a(b)(3) of title 10, United States Code, is amended by striking "shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds" both places it appears and inserting "may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as of January 1, 2013, and shall apply to payments for months beginning on or after that date.

Applicability. 10 USC 1413a note.

Subtitle F—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 651. REPEAL OF CERTAIN RECORDKEEPING AND REPORTING REQUIREMENTS APPLICABLE TO COMMISSARY AND EXCHANGE STORES OVERSEAS.

(a) REPEAL.—Section 2489 of title 10, United States Code, is amended by striking subsections (b) and (c).

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking "GENERAL AUTHORITY.—(1)" and inserting "AUTHORITY TO ESTABLISH RESTRICTIONS.—";

(2) by striking "(2)" and inserting "(b) LIMITATIONS ON USE OF AUTHORITY.—"; and

(3) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively.

SEC. 652. TREATMENT OF FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION AT DOVER AIR FORCE BASE, DELAWARE, AS A FISHER HOUSE.

(a) FISHER HOUSES AND AUTHORIZED FISHER HOUSE RESIDENTS.—Subsection (a) of section 2493 of title 10, United States Code, is amended—

(1) in paragraph (1)(B), by striking "by patients" and all that follows through "such patients;" and inserting "by authorized Fisher House residents;";

(2) by redesignating paragraph (2) as paragraph (3);

(3) by inserting after paragraph (1) the following new paragraph:

Definition.

"(2) The term 'Fisher House' includes the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, so long as such facility is available for residential use on a temporary basis by authorized Fisher House residents."; and

(4) by adding at the end the following new paragraph:

Definition.

"(4) The term 'authorized Fisher House residents' means the following:

"(A) With respect to a Fisher House described in paragraph (1) that is located in proximity to a health care facility of the Army, the Air Force, or the Navy, the following persons:

"(i) Patients of that health care facility.

"(ii) Members of the families of such patients.

"(iii) Other persons providing the equivalent of familial support for such patients.

"(B) With respect to the Fisher House described in paragraph (2), the following persons:

"(i) The primary next of kin of a member of the armed forces who dies while located or serving overseas.

"(ii) Other family members of the deceased member who are eligible for transportation under section 481f(e) of title 37.

"(iii) An escort of a family member described in clause (i) or (ii).".

(b) CONFORMING AMENDMENTS.—Subsections (b), (e), and (f) of such section are amended by striking "health care" each place it appears.

(c) REPEAL OF FISCAL YEAR 2012 FREESTANDING DESIGNATION.—Section 643 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1466) is repealed.

Subtitle G—Military Lending

SEC. 661. ADDITIONAL ENHANCEMENTS OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) PROTECTIONS AGAINST DIFFERENTIAL TREATMENT ON CONSUMER CREDIT UNDER STATE LAW.—Subsection (d)(2) of section 987 of title 10, United States Code, is amended—

(1) in subparagraph (A), by inserting "any consumer credit or" before "loans"; and

(2) in subparagraph (B), by inserting "covering consumer credit" after "State consumer lending protections".

(b) REGULAR CONSULTATIONS ON PROTECTION.—Subsection (h)(3) of such section is amended—

(1) in the matter preceding subparagraph (A), by inserting "and not less often than once every two years thereafter," after "under this subsection,"; and

(2) by striking subparagraph (E) and inserting the following new subparagraph:

"(E) The Bureau of Consumer Financial Protection.".

(c) EFFECTIVE DATE.— 10 USC 987 note.

(1) MODIFICATION OF REGULATIONS.—The Secretary of Defense shall modify the regulations prescribed under subsection (h) of section 987 of title 10, United States Code, to take into account the amendments made by subsection (a).

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on—

(A) the date that is one year after the date of the enactment of this Act; or

(B) such earlier date as the Secretary shall specify in the modification of regulations required by paragraph (1).

(3) PUBLICATION OF EARLIER DATE.—If the Secretary specifies an earlier effective date for the amendments made by subsection (a) pursuant to paragraph (2)(B), the Secretary shall publish notice of such earlier effective date in the Federal Register not later than 90 days before such earlier effective date. Federal Register, publication. Deadline.

SEC. 662. EFFECT OF VIOLATIONS OF PROTECTIONS ON CONSUMER CREDIT EXTENDED TO MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) CIVIL LIABILITY.—Section 987(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(5) CIVIL LIABILITY.—

"(A) IN GENERAL.—A person who violates this section with respect to any person is civilly liable to such person for—

"(i) any actual damage sustained as a result, but not less than $500 for each violation;

"(ii) appropriate punitive damages;

"(iii) appropriate equitable or declaratory relief; and

"(iv) any other relief provided by law.

"(B) COSTS OF THE ACTION.—In any successful action to enforce the civil liability described in subparagraph (A),

the person who violated this section is also liable for the costs of the action, together with reasonable attorney fees as determined by the court.

"(C) EFFECT OF FINDING OF BAD FAITH AND HARASSMENT.—In any successful action by a defendant under this section, if the court finds the action was brought in bad faith and for the purpose of harassment, the plaintiff is liable for the attorney fees of the defendant as determined by the court to be reasonable in relation to the work expended and costs incurred.

"(D) DEFENSES.—A person may not be held liable for civil liability under this paragraph if the person shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error. Examples of a bona fide error include clerical, calculation, computer malfunction and programming, and printing errors, except that an error of legal judgment with respect to a person's obligations under this section is not a bona fide error.

Deadline.

"(E) JURISDICTION, VENUE, AND STATUTE OF LIMITATIONS.—An action for civil liability under this paragraph may be brought in any appropriate United States district court, without regard to the amount in controversy, or in any other court of competent jurisdiction, not later than the earlier of—

"(i) two years after the date of discovery by the plaintiff of the violation that is the basis for such liability; or

"(ii) five years after the date on which the violation that is the basis for such liability occurs.".

(b) ENFORCEMENT AUTHORITY.—Such section is further amended by inserting after paragraph (5), as added by subsection (a), the following new paragraph:

"(6) ADMINISTRATIVE ENFORCEMENT.—The provisions of this section (other than paragraph (1) of this subsection) shall be enforced by the agencies specified in section 108 of the Truth in Lending Act (15 U.S.C. 1607) in the manner set forth in that section or under any other applicable authorities available to such agencies by law.".

10 USC 987 note.

(c) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall apply with respect to consumer credit extended on or after the date of the enactment of this Act.

SEC. 663. CONSISTENT DEFINITION OF DEPENDENT FOR PURPOSES OF APPLYING LIMITATIONS ON TERMS OF CONSUMER CREDIT EXTENDED TO CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

Paragraph (2) of section 987(i) of title 10, United States Code, is amended to read as follows:

"(2) DEPENDENT.—The term 'dependent', with respect to a covered member, means a person described in subparagraph (A), (D), (E), or (I) of section 1072(2) of this title.".

Subtitle H—Military Compensation and Retirement Modernization Commission

SEC. 671. PURPOSE, SCOPE, AND DEFINITIONS.

(a) PURPOSE.—The purpose of this subtitle is to establish the Military Compensation and Retirement Modernization Commission to conduct a review of the military compensation and retirement systems and to make recommendations to modernize such systems in order to— Establishment.

(1) ensure the long-term viability of the All-Volunteer Force by sustaining the required human resources of that force during all levels of conflict and economic conditions;

(2) enable the quality of life for members of the Armed Forces and the other uniformed services and their families in a manner that fosters successful recruitment, retention, and careers for members of the Armed Forces and the other uniformed services; and

(3) modernize and achieve fiscal sustainability for the compensation and retirement systems for the Armed Forces and the other uniformed services for the 21st century.

(b) SCOPE OF REVIEW.—

(1) REQUIRED ELEMENTS OF REVIEW.—In order to provide the fullest understanding of the matters required to balance the primary purpose of the review specified in subsection (a), the Commission shall make its recommendations for changes to the military compensation and retirement systems only after— Recommendations.

(A) examining all laws, policies, and practices of the Federal Government that result in any direct payment of authorized or appropriated funds to—

(i) current and former members (veteran and retired) of the uniformed services, including the reserve components of those services; and

(ii) the spouses, family members, children, survivors, and other persons authorized to receive such payments as a result of their connection to the members of the uniformed services named in clause (i);

(B) examining all laws, policies, and practices of the Federal Government that result in any expenditure of authorized or appropriated funds to support the persons named in subparagraph (A) and their quality of life, including—

(i) health, disability, survivor, education, and dependent support programs of the Department of Defense and the Department of Veterans Affairs, including outlays from the various Federal trust funds supporting those programs;

(ii) Department of Education impact aid;

(iii) support or funding provided to States, territories, colleges and universities;

(iv) Department of Defense morale, recreation, and welfare programs, the resale programs (military exchanges and commissaries), and dependent school system;

(v) the tax treatment of military compensation and benefits; and

(vi) military family housing; and

(C) such other matters as the Commission considers appropriate.

(2) PRIORITIES.—In weighing its recommendations on those matters necessary to sustain the human resources of the All-Volunteer Force, the Commission shall—

(A) pay particular attention to the interrelationships and interplay of impact between and among the various programs of the Federal Government, especially as those programs influence decisions of persons about joining the uniformed services and of members of the uniformed services about remaining in the those services; and

(B) closely weigh its recommendations regarding the web of interrelated programs supporting spouses and families of members of the uniformed services, so that changes in such programs do not adversely impact decisions to remain in the uniformed services.

(3) EXCEPTION.—The Commission shall not examine any program that uses appropriated funding for initial entry training or unit training of members of the uniformed services.

(c) DEFINITIONS.—In this subtitle:

(1) The term "Armed Forces" has the meaning given the term "armed forces" in section 101(a)(4) of title 10, United States Code.

(2) The term "Commission" means the Military Compensation and Retirement Modernization Commission established by section 672.

(3) The term "Commission establishment date" means the first day of the first month beginning on or after the date of the enactment of this Act.

(4) The term "military compensation and retirement systems" means the military compensation system and the military retirement system.

(5) The term "military compensation system" means provisions of law providing eligibility for and the computation of military compensation, including regular military compensation, special and incentive pays and allowances, medical and dental care, educational assistance and related benefits, and commissary and exchange benefits and related benefits and activities.

(6) The term "military retirement system" means retirement benefits, including retired pay based upon service in the uniformed services and survivor annuities based upon such service.

(7) The term "Secretary" means the Secretary of Defense.

(8) The term "uniformed services" has the meaning given that term in section 101(a)(5) of title 10, United States Code.

(9) The terms "veterans service organization" and "military-related advocacy group or association" mean an organization whose primary purpose is to advocate for veterans, military personnel, military retirees, or military families.

SEC. 672. MILITARY COMPENSATION AND RETIREMENT MODERNIZATION COMMISSION.

(a) ESTABLISHMENT.—There is established in the executive branch an independent commission to be known as the Military Compensation and Retirement Modernization Commission. The

Commission shall be considered an independent establishment of the Federal Government as defined by section 104 of title 5, United States Code, and a temporary organization under section 3161 of such title.

(b) MEMBERSHIP.—

(1) NUMBER AND APPOINTMENT.—The Commission shall be composed of nine members appointed as follows:

(A) The President shall appoint one member. President.

(B) The Majority Leader of the Senate, in consultation with the Chairman of the Committee on Armed Services of the Senate, shall appoint two members.

(C) The Minority Leader of the Senate, in consultation with the Ranking Member of the Committee on Armed Services of the Senate, shall appoint two members.

(D) The Speaker of the House of Representatives, in consultation with the Chairman of the Committee on Armed Services of the House of Representatives, shall appoint two members.

(E) The Minority Leader of the House of Representatives, in consultation with the Ranking Member of the Committee on Armed Services of the House of Representatives, shall appoint two members.

(2) DEADLINE FOR APPOINTMENT.—Members shall be appointed to the Commission under paragraph (1) not later than four months after the Commission establishment date.

(3) QUALIFICATIONS OF INDIVIDUALS APPOINTED.—In appointing members of the Commission, the President and Members of Congress specified in paragraph (1) shall ensure that, collectively, there are members with significant expertise regarding the matters described in section 671. The types of specific expertise and experience to be considered include the following: President. Congress.

(A) Federal civilian employee compensation and retirement.

(B) Military compensation and retirement.

(C) Private sector compensation, retirement, or human resource systems.

(D) Active duty service in a regular component of the uniformed services.

(E) Service in a reserve component.

(F) Experience as a spouse of a member of the uniformed services.

(G) Service as an enlisted member of the uniformed services.

(H) Military family policy development and implementation.

(I) Department of Veterans Affairs benefit programs.

(J) Actuarial science.

(4) LIMITATION.—An individual who, within the preceding year, has been employed by a veterans service organization or military-related advocacy group or association may not be appointed to the Commission.

(c) CHAIR.—The President shall designate one of the members of the Commission to be Chair of the Commission. The individual designated as Chair of the Commission shall be a person who has expertise in the military compensation and retirement systems. The Chair, or the designee of the Chair, shall preside over meetings President.

of the Commission and be responsible for establishing the agenda of Commission meetings and hearings.

(d) TERMS.—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner as the original appointment was made.

(e) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the Commission shall be deemed to be Federal employees.

(f) PAY FOR MEMBERS OF THE COMMISSION.—

(1) IN GENERAL.—Each member, other than the Chair, of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(2) CHAIR.—The Chair of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

Deadlines.

SEC. 673. COMMISSION HEARINGS AND MEETINGS.

Public information. Web posting.

(a) IN GENERAL.—The Commission shall conduct hearings on the recommendations it is taking under consideration. Any such hearing, except a hearing in which classified information is to be considered, shall be open to the public. Any hearing open to the public shall be announced on a Federal website at least 14 days in advance. For all hearings open to the public, the Commission shall release an agenda and a listing of materials relevant to the topics to be discussed.

Lists.

(b) MEETINGS.—

(1) INITIAL MEETING.—The Commission shall hold its initial meeting not later than 30 days after the date as of which all members have been appointed.

(2) SUBSEQUENT MEETINGS.—After its initial meeting, the Commission shall meet upon the call of the Chair or a majority of its members.

(3) PUBLIC MEETINGS.—Each meeting of the Commission shall be held in public unless any member objects.

(c) QUORUM.—Five members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(d) PUBLIC COMMENTS.—

(1) SOLICITATION.—The Commission shall seek written comments from the general public and interested parties on measures to modernize the military compensation and retirement systems. Comments shall be requested through a solicitation in the Federal Register and announcement on the Internet website of the Commission.

Federal Register, publication. Web posting.

(2) PERIOD FOR SUBMITTAL.—The period for the submittal of comments pursuant to the solicitation under paragraph (1) shall end not earlier than 30 days after the date of the solicitation and shall end on or before the date on which the Secretary

transmits the recommendations of the Secretary to the Commission under section 674(b).

(3) USE BY COMMISSION.—The Commission shall consider the comments submitted under this subsection when developing its recommendations.

(e) SPACE FOR USE OF COMMISSION.—Not later than 90 days after the date of the enactment of this Act, the Administrator of General Services, in consultation with the Secretary, shall identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission. If the Administrator is not able to make such suitable excess space available within such 90-day period, the Commission may lease space to the extent the funds are available.

(f) CONTRACTING AUTHORITY.—The Commission may acquire administrative supplies and equipment for Commission use to the extent funds are available.

SEC. 674. PRINCIPLES AND PROCEDURE FOR COMMISSION RECOMMENDATIONS.

(a) CONTEXT OF COMMISSION REVIEW.—The Commission shall conduct a review of the matters described in section 671, including current military compensation and retirement systems, force management objectives, and changes in life expectancy and the labor force.

(b) DEVELOPMENT OF COMMISSION RECOMMENDATIONS.—

(1) CONSISTENCY WITH PRESIDENTIAL PRINCIPLES.—Subject to paragraph (2), the Commission shall develop recommendations that are consistent with the principles established by the President under subsection (c) and section 671.

(2) GRANDFATHERING OF RETIRED PAY.—

(A) CONDITIONS.—In developing its recommendations, the Commission shall comply with the following conditions with regard to the treatment of retired pay for members and retired members of the uniformed services who joined a uniformed service before the date of the enactment of an Act to modernize the military compensation and retirement systems: Compliance.

(i) For members of the uniformed services as of such date, who became members before the enactment of such an Act, the monthly amount of their retired pay may not be less than they would have received under the current military compensation and retirement system, nor may the date at which they are eligible to receive their military retired pay be adjusted to the financial detriment of the member.

(ii) For members of the uniformed services retired as of such date, the eligibility for and receipt of their retired pay may not be adjusted pursuant to any change made by the enactment of such an Act.

(B) VOLUNTARY ELECTION EXCEPTION.—Nothing in subparagraph (A) prevents a member described in such subparagraph from voluntarily electing to be covered under the provisions of an Act to modernize the military compensation and retirement systems.

(c) PRESIDENTIAL PRINCIPLES.—Not later than five months after the Commission establishment date, the President shall establish Deadline.

and transmit to the Commission and Congress principles for modernizing the military compensation and retirement systems. The principles established by the President shall address the following:

(1) Maintaining recruitment and retention of the best military personnel.

(2) Modernizing the regular and reserve military compensation and retirement systems.

(3) Differentiating between regular and reserve military service.

(4) Differentiating between service in the Armed Forces and service in the other uniformed services.

(5) Assisting with force management.

(6) Ensuring the fiscal sustainability of the military compensation and retirement systems.

(7) Compliance with the purpose and scope of the review prescribed in section 671.

(d) SECRETARY OF DEFENSE RECOMMENDATIONS.—

(1) DEADLINE.—Not later than nine months after the Commission establishment date, the Secretary shall transmit to the Commission the recommendations of the Secretary for modernization of the military compensation and retirement systems. The Secretary shall concurrently transmit the recommendations to Congress.

(2) DEVELOPMENT OF RECOMMENDATIONS.—The Secretary shall develop the recommendations of the Secretary under paragraph (1)—

(A) on the basis of the principles established by the President pursuant to subsection (c);

(B) in consultation with the Secretary of Homeland Security, with respect to recommendations concerning members of the Coast Guard;

(C) in consultation with the Secretary of Health and Human Services, with respect to recommendations concerning members of the Public Health Service;

(D) in consultation with the Secretary of Commerce, with respect to recommendations concerning members of the National Oceanic and Atmospheric Administration; and

(E) in consultation with the Director of the Office of Management and Budget.

(3) JUSTIFICATION.—The Secretary shall include with the recommendations under paragraph (1) the justification of the Secretary for each recommendation.

(4) AVAILABILITY OF INFORMATION.—The Secretary shall make available to the Commission and to Congress the information used by the Secretary to prepare the recommendations of the Secretary under paragraph (1).

Public information.

(e) COMMISSION HEARINGS ON RECOMMENDATIONS OF SECRETARY.—After receiving from the Secretary the recommendations of the Secretary for modernization of the military compensation and retirement systems under subsection (d), the Commission shall conduct public hearings on the recommendations.

(f) COMMISSION REPORT AND RECOMMENDATIONS.—

(1) REPORT.—Not later than 15 months after the Commission establishment date, the Commission shall transmit to the President a report containing the findings and conclusions of the Commission, together with the recommendations of the Commission for the modernization of the military compensation

and retirement systems. The Commission shall include in the report legislative language to implement the recommendations of the Commission. The findings and conclusions in the report shall be based on the review and analysis by the Commission of the recommendations made by the Secretary under subsection (d).

(2) REQUIREMENT FOR APPROVAL.—The recommendations of the Commission must be approved by at least five members of the Commission before the recommendations may be transmitted to the President under paragraph (1).

(3) PROCEDURES FOR CHANGING RECOMMENDATIONS OF SECRETARY.—The Commission may make a change described in paragraph (4) in the recommendations made by the Secretary only if the Commission—

Determination.

(A) determines that the change is consistent with the principles established by the President under subsection (c);

Notice. Deadline.

(B) publishes a notice of the proposed change not less than 45 days before transmitting its recommendations to the President pursuant to paragraph (1); and

Public information.

(C) conducts a public hearing on the proposed change.

Applicability.

(4) COVERED CHANGES.—Paragraph (3) applies to a change by the Commission in the recommendations of the Secretary that would—

(A) add a new recommendation;

(B) delete a recommendation; or

(C) substantially change a recommendation.

(5) EXPLANATION AND JUSTIFICATION FOR CHANGES.—The Commission shall explain and justify in its report submitted to the President under paragraph (1) any recommendation made by the Commission that is different from the recommendations made by the Secretary under subsection (d).

Records.

(6) TRANSMITTAL TO CONGRESS.—The Commission shall transmit a copy of its report to Congress on the same date on which it transmits its report to the President under paragraph (1).

SEC. 675. CONSIDERATION OF COMMISSION RECOMMENDATIONS BY THE PRESIDENT.

(a) REPORT OF PRESIDENTIAL APPROVAL OR DISAPPROVAL.—Not later than 60 days after the date on which the Commission transmits its report to the President under section 674, the President shall transmit to the Commission and to Congress a report containing the approval or disapproval by the President of the recommendations of the Commission in the report.

(b) PRESIDENTIAL APPROVAL.—If in the report under subsection (a) the President approves all the recommendations of the Commission, the President shall include with the report the following:

Records.

(1) A copy of the recommendations of the Commission.

Certification.

(2) The certification by the President of the approval of the President of each recommendation.

(3) The legislative language transmitted by the Commission to the President as part of the report of the Commission.

(c) PRESIDENTIAL DISAPPROVAL.—

(1) REASONS FOR DISAPPROVAL.—If in the report under subsection (a) the President disapproves the recommendations of

the Commission, in whole or in part, the President shall include in the report the reasons for that disapproval.

Deadline.

(2) REVISED RECOMMENDATIONS FROM COMMISSION.—Not later than one month after the date of the report of the President under subsection (a) disapproving the recommendations of the Commission, the Commission shall transmit to the President revised recommendations for the modernization of the military compensation and retirement systems, together with revised legislative language to implement the revised recommendations of the Commission.

Deadline.

(3) ACTION ON REVISED RECOMMENDATIONS.—If the President approves all of the revised recommendations of the Commission transmitted pursuant to paragraph (2), the President shall transmit to Congress, not later than one month after receiving the revised recommendations, the following:

Records.
Certification.

(A) A copy of the revised recommendations.

(B) The certification by the President of the approval of the President of each recommendation as so revised.

(C) The revised legislative language transmitted to the President.

(d) TERMINATION OF COMMISSION.—If the President does not transmit to Congress an approval and certification described in subsection (b) or (c)(3) in accordance with the applicable deadline under such subsection, the Commission shall be terminated not later than one month after the expiration of the period for transmittal of a report under subsection (c)(3).

SEC. 676. EXECUTIVE DIRECTOR.

(a) APPOINTMENT.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161 of title 5, United States Code.

(b) LIMITATIONS.—The Executive Director may not have served on active duty in the Armed Forces or as a civilian employee of the Department of Defense during the one-year period preceding the date of such appointment and may not have been employed by a veterans service organization or a military-related advocacy group or association during that one-year period.

SEC. 677. STAFF.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161 of title 5, United States Code.

(b) LIMITATIONS ON STAFF.—

(1) NUMBER OF DETAILEES FROM EXECUTIVE DEPARTMENT.—Not more than one-third of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense and other executive branch departments.

(2) PRIOR DUTIES WITHIN EXECUTIVE BRANCH.—A person may not be detailed from the Department of Defense or other executive branch department to the Commission if, in the year before the detail is to begin, that person participated personally and substantially in any matter concerning the preparation of recommendations for military compensation and retirement modernization.

(3) NUMBER OF DETAILEES ELIGIBLE FOR MILITARY RETIRED PAY.—Not more than one-fourth of the personnel employed

by or detailed to the Commission may be persons eligible for or receiving military retired pay.

(4) PRIOR EMPLOYMENT WITH CERTAIN ORGANIZATIONS.—A person may not be employed by or detailed to the Commission if, in the year before the employment or detail is to begin, that person was employed by a veterans service organization or a military-related advocacy group or association.

(c) LIMITATIONS ON PERFORMANCE REVIEWS.—No member of the uniformed services, and no officer or employee of the Department of Defense or other executive branch department, may—

(1) prepare any report concerning the effectiveness, fitness, or efficiency of the performance of the staff of the Commission or any person detailed to that staff;

(2) review the preparation of such a report; or

(3) approve or disapprove such a report.

SEC. 678. JUDICIAL REVIEW PRECLUDED.

The following shall not be subject to judicial review:

(1) Actions of the President, the Secretary, and the Commission under section 674.

(2) Actions of the President under section 675.

SEC. 679. TERMINATION.

Except as otherwise provided in this title, the Commission shall terminate not later than 26 months after the Commission establishment date.

SEC. 680. FUNDING.

Of the amounts authorized to be appropriated by this Act for the Department of Defense for fiscal year 2013, up to $10,000,000 shall be made available to the Commission to carry out its duties under this subtitle. Funds made available to the Commission under the preceding sentence shall remain available until expended.

Subtitle I—Other Matters

SEC. 681. EQUAL TREATMENT FOR MEMBERS OF COAST GUARD RESERVE CALLED TO ACTIVE DUTY UNDER TITLE 14, UNITED STATES CODE.

(a) INCLUSION IN DEFINITION OF CONTINGENCY OPERATION.—Section 101(a)(13)(B) of title 10, United States Code, is amended by inserting "section 712 of title 14," after "chapter 15 of this title,".

(b) CREDIT OF SERVICE TOWARDS REDUCTION OF ELIGIBILITY AGE FOR RECEIPT OF RETIRED PAY FOR NON-REGULAR SERVICE.—Section 12731(f)(2)(B) of title 10, United States Code, is amended by adding at the end the following new clause:

"(iv) Service on active duty described in this subparagraph is also service on active duty pursuant to a call or order to active duty authorized by the Secretary of Homeland Security under section 712 of title 14 for purposes of emergency augmentation of the Regular Coast Guard forces.".

(c) POST 9/11 EDUCATIONAL ASSISTANCE.—Section 3301(1)(B) of title 38, United States Code, is amended by inserting "or section 712 of title 14" after "title 10".

(d) RETROACTIVE APPLICATION OF AMENDMENTS.— 10 USC 101 note.

(1) INCLUSION OF PRIOR ORDERS.—The amendments made by this section shall apply to any call or order to active duty authorized under section 712 of title 14, United States Code, on or after December 31, 2011, by the Secretary of the executive department in which the Coast Guard is operating.

(2) CREDIT FOR PRIOR SERVICE.—The amendments made by this section shall be deemed to have been enacted on December 31, 2011, for purposes of applying the amendments to the following provisions of law:

(A) Section 5538 of title 5, United States Code, relating to nonreduction in pay.

(B) Section 701 of title 10, United States Code, relating to the accumulation and retention of leave.

(C) Section 12731 of title 10, United States Code, relating to age and service requirements for receipt of retired pay for non-regular service.

SEC. 682. REPORT REGARDING DEPARTMENT OF VETERANS AFFAIRS CLAIMS PROCESS TRANSFORMATION PLAN.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committees on Armed Forces and the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the plan of the Secretary of Veterans Affairs to reduce the backlog of claims for benefits under laws administered by the Secretary that are pending as of the date of the enactment of this Act and to more efficiently and fairly process claims for such benefits in the future.

(b) CONTENTS OF REPORT.— The report required in under subsection (a) shall include each of the following:

(1) A detailed explanation of the Veterans Benefits Administration Claims Transformation Plan, including—

(A) a timeline and steps to completion with anticipated completion dates;

(B) all benchmarks and indicia of success that the Secretary will use to measure the success or failure of each step in the Transformation Plan; and

(C) the estimated costs, by fiscal year for each of the five fiscal years following the fiscal year during which the report is submitted, associated with the Transformation Plan, including training and personnel costs, as well as the increase or decrease in the number of personnel expected as part of the Transformation Plan.

(2) A detailed explanation of the claims process that is expected to result after the completion of the Transformation Plan, from initial filing of claim to the award or denial of benefits, including any appellate steps in the process.

(3) A detailed explanation of the roles and purposes of the Program Management Office, the Veterans Benefits Administration Transformation Governance Board, Transformation Joint Executive Board, and Design Teams, including a list of personnel for each entity as well as current and projected costs over the subsequent five fiscal years to operate and staff each entity.

(4) A detailed explanation of all steps taken thus far to involve non-Federal entities in the claims process, including

the Texas Veterans Commission and other State or local agencies relating to veterans' affairs, veterans service organizations, and other not-for-profit entities.

(5) A plan for the Secretary to partner with non-Federal entities to support efforts to reduce the backlog of claims for benefits under laws administered by the Secretary and to more efficiently and fairly process such claims in the future, including State and local agencies relating to veterans affairs, veterans service organizations, and such other relevant Government and non-Government entities as the Secretary considers appropriate. Such plan shall include—

(A) a description of how the Secretary intends to leverage such partnerships with non-Federal entities to eliminate the backlog by—

(i) increasing the percentage of new claims that are fully developed prior to submittal to the Secretary and expediting the processing of such claims; and

(ii) helping claimants gather and submit necessary evidence for claims that were previously filed but require further development; and

(B) a description of how such partnerships with non-Federal entities will fit into the Transformation Plan.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

Sec. 701. Extension of TRICARE Standard coverage and TRICARE dental program for members of the Selected Reserve who are involuntarily separated.
Sec. 702. Inclusion of certain over-the-counter drugs in TRICARE uniform formulary.
Sec. 703. Modification of requirements on mental health assessments for members of the Armed Forces deployed in connection with a contingency operation.
Sec. 704. Use of Department of Defense funds for abortions in cases of rape and incest.
Sec. 705. Pilot program on certain treatments of autism under the TRICARE program.
Sec. 706. Pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships.
Sec. 707. Sense of Congress on health care for retired members of the uniformed services.

Subtitle B—Health Care Administration

Sec. 711. Authority for automatic enrollment in TRICARE Prime of dependents of members in pay grades above pay grade E–4.
Sec. 712. Cost-sharing rates for the Pharmacy Benefits Program of the TRICARE program.
Sec. 713. Clarification of applicability of certain authority and requirements to subcontractors employed to provide health care services to the Department of Defense.
Sec. 714. Expansion of evaluation of the effectiveness of the TRICARE program.
Sec. 715. Requirement to ensure the effectiveness and efficiency of health engagements.
Sec. 716. Pilot program for refills of maintenance medications for TRICARE for Life beneficiaries through the TRICARE mail-order pharmacy program.

Subtitle C—Mental Health Care and Veterans Matters

Sec. 723. Sharing between Department of Defense and Department of Veterans Affairs of records and information retained under the medical tracking system for members of the Armed Forces deployed overseas.
Sec. 724. Participation of members of the Armed Forces in peer support counseling programs of the Department of Veterans Affairs.

Sec. 725. Research and medical practice on mental health conditions.
Sec. 726. Transparency in mental health care services provided by the Department of Veterans Affairs.
Sec. 727. Expansion of Vet Center Program to include furnishing counseling to certain members of the Armed Forces and their family members.
Sec. 728. Organization of the Readjustment Counseling Service in the Department of Veterans Affairs.
Sec. 729. Recruitment of mental health providers for furnishing mental health services on behalf of the Department of Veterans Affairs without compensation from the Department.
Sec. 730. Peer support.

Subtitle D—Reports and Other Matters

Sec. 731. Plan for reform of the administration of the military health system.
Sec. 732. Future availability of TRICARE Prime throughout the United States.
Sec. 733. Extension of Comptroller General report on contract health care staffing for military medical treatment facilities.
Sec. 734. Extension of Comptroller General report on women-specific health services and treatment for female members of the Armed Forces.
Sec. 735. Study on health care and related support for children of members of the Armed Forces.
Sec. 736. Report on strategy to transition to use of human-based methods for certain medical training.
Sec. 737. Study on incidence of breast cancer among members of the Armed Forces serving on active duty.
Sec. 738. Performance metrics and reports on Warriors in Transition programs of the military departments.
Sec. 739. Plan to eliminate gaps and redundancies in programs of the Department of Defense on psychological health and traumatic brain injury.

Subtitle A—TRICARE and Other Health Care Benefits

Time period. Termination dates.

SEC. 701. EXTENSION OF TRICARE STANDARD COVERAGE AND TRICARE DENTAL PROGRAM FOR MEMBERS OF THE SELECTED RESERVE WHO ARE INVOLUNTARILY SEPARATED.

(a) TRICARE STANDARD COVERAGE.—Section 1076d(b) of title 10, United States Code, is amended—

(1) by striking "Eligibility" and inserting "(1) Except as provided in paragraph (2), eligibility"; and

(2) by adding at the end the following new paragraph:

"(2) During the period beginning on the date of the enactment of this paragraph and ending December 31, 2018, eligibility for a member under this section who is involuntarily separated from the Selected Reserve under other than adverse conditions, as characterized by the Secretary concerned, shall terminate 180 days after the date on which the member is separated.".

(b) TRICARE DENTAL COVERAGE.—Section 1076a(a)(1) of such title is amended by adding at the end the following new sentence: "During the period beginning on the date of the enactment of this sentence and ending December 31, 2018, such plan shall provide that coverage for a member of the Selected Reserve who is involuntarily separated from the Selected Reserve under other than adverse conditions, as characterized by the Secretary concerned, shall not terminate earlier than 180 days after the date on which the member is separated.".

SEC. 702. INCLUSION OF CERTAIN OVER-THE-COUNTER DRUGS IN TRICARE UNIFORM FORMULARY.

(a) INCLUSION.—Subsection (a)(2) of section 1074g of title 10, United States Code, is amended—

(1) in subparagraph (D), by striking "No pharmaceutical agent may be excluded" and inserting "Except as provided in subparagraph (F), no pharmaceutical agent may be excluded"; and

(2) by adding at the end the following new subparagraph:

"(F)(i) The Secretary may implement procedures to place selected over-the-counter drugs on the uniform formulary and to make such drugs available to eligible covered beneficiaries. An over-the-counter drug may be included on the uniform formulary only if the Pharmacy and Therapeutics Committee established under subsection (b) finds that the over-the-counter drug is cost effective and clinically effective. If the Pharmacy and Therapeutics Committee recommends an over-the-counter drug for inclusion on the uniform formulary, the drug shall be considered to be in the same therapeutic class of pharmaceutical agents, as determined by the Committee, as similar prescription drugs.

"(ii) Regulations prescribed by the Secretary to carry out clause (i) shall include the following with respect to over-the-counter drugs included on the uniform formulary: Regulations.

"(I) A determination of the means and conditions under paragraphs (5) and (6) through which over-the-counter drugs will be available to eligible covered beneficiaries and the amount of cost sharing that such beneficiaries will be required to pay for over-the-counter drugs, if any, except that no such cost sharing may be required for a member of a uniformed service on active duty. Determination.

"(II) Any terms and conditions for the dispensing of over-the-counter drugs to eligible covered beneficiaries.".

(b) DEFINITIONS.—Subsection (g) of such section is amended by adding at the end the following new paragraphs:

"(3) The term 'over-the-counter drug' means a drug that is not subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).

"(4) The term 'prescription drug' means a drug that is subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).".

(c) TECHNICAL AMENDMENTS.—

(1) CROSS-REFERENCE AMENDMENT.—Subsection (b)(1) of such section is amended by striking "subsection (g)" and inserting "subsection (h)".

(2) REPEAL OF OBSOLETE PROVISIONS.—

(A) Subsection (a)(2)(D) of such section is amended by striking the last sentence.

(B) Subsection (b)(2) of such section is amended by striking "Not later than" and all the follows through "such 90-day period, the committee" and inserting "The committee".

(C) Subsection (d)(2) of such section is amended—

(i) by striking "Effective not later than April 5, 2000, the Secretary" and inserting "The Secretary"; and

(ii) by striking "the current managed care support contracts" and inserting "the managed care support contracts current as of October 5, 1999,".

SEC. 703. MODIFICATION OF REQUIREMENTS ON MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.

Section 1074m(a)(1)(C)(i) of title 10, United States Code, is amended by striking "one year" and inserting "18 months".

SEC. 704. USE OF DEPARTMENT OF DEFENSE FUNDS FOR ABORTIONS IN CASES OF RAPE AND INCEST.

Section 1093(a) of title 10, United States Code, is amended by inserting before the period at the end the following: "or in a case in which the pregnancy is the result of an act of rape or incest".

10 USC 1092 note.

SEC. 705. PILOT PROGRAM ON CERTAIN TREATMENTS OF AUTISM UNDER THE TRICARE PROGRAM.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall conduct a pilot program to provide for the treatment of autism spectrum disorders, including applied behavior analysis.

(2) COMMENCEMENT.—The Secretary shall commence the pilot program under paragraph (1) by not later than 90 days after the date of the enactment of this Act.

(b) DURATION.—The Secretary may not carry out the pilot program under subsection (a)(1) for longer than a one-year period.

(c) REPORT.—Not later than 270 days after the date on which the pilot program under subsection (a)(1) commences, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program. The report shall include the following:

(1) An assessment of the feasibility and advisability of establishing a beneficiary cost share for the treatment of autism spectrum disorders.

(2) A comparison of providing such treatment under—

(A) the ECHO Program; and

(B) the TRICARE program other than under the ECHO Program.

(3) Any recommendations for changes in legislation.

(4) Any additional information the Secretary considers appropriate.

(d) DEFINITIONS.—In this section:

(1) The term "ECHO Program" means the Extended Care Health Option under subsections (d) through (f) of section 1079 of title 10, United States Code.

(2) The term "TRICARE program" has the meaning given that term in section 1072(7) of title 10, United States Code.

10 USC 10101 note.

SEC. 706. PILOT PROGRAM ON ENHANCEMENTS OF DEPARTMENT OF DEFENSE EFFORTS ON MENTAL HEALTH IN THE NATIONAL GUARD AND RESERVES THROUGH COMMUNITY PARTNERSHIPS.

(a) PROGRAM AUTHORITY.—The Secretary of Defense may carry out a pilot program to enhance the efforts of the Department of Defense in research, treatment, education, and outreach on mental health and substance use disorders and traumatic brain injury in members of the National Guard and Reserves, their family members, and their caregivers through community partners.

(b) AGREEMENTS WITH COMMUNITY PARTNERS.—In carrying out the pilot program authorized by subsection (a), the Secretary may enter into partnership agreements with community partners described in subsection (c) using a competitive and merit-based award process.

(c) COMMUNITY PARTNER DESCRIBED.—A community partner described in this subsection is a private non-profit organization or institution that meets such qualifications as the Secretary shall establish for purposes of the pilot program and engages in one or more of the following:

(1) Research on the causes, development, and innovative treatment of mental health and substance use disorders and traumatic brain injury in members of the National Guard and Reserves, their family members, and their caregivers.

(2) Identifying and disseminating evidence-based treatments of mental health and substance use disorders and traumatic brain injury described in paragraph (1).

(3) Outreach and education to such members, their families and caregivers, and the public about mental health and substance use disorders and traumatic brain injury described in paragraph (1).

(d) DURATION.—The duration of the pilot program may not exceed three years.

(e) REPORT.—Not later than 180 days before the completion of the pilot program, the Secretary of Defense shall submit to the Secretary of Veterans Affairs and the congressional defense committees a report on the results of the pilot program, including the number of members of the National Guard and Reserves provided treatment or services by community partners, and a description and assessment of the effectiveness and achievements of the pilot program with respect to research, treatment, education, and outreach on mental health and substance use disorders and traumatic brain injury.

SEC. 707. SENSE OF CONGRESS ON HEALTH CARE FOR RETIRED MEMBERS OF THE UNIFORMED SERVICES.

It is the sense of Congress that—

(1) members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of 20 to 30 years of service in protecting freedom for all Americans, as do those who have been medically retired due to the hardships of military service; and

(2) access to quality health care services is an earned benefit during retirement in acknowledgment of their contributions of service and sacrifice.

Subtitle B—Health Care Administration

SEC. 711. AUTHORITY FOR AUTOMATIC ENROLLMENT IN TRICARE PRIME OF DEPENDENTS OF MEMBERS IN PAY GRADES ABOVE PAY GRADE E–4.

Subsection (a) of section 1097a of title 10, United States Code, is amended to read as follows:

"(a) AUTOMATIC ENROLLMENT OF CERTAIN DEPENDENTS.—(1) In the case of a dependent of a member of the uniformed services

who is entitled to medical and dental care under section 1076(a)(2)(A) of this title and resides in a catchment area in which TRICARE Prime is offered, the Secretary—

"(A) shall automatically enroll the dependent in TRICARE Prime if the member is in pay grade E–4 or below; and

"(B) may automatically enroll the dependent in TRICARE Prime if the member is in pay grade E–5 or higher.

Notification.

"(2) Whenever a dependent of a member is enrolled in TRICARE Prime under paragraph (1), the Secretary concerned shall provide written notice of the enrollment to the member.

"(3) The enrollment of a dependent of the member may be terminated by the member or the dependent at any time.".

SEC. 712. COST-SHARING RATES FOR THE PHARMACY BENEFITS PROGRAM OF THE TRICARE PROGRAM.

(a) IN GENERAL.—Section 1074g(a)(6) of title 10, United States Code, is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph (A):

Requirements.

"(A) The Secretary, in the regulations prescribed under subsection (h), shall establish cost-sharing requirements under the pharmacy benefits program. In accordance with subparagraph (C), such cost-sharing requirements shall consist of the following:

"(i) With respect to each supply of a prescription covering not more than 30 days that is obtained by a covered beneficiary under the TRICARE retail pharmacy program—

"(I) in the case of generic agents, $5;

"(II) in the case of formulary agents, $17; and

"(III) in the case of nonformulary agents, $44.

"(ii) With respect to each supply of a prescription covering not more than 90 days that is obtained by a covered beneficiary under the national mail-order pharmacy program—

"(I) in the case of generic agents, $0;

"(II) in the case of formulary agents, $13; and

"(III) in the case of nonformulary agents, $43."; and

(2) by adding at the end the following new subparagraph:

Effective date.

"(C)(i) Beginning October 1, 2013, the amount of any increase in a cost-sharing amount specified in subparagraph (A) in a year may not exceed the amount equal to the percentage of such cost-sharing amount at the time of such increase equal to the percentage by which retired pay is increased under section 1401a of this title in that year.

"(ii) If the amount of the increase otherwise provided for a year by clause (i) is less than $1, the increase shall not be made for such year, but shall be carried over to, and accumulated with, the amount of the increase for the subsequent year or years and made when the aggregate amount of increases carried over under this clause for a year is $1 or more.

"(iii) The provisions of this subparagraph shall not apply to any increase in cost-sharing amounts described in clause (i) that is made by the Secretary of Defense on or after October 1, 2022. The Secretary may increase copayments, as considered appropriate by the Secretary, beginning on October 1, 2022.".

Effective date.

10 USC 1074g note.
Applicability.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The cost-sharing requirements under subparagraph (A) of section 1074g(a)(6) of title 10, United States Code, as amended by subsection (a)(1), shall apply with

respect to prescriptions obtained under the TRICARE pharmacy benefits program on or after such date as the Secretary of Defense shall specify, but not later than the date that is 45 days after the date of the enactment of this Act.

(2) FEDERAL REGISTER.—The Secretary shall publish notice of the effective date of the cost-sharing requirements specified under paragraph (1) in the Federal Register. Notice.

SEC. 713. CLARIFICATION OF APPLICABILITY OF CERTAIN AUTHORITY AND REQUIREMENTS TO SUBCONTRACTORS EMPLOYED TO PROVIDE HEALTH CARE SERVICES TO THE DEPARTMENT OF DEFENSE.

(a) APPLICABILITY OF FEDERAL TORT CLAIMS ACT TO SUBCONTRACTORS.—Section 1089(a) of title 10, United States Code, is amended in the last sentence—

(1) by striking "if the physician, dentist, nurse, pharmacist, or paramedical" and inserting "to such a physician, dentist, nurse, pharmacist, or paramedical";

(2) by striking "involved is"; and

(3) by inserting before the period at the end the following: "or a subcontract at any tier under such a contract that is authorized in accordance with the requirements of such section 1091".

(b) APPLICABILITY OF PERSONAL SERVICES CONTRACTING AUTHORITY TO SUBCONTRACTORS.—Section 1091(c) of such title is amended by adding at the end the following new paragraph:

"(3) The procedures established under paragraph (1) may provide for a contracting officer to authorize a contractor to enter into a subcontract for personal services on behalf of the agency upon a determination that the subcontract is—

"(A) consistent with the requirements of this section and the procedures established under paragraph (1); and

"(B) in the best interests of the agency.".

SEC. 714. EXPANSION OF EVALUATION OF THE EFFECTIVENESS OF THE TRICARE PROGRAM.

Section 717(a)(1) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 376; 10 U.S.C. 1073 note) is amended by striking "military retirees" and inserting "members of the Armed Forces (whether in the regular or reserve components) and their dependents, military retirees and their dependents, and dependents of members on active duty with severe disabilities and chronic health care needs".

SEC. 715. REQUIREMENT TO ENSURE THE EFFECTIVENESS AND EFFICIENCY OF HEALTH ENGAGEMENTS. 10 USC 401 note.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Under Secretary of Defense for Policy and the Assistant Secretary of Defense for Health Affairs, shall develop a process to ensure that health engagements conducted by the Department of Defense are effective and efficient in meeting the national security goals of the United States. Process.

(b) PROCESS GOALS.—The Assistant Secretary of Defense for Health Affairs shall ensure that each process developed under subsection (a)—

(1) assesses the operational mission capabilities of the health engagement;

(2) uses the collective expertise of the Federal Government and non-governmental organizations to ensure collaboration and partnering activities; and

(3) assesses the stability and resiliency of the host nation of such engagement.

(c) ASSESSMENT TOOL.—The Assistant Secretary of Defense for Health Affairs may establish a measure of effectiveness learning tool to assess the process developed under subsection (a) to ensure the applicability of the process to health engagements conducted by the Department of Defense.

(d) HEALTH ENGAGEMENT DEFINED.—In this section, the term "health engagement" means a health stability operation conducted by the Department of Defense outside the United States in coordination with a foreign government or international organization to establish, reconstitute, or maintain the health sector of a foreign country.

10 USC 1074g note.

SEC. 716. PILOT PROGRAM FOR REFILLS OF MAINTENANCE MEDICATIONS FOR TRICARE FOR LIFE BENEFICIARIES THROUGH THE TRICARE MAIL-ORDER PHARMACY PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall conduct a pilot program to refill prescription maintenance medications for each TRICARE for Life beneficiary through the national mail-order pharmacy program under section 1074g(a)(2)(E)(iii) of title 10, United States Code.

(b) MEDICATIONS COVERED.—

(1) DETERMINATION.—The Secretary shall determine the prescription maintenance medications included in the pilot program under subsection (a).

(2) SUPPLY.—In carrying out the pilot program under subsection (a), the Secretary shall ensure that the medications included in the program are generally available to a TRICARE for Life beneficiary—

(A) for an initial filling of a 30-day or less supply through—

(i) retail pharmacies under clause (ii) of section 1074g(a)(2)(E) of title 10, United States Code; and

(ii) facilities of the uniformed services under clause (i) of such section; and

(B) for a refill of such medications through—

(i) the national mail-order pharmacy program; and

(ii) such facilities of the uniformed services.

(3) EXEMPTION.— The Secretary may exempt the following prescription maintenance medications from the requirements in paragraph (2):

(A) Such medications that are for acute care needs.

(B) Such other medications as the Secretary determines appropriate.

(c) NONPARTICIPATION.—

Time period.

(1) OPT OUT.—The Secretary shall give TRICARE for Life beneficiaries who have been covered by the pilot program under subsection (a) for a period of one year an opportunity to opt out of continuing to participate in the program.

(2) WAIVER.—The Secretary may waive the requirement of a TRICARE for Life beneficiary to participate in the pilot program under subsection (a) if the Secretary determines, on an individual basis, that such waiver is appropriate.

(d) REGULATIONS.—The Secretary shall prescribe regulations to carry out the pilot program under subsection (a), including regulations with respect to—

(1) the prescription maintenance medications included in the pilot program pursuant to subsection (b)(1); and

(2) addressing instances where a TRICARE for Life beneficiary covered by the pilot program attempts to refill such medications at a retail pharmacy rather than through the national mail-order pharmacy program or a facility of the uniformed services.

(e) REPORTS.—Not later than March 31 of each year beginning in 2014 and ending in 2018, the Secretary shall submit to the congressional defense committees a report on the pilot program under subsection (a), including the effects of offering incentives for the use of mail order pharmacies by TRICARE beneficiaries and the effect on retail pharmacies.

(f) SUNSET.—The Secretary may not carry out the pilot program under subsection (a) after December 31, 2017.

(g) TRICARE FOR LIFE BENEFICIARY DEFINED.—In this section, the term "TRICARE for Life beneficiary" means a TRICARE beneficiary enrolled in the Medicare wraparound coverage option of the TRICARE program made available to the beneficiary by reason of section 1086(d) of title 10, United States Code.

Subtitle C—Mental Health Care and Veterans Matters

SEC. 723. SHARING BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS OF RECORDS AND INFORMATION RETAINED UNDER THE MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.

10 USC 1074f note.

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for the sharing by the Department of Defense with the Department of Veterans Affairs of the results of examinations and other records on members of the Armed Forces that are retained and maintained with respect to the medical tracking system for members deployed overseas under section 1074f(c) of title 10, United States Code.

Memorandum.

(b) CESSATION UPON IMPLEMENTATION OF ELECTRONIC HEALTH RECORD.—The sharing required pursuant to subsection (a) shall cease on the date on which the Secretary of Defense and the Secretary of Veterans Affairs jointly certify to Congress that the Secretaries have fully implemented an integrated electronic health record for members of the Armed Forces that is fully interoperable between the Department of Defense and the Department of Veterans Affairs.

SEC. 724. PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN PEER SUPPORT COUNSELING PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

38 USC 1712A note.

(a) PARTICIPATION.—

(1) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for members of the Armed

Memorandum.

Forces described in subsection (b) to volunteer or be considered for employment as peer counselors under the following:

(A) The peer support counseling program carried out by the Secretary of Veterans Affairs under subsection (j) of section 1720F of title 38, United States Code, as part of the comprehensive program for suicide prevention among veterans under subsection (a) of such section.

(B) The peer support counseling program carried out by the Secretary of Veterans Affairs under section 304(a)(1) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 124 Stat. 1150; 38 U.S.C. 1712A note).

(2) TRAINING.—Any member participating in a peer support counseling program under paragraph (1) shall receive the training for peer counselors under section 1720F(j)(2) of title 38, United States Code, or section 304(c) of the Caregivers and Veterans Omnibus Health Services Act of 2010, as applicable, before performing peer support counseling duties under such program.

(b) COVERED MEMBERS.—Members of the Armed Forces described in this subsection are the following:

(1) Members of the reserve components of the Armed Forces who are demobilizing after deployment in a theater of combat operations, including, in particular, members who participated in combat against the enemy while so deployed.

(2) Members of the regular components of the Armed Forces separating from active duty who have been deployed in a theater of combat operations in which such members participated in combat against the enemy.

10 USC 1071 note.

SEC. 725. RESEARCH AND MEDICAL PRACTICE ON MENTAL HEALTH CONDITIONS.

(a) RESEARCH AND PRACTICE.—The Secretary of Defense shall provide for the translation of research on the diagnosis and treatment of mental health conditions into policy on medical practices.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the translation of research into policy as described in subsection (a). The report shall include the following:

(1) A summary of the efforts of the Department of Defense to carry out such translation.

(2) A description of any policy established pursuant to subsection (a).

(3) Additional legislative or administrative actions the Secretary considers appropriate with respect to such translation.

38 USC 1712A note.

SEC. 726. TRANSPARENCY IN MENTAL HEALTH CARE SERVICES PROVIDED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) MEASUREMENT OF MENTAL HEALTH CARE SERVICES.—

Deadline.

(1) IN GENERAL.—Not later than December 31, 2013, the Secretary of Veterans Affairs shall develop and implement a comprehensive set of measures to assess mental health care services furnished by the Department of Veterans Affairs.

(2) ELEMENTS.—The measures developed and implemented under paragraph (1) shall provide an accurate and comprehensive assessment of the following:

(A) The timeliness of the furnishing of mental health care by the Department.

(B) The satisfaction of patients who receive mental health care services furnished by the Department.

(C) The capacity of the Department to furnish mental health care.

(D) The availability and furnishing of evidence-based therapies by the Department.

(b) GUIDELINES FOR STAFFING MENTAL HEALTH CARE SERVICES.—Not later than December 31, 2013, the Secretary shall develop and implement guidelines for the staffing of general and specialty mental health care services, including at community-based outpatient clinics. Such guidelines shall include productivity standards for providers of mental health care. Deadline.

(c) STUDY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall seek to enter into a contract with the National Academy of Sciences to create a study committee— Contracts.

(A) to consult with the Secretary on the Secretary's development and implementation of the measures and guidelines required by subsections (a) and (b); and

(B) to conduct an assessment and provide an analysis and recommendations on the state of Department mental health services.

(2) FUNCTIONS.—In entering into the contract described in paragraph (1), the Secretary shall, with respect to paragraph (1)(B), include in such contract a provision for the study committee—

(A) to conduct a comprehensive assessment of barriers to access to mental health care by veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn;

(B) to assess the quality of the mental health care being provided to such veterans (including the extent to which veterans are afforded choices with respect to modes of treatment) through site visits to facilities of the Veterans Health Administration (including at least one site visit in each Veterans Integrated Service Network), evaluating studies of patient outcomes, and other appropriate means;

(C) to assess whether, and the extent to which, veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn are being offered a full range of necessary mental health services at Department health care facilities, including early intervention services for hazardous drinking, relationship problems, and other behaviors that create a risk for the development of a chronic mental health condition;

(D) to conduct surveys or have access to Department-administered surveys of—

(i) providers of Department mental health services;

(ii) veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn who are receiving mental health care furnished by the Department; and

(iii) eligible veterans who served in the Armed Forces in Operation Enduring Freedom, Operation

Iraqi Freedom, or Operation New Dawn who are not using Department health care services to assess those barriers described in subparagraph (A); and

(E) to provide to the Secretary, on the basis of its assessments as delineated in subparagraphs (A) through (C), specific, detailed recommendations—

(i) for overcoming barriers, and improving access, to timely, effective mental health care at Department health care facilities (or, where Department facilities cannot provide such care, through contract arrangements under existing law); and

(ii) to improve the effectiveness and efficiency of mental health services furnished by the Secretary.

(3) PARTICIPATION BY FORMER OFFICIALS AND EMPLOYEES OF VETERANS HEALTH ADMINISTRATION.—The Secretary shall ensure that any contract entered into under paragraph (1) provides for inclusion on any subcommittee which participates in conducting the assessments and formulating the recommendations provided for in paragraph (2) at least one former official of the Veterans Health Administration and at least two former employees of the Veterans Health Administration who were providers of mental health care.

(4) PERIODIC REPORTS TO SECRETARY.—In entering into the contract described in paragraph (1), the Secretary shall, with respect to paragraph (1)(A), include in such contract a provision for the submittal to the Secretary of periodic reports and provision of other consultation to the Secretary by the study committee to assist the Secretary in carrying out subsections (a) and (b).

(5) REPORTS TO CONGRESS.—Not later than 30 days after receiving a report under paragraph (4), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the plans of the Secretary to implement such recommendations submitted to the Secretary by the study committee as the Secretary considers appropriate. Such report shall include a description of each recommendation submitted to the Secretary that the Secretary does not plan to carry out and an explanation of why the Secretary does not plan to carry out such recommendation.

(d) PUBLICATION.—

Public information. Web posting.

(1) IN GENERAL.—The Secretary shall make available to the public on an Internet website of the Department the following:

(A) The measures and guidelines developed and implemented under this section.

(B) An assessment of the performance of the Department using such measures and guidelines.

(2) QUARTERLY UPDATES.—The Secretary shall update the measures, guidelines, and assessment made available to the public under paragraph (1) not less frequently than quarterly.

(e) SEMIANNUAL REPORTS.—

(1) IN GENERAL.—Not later than June 30, 2013, and not less frequently than twice each year thereafter, the Secretary shall submit to the committees of Congress specified in subsection (c)(5) a report on the Secretary's progress in developing

and implementing the measures and guidelines required by this section.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A description of the development and implementation of the measures required by subsection (a) and the guidelines required by subsection (b).

(B) A description of the progress made by the Secretary in developing and implementing such measures and guidelines.

(C) An assessment of the mental health care services furnished by the Department, using the measures developed and implemented under subsection (a).

(D) An assessment of the effectiveness of the guidelines developed and implemented under subsection (b).

(E) Such recommendations for legislative or administrative action as the Secretary may have to improve the effectiveness and efficiency of the mental health care services furnished under laws administered by the Secretary.

(f) IMPLEMENTATION REPORT.—

(1) IN GENERAL.—Not later than 30 days before the date on which the Secretary begins implementing the measures and guidelines required by this section, the Secretary shall submit to the committees of Congress specified in subsection (c)(5) a report on the Secretary's planned implementation of such measures and guidelines.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A detailed description of the measures and guidelines that the Secretary plans to implement under this section.

(B) A description of the rationale for each measure and guideline the Secretary plans to implement under this section.

(C) A discussion of each measure and guideline that the Secretary considered under this section but chose not to implement.

(D) The number of current vacancies in mental health care provider positions in the Department.

(E) An assessment of how many additional positions are needed to meet current or expected demand for mental health services furnished by the Department.

SEC. 727. EXPANSION OF VET CENTER PROGRAM TO INCLUDE FURNISHING COUNSELING TO CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR FAMILY MEMBERS.

Section 1712A of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "Upon the request" and all that follows through the period at the end and inserting "Upon the request of any individual referred to in subparagraph (C), the Secretary shall furnish counseling, including by furnishing counseling through a Vet Center, to the individual—

"(i) in the case of an individual referred to in clauses (i) through (iv) of subparagraph (C), to assist the individual in readjusting to civilian life; and

"(ii) in the case of an individual referred to in clause (v) of such subparagraph who is a family member of a veteran or member described in such clause—

"(I) in the case of a member who is deployed in a theater of combat operations or an area at a time during which hostilities are occurring in that area, during such deployment to assist such individual in coping with such deployment; and

"(II) in the case of a veteran or member who is readjusting to civilian life, to the degree that counseling furnished to such individual is found to aid in the readjustment of such veteran or member to civilian life."; and

(ii) by striking subparagraph (B) and inserting the following new subparagraphs:

"(B) Counseling furnished to an individual under subparagraph (A) may include a comprehensive individual assessment of the individual's psychological, social, and other characteristics to ascertain whether—

"(i) in the case of an individual referred to in clauses (i) through (iv) of subparagraph (C), such individual has difficulties associated with readjusting to civilian life; and

"(ii) in the case of an individual referred to in clause (v) of such subparagraph, such individual has difficulties associated with—

"(I) coping with the deployment of a member described in subclause (I) of such clause; or

"(II) readjustment to civilian life of a veteran or member described in subclause (II) of such clause.

Applicability.

"(C) Subparagraph (A) applies to the following individuals:

"(i) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who served on active duty in a theater of combat operations or an area at a time during which hostilities occurred in that area.

"(ii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who provided direct emergency medical or mental health care, or mortuary services to the causalities of combat operations or hostilities, but who at the time was located outside the theater of combat operations or area of hostilities.

"(iii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who engaged in combat with an enemy of the United States or against an opposing military force in a theater of combat operations or an area at a time during which hostilities occurred in that area by remotely controlling an unmanned aerial vehicle, notwithstanding whether the physical location of such veteran or member during such combat was within such theater of combat operations or area.

"(iv) Any individual who received counseling under this section before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.

"(v) Any individual who is a family member of any—

"(I) member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is serving on active duty in a theater of combat operations or in an area at a time during which hostilities are occurring in that area; or

"(II) veteran or member of the Armed Forces described in this subparagraph.";

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as redesignated by subparagraph (C)—

(i) by striking "a veteran described in paragraph (1)(B)(iii)" and inserting "an individual described in paragraph (1)(C)"; and

(ii) by striking "the veteran a preliminary general mental health assessment" and inserting "the individual a comprehensive individual assessment as described in paragraph (1)(B)";

(2) in subsection (b)(1), by striking "physician or psychologist" each place it appears and inserting "licensed or certified mental health care provider";

(3) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

"(1) The term 'Vet Center' means a facility which is operated by the Department for the provision of services under this section and which is situated apart from Department general health care facilities."; and

Definition.

(B) by adding at the end the following new paragraph:

"(3) The term 'family member', with respect to a veteran or member of the Armed Forces, means an individual who—

Definition.

"(A) is a member of the family of the veteran or member, including—

"(i) a parent;

"(ii) a spouse;

"(iii) a child;

"(iv) a step-family member; and

"(v) an extended family member; or

"(B) lives with the veteran or member but is not a member of the family of the veteran or member."; and

(4) by redesignating subsection (g), as amended by paragraph (3), as subsection (h) and inserting after subsection (f) the following new subsection (g):

"(g) In carrying out this section and in furtherance of the Secretary's responsibility to carry out outreach activities under chapter 63 of this title, the Secretary may provide for and facilitate the participation of personnel employed by the Secretary to provide services under this section in recreational programs that are—

"(1) designed to encourage the readjustment of veterans described in subsection (a)(1)(C); and

"(2) operated by any organization named in or approved under section 5902 of this title.".

SEC. 728. ORGANIZATION OF THE READJUSTMENT COUNSELING SERVICE IN THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Subchapter I of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

38 USC 7309.

"§ 7309. Readjustment Counseling Service

"(a) IN GENERAL.—There is in the Veterans Health Administration a Readjustment Counseling Service. The Readjustment Counseling Service shall provide readjustment counseling and associated services to individuals in accordance with section 1712A of this title.

"(b) CHIEF OFFICER.—(1) The head of the Readjustment Counseling Service shall be the Chief Officer of the Readjustment Counseling Service (in this section referred to as the 'Chief Officer'), who shall report directly to the Under Secretary for Health.

"(2) The Chief Officer shall be appointed by the Under Secretary for Health from among individuals who—

"(A)(i) are psychologists who hold a diploma as a doctorate in clinical or counseling psychology from an authority approved by the American Psychological Association and who have successfully undergone an internship approved by that association;

"(ii) are holders of a master in social work degree; or

"(iii) hold such other advanced degrees related to mental health as the Secretary considers appropriate;

"(B) have at least three years of experience providing direct counseling services or outreach services in the Readjustment Counseling Service;

"(C) have at least three years of experience administrating direct counseling services or outreach services in the Readjustment Counseling Service;

"(D) meet the quality standards and requirements of the Department; and

"(E) are veterans who served in combat as members of the Armed Forces.

"(c) STRUCTURE.—(1) The Readjustment Counseling Service is a distinct organizational element within Veterans Health Administration.

"(2) The Readjustment Counseling Service shall provide counseling and services as described in subsection (a).

"(3) The Chief Officer shall have direct authority over all Readjustment Counseling Service staff and assets, including Vet Centers.

"(d) SOURCE OF FUNDS.—(1) Amounts for the activities of the Readjustment Counseling Service, including the operations of its Vet Centers, shall be derived from amounts appropriated for the Veterans Health Administration for medical care.

"(2) Amounts for activities of the Readjustment Counseling Service, including the operations of its Vet Centers, shall not be allocated through the Veterans Equitable Resource Allocation system.

"(3) In each budget request submitted for the Department of Veterans Affairs by the President to Congress under section 1105 of title 31, the budget request for the Readjustment Counseling Service shall be listed separately.

"(e) ANNUAL REPORT.—(1) Not later than March 15 of each year, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the activities of the Readjustment Counseling Service during the preceding calendar year.

"(2) Each report submitted under paragraph (1) shall include, with respect to the period covered by the report, the following:

"(A) A summary of the activities of the Readjustment Counseling Service, including Vet Centers.

"(B) A description of the workload and additional treatment capacity of the Vet Centers, including, for each Vet Center, the ratio of the number of full-time equivalent employees at such Vet Center and the number of individuals who received services or assistance at such Vet Center.

"(C) A detailed analysis of demand for and unmet need for readjustment counseling services and the Secretary's plan for meeting such unmet need.

"(f) VET CENTER DEFINED.—In this section, the term 'Vet Center' has the meaning given the term in section 1712A(h)(1) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7308 the following new item:

38 USC prec. 7301.

"7309. Readjustment Counseling Service.".

(c) CONFORMING AMENDMENTS.—Section 7305 of such title is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

"(7) A Readjustment Counseling Service.".

SEC. 729. RECRUITMENT OF MENTAL HEALTH PROVIDERS FOR FURNISHING MENTAL HEALTH SERVICES ON BEHALF OF THE DEPARTMENT OF VETERANS AFFAIRS WITHOUT COMPENSATION FROM THE DEPARTMENT.

38 USC 7405 note.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a national program of outreach to societies, community organizations, nonprofit organizations, and government entities in order to recruit mental health providers who meet the quality standards and requirements of the Department of Veterans Affairs to provide mental health services for the Department on a part-time, without-compensation basis, under section 7405 of title 38, United States Code.

(b) PARTNERING WITH AND DEVELOPING COMMUNITY ENTITIES AND NONPROFIT ORGANIZATIONS.—In carrying out the program required by subsection (a), the Secretary may partner with a community entity or nonprofit organization or assist in the development of a community entity or nonprofit organization, including by entering into an agreement under section 8153 of title 38, United States Code, that provides strategic coordination of the societies, organizations, and government entities described in subsection (a) in order to maximize the availability and efficient delivery of mental health services to veterans by such societies, organizations, and government entities.

(c) MILITARY CULTURE TRAINING.—In carrying out the program required by subsection (a), the Secretary shall provide training to mental health providers to ensure that clinicians who provide mental health services as described in such subsection have sufficient understanding of military-specific and service-specific culture, combat experience, and other factors that are unique to the experience of veterans who served in Operation Enduring Freedom, Operating Iraqi Freedom, or Operation New Dawn.

SEC. 730. PEER SUPPORT.

(a) PEER SUPPORT COUNSELING PROGRAM.—

(1) PROGRAM REQUIRED.—Paragraph (1) of section 1720F(j) of title 38, United States Code, is amended in the matter preceding subparagraph (A) by striking "may" and inserting "shall".

(2) TRAINING.—Paragraph (2) of such section is amended by inserting after "peer counselors" the following: ", including training carried out under the national program of training required by section 304(c) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (38 U.S.C. 1712A note)".

(3) AVAILABILITY OF PROGRAM AT DEPARTMENT MEDICAL CENTERS.—Such section is amended by adding at the end the following new paragraph:

"(3) In addition to other locations the Secretary considers appropriate, the Secretary shall carry out the peer support program under this subsection at each Department medical center.".

38 USC 1720F note.

(4) DEADLINE FOR COMMENCEMENT OF PROGRAM.—The Secretary of Veterans Affairs shall ensure that the peer support counseling program required by section 1720F(j) of title 38, United States Code, as amended by this subsection, commences at each Department of Veterans Affairs medical center not later than 270 days after the date of the enactment of this Act.

(b) PEER OUTREACH AND PEER SUPPORT SERVICES AT DEPARTMENT MEDICAL CENTERS UNDER PROGRAM ON READJUSTMENT AND MENTAL HEALTH CARE SERVICES FOR VETERANS WHO SERVED IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.—

(1) IN GENERAL.—Section 304 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111–163; 38 U.S.C. 1712A note) is amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection (e):

"(e) PROVISION OF PEER OUTREACH AND PEER SUPPORT SERVICES AT DEPARTMENT MEDICAL CENTERS.—The Secretary shall carry out the services required by subparagraphs (A) and (B) of subsection (a)(1) at each Department medical center.".

38 USC 1712A note.

(2) DEADLINE.—The Secretary of Veterans Affairs shall commence carrying out the services required by subparagraphs (A) and (B) of subsection (a)(1) of such section at each Department of Veterans Affairs medical center, as required by subsection (e) of such section (as added by paragraph (1)), not later than 270 days after the date of the enactment of this Act.

Subtitle D—Reports and Other Matters

SEC. 731. PLAN FOR REFORM OF THE ADMINISTRATION OF THE MILITARY HEALTH SYSTEM.

10 USC 1071 note.

(a) DETAILED PLAN.—In implementing reforms to the governance of the military health system described in the memorandum of the Deputy Secretary of Defense dated March 2012, the Secretary of Defense shall develop a detailed plan to carry out such reform.

(b) ELEMENTS.—The plan developed under subsection (a) shall include the following:

(1) Goals to achieve while carrying out the reform described in subsection (a), including goals with respect to improving clinical and business practices, cost reductions, infrastructure reductions, and personnel reductions, achieved by establishing the Defense Health Agency, carrying out shared services, and modifying the governance of the National Capital Region.

(2) Metrics to evaluate the achievement of each goal under paragraph (1) with respect to the purpose, objective, and improvements made by each such goal.

(3) The personnel levels required for the Defense Health Agency and the National Capital Region Medical Directorate.

(4) A detailed schedule to carry out the reform described in subsection (a), including a schedule for meeting the goals under paragraph (1).

(5) Detailed information describing the initial operating capability of the Defense Health Agency.

(6) With respect to each shared service that the Secretary will implement during fiscal year 2013 or 2014—

(A) a timeline for such implementation; and

(B) a business case analysis detailing—

(i) the services that will be consolidated into the shared service;

(ii) the purpose of the shared service;

(iii) the scope of the responsibilities and goals for the shared service;

(iv) the cost of implementing the shared service, including the costs regarding personnel severance, relocation, military construction, information technology, and contractor support; and

(v) the anticipated cost savings to be realized by implementing the shared service.

(c) SUBMISSION.—The Secretary of Defense shall submit to the congressional defense committees the plan developed under subsection (a) as follows:

(1) The contents of the plan described in paragraphs (1) and (4) of subsection (b) shall be submitted not later than March 31, 2013.

(2) The contents of the plan described in paragraphs (2) and (3) of subsection (b) and paragraph (6) of such subsection with respect to shared services implemented during fiscal year 2013 shall be submitted not later than June 30, 2013.

(3) The contents of the plan described in paragraph (6) of such subsection with respect to shared services implemented during fiscal year 2014 shall be submitted not later than September 30, 2013.

(d) LIMITATIONS.—

(1) FIRST SUBMISSION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the accounts and activities described in paragraph (4), not more than 50 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees the contents of the plan under subsection (c)(1).

(2) SECOND SUBMISSION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the accounts and activities described in paragraph (4), not more than 75 percent may be obligated or expended until the date on which the Secretary of Defense submits to the congressional defense committees the contents of the plan under subsection (c)(2).

(3) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall submit to the congressional defense committees a review of the contents of the plan submitted under each of paragraphs (1) and (2) to assess whether the Secretary of Defense meets the requirements of such contents.

(4) ACCOUNTS AND ACTIVITIES DESCRIBED.—The accounts and activities described in this paragraph are as follows:

(A) Operation and maintenance, Defense-wide, for the Office of the Secretary of Defense for travel.

(B) Operation and maintenance, Defense-wide, for the Office of the Secretary of Defense for management professional support services.

(C) Operation and maintenance, Defense Health Program, for travel.

(D) Operation and maintenance, Defense Health Program, for management professional support services.

(e) SHARED SERVICES DEFINED.—In this section, the term "shared services" means the common services required for each military department to provide medical support to the Armed Forces and authorized beneficiaries.

SEC. 732. FUTURE AVAILABILITY OF TRICARE PRIME THROUGHOUT THE UNITED STATES.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy of the Department of Defense on the future availability of TRICARE Prime under the TRICARE program for eligible beneficiaries in all TRICARE regions throughout the United States.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description, by region, of the difference in availability of TRICARE Prime for eligible beneficiaries (other than eligible beneficiaries on active duty in the Armed Forces) under newly awarded TRICARE managed care contracts, including, in particular, an identification of the regions or areas in which TRICARE Prime will no longer be available for such beneficiaries under such contracts.

(B) An estimate of the increased costs to be incurred by an affected eligible beneficiary for health care under the TRICARE program.

(C) An estimate of the savings to be achieved by the Department as a result of the contracts described in subparagraph (A).

(D) A description of the plans of the Department to continue to assess the impact on access to health care for affected eligible beneficiaries.

(E) A description of the plan of the Department to provide assistance to affected eligible beneficiaries who are transitioning from TRICARE Prime to TRICARE Standard, including assistance with respect to identifying health care providers.

(F) Any other matter the Secretary considers appropriate.

(b) DEFINITIONS.—In this section:

(1) The term "affected eligible beneficiary" means an eligible beneficiary under the TRICARE Program (other than eligible beneficiaries on active duty in the Armed Forces) who, as of the date of the enactment of this Act—

(A) is enrolled in TRICARE Prime; and

(B) resides in a region of the United States in which TRICARE Prime enrollment will no longer be available for such beneficiary under a contract described in subsection (a)(2)(A) that does not allow for such enrollment because of the location in which such beneficiary resides.

(2) The term "TRICARE Prime" means the managed care option of the TRICARE program.

(3) The term "TRICARE program" has the meaning given that term in section 1072(7) of title 10, United States Code.

(4) The term "TRICARE Standard" means the fee-for-service option of the TRICARE Program.

SEC. 733. EXTENSION OF COMPTROLLER GENERAL REPORT ON CONTRACT HEALTH CARE STAFFING FOR MILITARY MEDICAL TREATMENT FACILITIES.

Section 726(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1480) is amended by striking "March 31, 2012" and inserting "March 31, 2013".

SEC. 734. EXTENSION OF COMPTROLLER GENERAL REPORT ON WOMEN-SPECIFIC HEALTH SERVICES AND TREATMENT FOR FEMALE MEMBERS OF THE ARMED FORCES.

Section 725(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1480) is amended by striking "December 31, 2012" and inserting "March 31, 2013".

SEC. 735. STUDY ON HEALTH CARE AND RELATED SUPPORT FOR CHILDREN OF MEMBERS OF THE ARMED FORCES.

(a) STUDY.—The Secretary of Defense shall conduct a study on the health care and related support provided by the Secretary to dependent children.

(b) ELEMENTS.—The study under subsection (a) shall include the following:

(1) A comprehensive review of the policies of the Secretary and the TRICARE program with respect to providing pediatric care.

(2) An assessment of access to pediatric health care by dependent children in appropriate settings.

(3) An assessment of access to specialty care by dependent children, including care for children with special health care needs.

(4) A comprehensive review and analysis of reimbursement under the TRICARE program for pediatric care.

(5) An assessment of the adequacy of the ECHO Program in meeting the needs of dependent children with extraordinary health care needs.

(6) An assessment of the adequacy of care management for dependent children with special health care needs.

(7) An assessment of the support provided through other Department of Defense or military department programs and policies that support the physical and behavorial health of dependent children, including children with special health care needs.

(8) Mechanisms for linking dependent children with special health care needs with State and local community resources, including children's hospitals and providers of pediatric specialty care.

(9) Strategies to mitigate the impact of frequent relocations related to military service on the continuity of health care services for dependent children, including children with special health and behavioral health care needs.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study under subsection (a), including—

(1) the findings of the study;

(2) a plan to improve and continuously monitor the access of dependent children to quality health care; and

(3) any recommendations for legislation that the Secretary considers necessary to maintain the highest quality of health care for dependent children.

(d) DEFINITIONS.—In this section:

(1) The term "dependent children" means the children of members of the Armed Forces who are covered beneficiaries under chapter 55 of title 10, United States Code.

(2) The term "ECHO Program" means the Extended Care Health Option under subsections (d) through (f) of section 1079 of title 10, United States Code.

SEC. 736. REPORT ON STRATEGY TO TRANSITION TO USE OF HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.

(a) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report that outlines a strategy, including a detailed timeline, to refine and, when appropriate, transition to using human-based training methods for the purpose of training members of the Armed Forces in the treatment of combat trauma injuries.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) Required research, development, testing, and evaluation investments to validate human-based training

methods to refine, reduce, and, when appropriate, transition from the use of live animals in medical education and training.

(B) Phased sustainment and readiness costs to refine, reduce, and, when appropriate, replace the use of live animals in medical education and training.

(C) Any risks associated with transitioning to human-based training methods, including resource availability, anticipated technological development timelines, and potential impact on the present combat trauma training curricula.

(D) An assessment of the potential effect of transitioning to human-based training methods on the quality of medical care delivered on the battlefield, including any reduction in the competency of combat medical personnel.

(E) An assessment of risks to maintaining the level of combat life-saver techniques performed by all members of the Armed Forces.

(b) DEFINITIONS.—In this section:

(1) The term "combat trauma injuries" means severe injuries likely to occur during combat, including—

(A) extremity hemorrhage;

(B) tension pneumothorax;

(C) amputation resulting from blast injury;

(D) compromises to the airway; and

(E) other injuries.

(2) The term "human-based training methods" means, with respect to training individuals in medical treatment, the use of systems and devices that do not use animals, including—

(A) simulators;

(B) partial task trainers;

(C) moulage;

(D) simulated combat environments; and

(E) human cadavers.

(3) The term "partial task trainers" means training aids that allow individuals to learn or practice specific medical procedures.

SEC. 737. STUDY ON INCIDENCE OF BREAST CANCER AMONG MEMBERS OF THE ARMED FORCES SERVING ON ACTIVE DUTY.

(a) STUDY.—The Secretary of Defense shall conduct a study on the incidence of breast cancer among members of the Armed Forces serving on active duty.

(b) ELEMENTS.—The study under subsection (a) shall include the following:

(1) A determination of the number of members of the Armed Forces who served on active duty at any time during the period from 2000 to 2010 who were diagnosed with breast cancer during such period.

(2) A determination of demographic information regarding such members, including race, ethnicity, sex, age, and rank.

(3) An analysis of breast cancer treatments received by such members and the source of such treatment.

(4) The availability and training of breast cancer specialists within the military health system.

(5) A comparison of the rates of members of the Armed Forces serving on active duty who have breast cancer to civilian populations with comparable demographic characteristics.

(6) Identification of potential factors associated with military service that could increase the risk of breast cancer for members of the Armed Forces serving on active duty.

(7) A description of a research agenda to further the understanding of the Department of Defense of the incidence of breast cancer among such members.

(8) An assessment of the effectiveness of outreach to members of the Armed Forces to identify risks of, prevent, detect, and treat breast cancer.

(9) Recommendations for changes to policy or law that could improve the prevention, early detection, awareness, and treatment of breast cancer among members of the Armed Forces serving on active duty.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the findings and recommendations of the study under subsection (a), including a description of any further unique military research needed with respect to breast cancer.

10 USC 1071 note.

SEC. 738. PERFORMANCE METRICS AND REPORTS ON WARRIORS IN TRANSITION PROGRAMS OF THE MILITARY DEPARTMENTS.

Policy.

(a) METRICS REQUIRED.—The Secretary of Defense shall establish a policy containing uniform performance outcome measurements to be used by each Secretary of a military department in tracking and monitoring members of the Armed Forces in Warriors in Transition programs.

(b) ELEMENTS.—The policy established under subsection (a) shall identify outcome measurements with respect to the following:

(1) Physical health and behavioral health.

(2) Rehabilitation.

(3) Educational and vocational preparation.

(4) Such other matters as the Secretary considers appropriate.

(c) MILESTONES.—In establishing the policy under subsection (a), the Secretary of Defense shall establish metrics and milestones for members in Warriors in Transition programs. Such metrics and milestones shall cover members throughout the course of care and rehabilitation in Warriors in Transitions programs by applying to the following occasions:

(1) When the member commences participation in the program.

(2) At least once each year the member participates in the program.

(3) When the member ceases participation in the program or is transferred to the jurisdiction of the Secretary of Veterans Affairs.

(d) COHORT GROUPS AND PARAMETERS.—The policy established under subsection (a)—

(1) may differentiate among cohort groups within the population of members in Warriors in Transition programs, as appropriate; and

(2) shall include parameters for specific outcome measurements in each element under subsection (b) and each metric and milestone under subsection (c).

(e) REPORTS REQUIRED.—

(1) INITIAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the policy established under subsection (a), including the outcome measurements for each element under subsection (b) and each metric and milestone under subsection (c).

(2) ANNUAL REPORTS.—Not later than February of each year beginning in 2014 and ending in 2018, the Secretary of Defense shall submit to the congressional defense committees a report on the performance of the military departments with respect to the policy established under subsection (a). Each report shall include—

(A) an analysis of—

(i) data on improvements in the progress of members in Warriors in Transition programs in each specific area identified in the policy;

(ii) access to health and rehabilitation services by such members, including average appointment waiting times by specialty;

(iii) effectiveness of the programs in assisting in the transition of such members to military duty or civilian life through education and vocational assistance;

(iv) any differences in outcomes in Warriors in Transition programs, and the reason for any such differences; and

(v) the quantities and effectiveness of medical and nonmedical case managers, legal support and physical evaluation board liaison officers, mental health care providers, and medical evaluation physicians in comparison to the actual number of members requiring such services; and

(B) such other results and analyses as the Secretary considers appropriate, including any recommendations for legislation if needed.

(f) WARRIORS IN TRANSITION PROGRAM DEFINED.—In this section, the term "Warriors in Transition program" means any major support program of the Armed Forces for members of the Armed Forces with severe wounds, illnesses, or injuries that is intended to provide such members with nonmedical case management service and care coordination services, and includes the programs as follows:

(1) Warrior Transition Units and the Wounded Warrior Program of the Army.

(2) The Wounded Warrior Safe Harbor program of the Navy.

(3) The Wounded Warrior Regiment of the Marine Corps.

(4) The Recovery Care Program and the Wounded Warrior programs of the Air Force.

(5) The Care Coalition of the United States Special Operations Command.

SEC. 739. PLAN TO ELIMINATE GAPS AND REDUNDANCIES IN PROGRAMS OF THE DEPARTMENT OF DEFENSE ON PSYCHOLOGICAL HEALTH AND TRAUMATIC BRAIN INJURY.

(a) SENSE OF CONGRESS.—Congress supports the efforts of the Secretary of Veterans Affairs and the Secretary of Defense to educate members of the Armed Forces, veterans, the families of such members and veterans, the medical community, and the public with respect to the causes, symptoms, and treatment of post-traumatic stress disorder.

(b) PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to improve the coordination and integration of the programs of the Department of Defense that address traumatic brain injury and the psychological health of members of the Armed Forces.

(2) ELEMENTS.—The plan under paragraph (1) shall include the following:

(A) Identification of—

(i) any gaps in services and treatments provided by the programs of the Department of Defense that address traumatic brain injury and the psychological health of members of the Armed Forces; and

(ii) any unnecessary redundancies in such programs.

(B) A plan for mitigating the gaps and redundancies identified under subparagraph (A).

(C) Identification of the official within the Department who will be responsible for leading the implementation of the plan described in paragraph (1).

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

Sec. 801. Treatment of procurements on behalf of the Department of Defense through the Work for Others program of the Department of Energy.
Sec. 802. Review and justification of pass-through contracts.
Sec. 803. Availability of amounts in Defense Acquisition Workforce Development Fund.
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Sec. 811. Limitation on use of cost-type contracts.
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Sec. 827. Enhancement of whistleblower protections for contractor employees.
Sec. 828. Pilot program for enhancement of contractor employee whistleblower protections.
Sec. 829. Extension of contractor conflict of interest limitations.
Sec. 830. Repeal of sunset for certain protests of task and delivery order contracts.
Sec. 831. Guidance and training related to evaluating reasonableness of price.
Sec. 832. Department of Defense access to, use of, and safeguards and protections for contractor internal audit reports.
Sec. 833. Contractor responsibilities in regulations relating to detection and avoidance of counterfeit electronic parts.

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Sec. 841. Extension and expansion of authority to acquire products and services produced in countries along a major route of supply to Afghanistan.
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Sec. 851. Database on price trends of items and services under Federal contracts.
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Subtitle E—Other Matters

Sec. 861. Requirements and limitations for suspension and debarment officials of the Department of Defense, the Department of State, and the United States Agency for International Development.
Sec. 862. Uniform contract writing system requirements.
Sec. 863. Extension of other transaction authority.
Sec. 864. Report on allowable costs of compensation of contractor employees.
Sec. 865. Reports on use of indemnification agreements.
Sec. 866. Plan to increase number of contractors eligible for contracts under Air Force NETCENTS-2 contract.
Sec. 867. Inclusion of information on prevalent grounds for sustaining bid protests in annual protest report by Comptroller General to Congress.

Subtitle A—Acquisition Policy and Management

SEC. 801. TREATMENT OF PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE THROUGH THE WORK FOR OTHERS PROGRAM OF THE DEPARTMENT OF ENERGY.

(a) IN GENERAL.—Subsection (d) of section 801 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended—

(1) in the subsection heading, by striking "DEFENSE" and inserting "APPLICABLE";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(3) by striking "For the purposes" and inserting "(1) Except as provided in paragraph (2), for the purposes";

(4) in paragraph (1), as designated by paragraph (3) of this subsection, by striking "defense procurement" and inserting "applicable procurement"; and

(5) by adding at the end the following new paragraph (2):

"(2) In the case of the procurement of property or services on behalf of the Department of Defense through the Work for Others program of the Department of Energy, the laws and regulations applicable under paragraph (1)(B) are the Department of Energy Acquisition Regulations, pertinent interagency agreements, and Department of Defense and Department of Energy policies related to the Work for Others program.".

(b) CONFORMING AMENDMENTS.—Such section is further amended by striking "defense procurement" and inserting "applicable procurement" each place it appears as follows:

(1) Subsection (a)(1)(B).

(2) Subsection (a)(4) (as redesignated by section 805(a)(3)).

(3) Subsection (a)(4)(A) (as redesignated by section 805(a)(3)).

(4) Subsection (b)(1)(A).

(5) Subsection (b)(1)(B)(ii).

(6) Subsection (c)(2)(F).

10 USC 2304 note.

SEC. 802. REVIEW AND JUSTIFICATION OF PASS-THROUGH CONTRACTS.

Deadline.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall issue such guidance and regulations as may be necessary to ensure that in any case in which an offeror for a contract or a task or delivery order informs the agency pursuant to section 52.215-22 of the Federal Acquisition Regulation that the offeror intends to award subcontracts for more than 70 percent of the total cost of work to be performed under the contract, task order, or delivery order, the contracting officer for the contract is required to—

(1) consider the availability of alternative contract vehicles and the feasibility of contracting directly with a subcontractor or subcontractors that will perform the bulk of the work;

(2) make a written determination that the contracting approach selected is in the best interest of the Government; and

Determination.

(3) document the basis for such determination.

SEC. 803. AVAILABILITY OF AMOUNTS IN DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.

(a) IN GENERAL.—Section 1705 of title 10, United States Code, is amended—

(1) in subsection (d)(2)(C), by striking clauses (i) through (vi) and inserting the following:

"(i) For fiscal year 2013, $500,000,000.

"(ii) For fiscal year 2014, $800,000,000.

"(iii) For fiscal year 2015, $700,000,000.

"(iv) For fiscal year 2016, $600,000,000.

"(v) For fiscal year 2017, $500,000,000.

"(vi) For fiscal year 2018, $400,000,000.";

(2) in subsection (e)—

(A) in paragraph (1), by adding at the end the following new sentence: "In the case of temporary members of the acquisition workforce designated pursuant to subsection (h)(2), such funds shall be available only for the limited purpose of providing training in the performance of acquisition-related functions and duties."; and

(B) in paragraph (5), by inserting before the period at the end the following: ", and who has continued in the employment of the Department since such time without a break in such employment of more than a year";

(3) by striking subsection (g);

(4) by redesignating subsection (h) as subsection (g); and

(5) by adding at the end the following new subsection (h):

"(h) ACQUISITION WORKFORCE DEFINED.—In this section, the term 'acquisition workforce' means the following:

"(1) Personnel in positions designated under section 1721 of this title as acquisition positions for purposes of this chapter.

"(2) Other military personnel or civilian employees of the Department of Defense who—

"(A) contribute significantly to the acquisition process by virtue of their assigned duties; and

"(B) are designated as temporary members of the acquisition workforce by the Under Secretary of Defense for Acquisition, Technology, and Logistics, or by the senior acquisition executive of a military department, for the limited purpose of receiving training for the performance of acquisition-related functions and duties.".

(b) EXTENSION OF EXPEDITED HIRING AUTHORITY.—Subsection (g) of such section, as redesignated by subsection (a)(4) of this section, is further amended in paragraph (2) by striking "September 30, 2015" and inserting "September 30, 2017".

(c) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop a plan for the implementation of the authority provided by the amendments made by subsection (a) with regard to temporary members of the defense acquisition workforce. The plan shall include policy, criteria, and

Deadline.
10 USC 1705 note.

processes for designating temporary members and appropriate safeguards to prevent the abuse of such authority.

10 USC 2302 note.

SEC. 804. DEPARTMENT OF DEFENSE POLICY ON CONTRACTOR PROFITS.

(a) REVIEW OF GUIDELINES ON PROFITS.—The Secretary of Defense shall review the profit guidelines in the Department of Defense Supplement to the Federal Acquisition Regulation in order to identify any modifications to such guidelines that are necessary to ensure an appropriate link between contractor profit and contractor performance. In conducting the review, the Secretary shall obtain the views of experts and interested parties in Government and the private sector.

(b) MATTERS TO BE CONSIDERED.—In conducting the review required by subsection (a), the Secretary shall consider, at a minimum, the following:

(1) Appropriate levels of profit needed to sustain competition in the defense industry, taking into account contractor investment and cash flow.

(2) Appropriate adjustments to address contract and performance risk assumed by the contractor, taking into account the extent to which such risk is passed on to subcontractors.

(3) Appropriate incentives for superior performance in delivering quality products and services in a timely and cost-effective manner, taking into account such factors as prime contractor cost reduction, control of overhead costs, subcontractor cost reduction, subcontractor management, and effective competition (including the use of small business) at the subcontract level.

Deadline.

(c) MODIFICATION OF GUIDELINES.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall modify the profit guidelines described in subsection (a) to make such changes as the Secretary determines to be appropriate based on the review conducted pursuant to that subsection.

SEC. 805. MODIFICATION OF AUTHORITIES ON INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NONDEFENSE AGENCIES.

(a) DISCRETIONARY AUTHORITY.—Subsection (a) of section 801 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended—

(1) in paragraph (1), by striking "shall, not later than the date specified in paragraph (2)," and inserting "may";

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively;

(4) in paragraph (3), as redesignated by paragraph (3) of this subsection—

(A) by striking "required under this subsection" and inserting "to be performed under this subsection"; and

(B) by striking "shall" and inserting "may"; and

(5) in paragraph (4), as so redesignated, by striking "shall" and inserting "may".

(b) CONFORMING AMENDMENTS.—Subsection (b)(1)(B) of such section is amended—

(1) in clause (i), by striking "required by subsection (a)(4)" and inserting "to be entered into under subsection (a)(3)"; and

(2) in clause (ii)—

(A) by striking "required by subsection (a)" and inserting "provided for under subsection (a)"; and

(B) by striking "subsection (a)(5)" and inserting "subsection (a)(4)".

SEC. 806. EXTENSION OF AUTHORITY RELATING TO MANAGEMENT OF SUPPLY-CHAIN RISK.

(a) EXTENSION.—Section 806(g) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4262; 10 U.S.C. 2304 note) is amended by striking "the date that is three years after the date of the enactment of this Act" and inserting "September 30, 2018".

(b) VERIFICATION OF EFFECTIVE IMPLEMENTATION.—Section 806 of such Act is further amended by adding at the end the following new subsection:

"(h) VERIFICATION OF EFFECTIVE IMPLEMENTATION.—

"(1) CRITERIA AND DATA COLLECTION TO MEASURE EFFECTIVENESS.—The Secretary of Defense shall—

"(A) establish criteria for measuring the effectiveness of the authority provided by this section; and

"(B) collect data to evaluate the implementation of this section using such criteria.

"(2) REPORTS.—The Secretary shall submit to the appropriate congressional committees—

"(A) not later than March 1, 2013, a report on the criteria established under paragraph (1)(A); and

"(B) not later than January 1, 2017, a report on the effectiveness of the implementation of this section, based on data collected under paragraph (1)(B).".

(c) TECHNICAL AMENDMENT.—Section 806(f)(2) of such Act is amended by striking "that awarded" and inserting "that are awarded".

SEC. 807. SENSE OF CONGRESS ON THE CONTINUING PROGRESS OF THE DEPARTMENT OF DEFENSE IN IMPLEMENTING ITS ITEM UNIQUE IDENTIFICATION INITIATIVE.

(a) FINDINGS.—Congress makes the following findings:

(1) In 2003, the Department of Defense initiated the Item Unique Identification (IUID) Initiative, which requires the marking and tracking of assets deployed throughout the Armed Forces or in the possession of Department contractors.

(2) The Initiative has the potential for realizing significant cost savings and improving the management of defense equipment and supplies throughout their lifecycle.

(3) The Initiative can help the Department combat the growing problem of counterfeit parts in the military supply chain.

(b) SENSE OF CONGRESS.—It is the sense of Congress—

(1) to support efforts by the Department of Defense to implement the Item Unique Identification Initiative;

(2) to support measures to verify contractor compliance with section 252.211–7003 (entitled "Item Identification and Valuation") of the Defense Supplement to the Federal Acquisition Regulation, on Unique Identification, which states that a unique identification equivalent recognized by the Department is required for certain acquisitions;

(3) to encourage the Armed Forces to adopt and implement Item Unique Identification actions and milestones; and

(4) to support investment of sufficient resources and continued training and leadership to enable the Department to capture meaningful data and optimize the benefits of the Item Unique Identification Initiative.

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

10 USC 2430 note.

SEC. 811. LIMITATION ON USE OF COST-TYPE CONTRACTS.

Deadline. Regulations.

(a) PROHIBITION WITH RESPECT TO PRODUCTION OF MAJOR DEFENSE ACQUISITION PROGRAMS.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall modify the acquisition regulations of the Department of Defense to prohibit the Department from entering into cost-type contracts for the production of major defense acquisition programs.

(b) EXCEPTION.—

Certification.

(1) IN GENERAL.—The prohibition under subsection (a) shall not apply in the case of a particular cost-type contract if the Under Secretary of Defense for Acquisition, Technology, and Logistics provides written certification to the congressional defense committees that a cost-type contract is needed to provide a required capability in a timely and cost-effective manner.

(2) SCOPE OF EXCEPTION.—In any case for which the Under Secretary grants an exception under paragraph (1), the Under Secretary shall take affirmative steps to make sure that the use of cost-type pricing is limited to only those line items or portions of the contract where such pricing is needed to achieve the purposes of the exception. A written certification under paragraph (1) shall be accompanied by an explanation of the steps taken under this paragraph.

(c) DEFINITIONS.—In this section:

(1) MAJOR DEFENSE ACQUISITION PROGRAM.—The term "major defense acquisition program" has the meaning given the term in section 2430(a) of title 10, United States Code.

(2) PRODUCTION OF A MAJOR DEFENSE ACQUISITION PROGRAM.—The term "production of a major defense acquisition program" means the production and deployment of a major system that is intended to achieve an operational capability that satisfies mission needs, or any activity otherwise defined as Milestone C under Department of Defense Instruction 5000.02 or related authorities.

(3) CONTRACT FOR THE PRODUCTION OF A MAJOR DEFENSE ACQUISITION PROGRAM.—The term "contract for the production of a major defense acquisition program"—

(A) means a prime contract for the production of a major defense acquisition program; and

(B) does not include individual line items for segregable efforts or contracts for the incremental improvement of systems that are already in production (other than contracts for major upgrades that are themselves major defense acquisition programs).

Effective date.

(d) APPLICABILITY.—The requirements of this section shall apply to contracts for the production of major defense acquisition programs entered into on or after October 1, 2014.

SEC. 812. ESTIMATES OF POTENTIAL TERMINATION LIABILITY OF CONTRACTS FOR THE DEVELOPMENT OR PRODUCTION OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) DEPARTMENT OF DEFENSE REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall review relevant acquisition guidance and take appropriate actions to ensure that program managers for major defense acquisition programs are preparing estimates of potential termination liability for covered contracts, including how such termination liability is likely to increase or decrease over the period of performance, and are giving appropriate consideration to such estimates before making recommendations on decisions to enter into or terminate such contracts. Deadline.

(b) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the extent to which the Department of Defense is considering potential termination liability as a factor in entering into and in terminating covered contracts. Deadline.

(2) MATTERS TO BE ADDRESSED.—The report required by paragraph (1) shall include, at a minimum, an assessment of the following:

(A) The extent to which the Department of Defense developed estimates of potential termination liability for covered contracts entered into before the date of the enactment of this Act and how such termination liability was likely to increase or decrease over the period of performance before making decisions to enter into or terminate such contracts.

(B) The extent to which the Department considered estimates of potential termination liability for such contracts and how such termination liability was likely to increase or decrease over the period of performance as a risk factor in deciding whether to enter into or terminate such contracts.

(c) COVERED CONTRACTS.—For purposes of this section, a covered contract is a contract for the development or production of a major defense acquisition program for which potential termination liability could reasonably be expected to exceed $100,000,000. Definition.

(d) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term "major defense acquisition program" has the meaning given that term in section 2430(a) of title 10, United States Code.

SEC. 813. TECHNICAL CHANGE REGARDING PROGRAMS EXPERIENCING CRITICAL COST GROWTH DUE TO CHANGE IN QUANTITY PURCHASED.

Section 2433a(c)(3)(A) of title 10, United States Code, is amended by striking "subparagraphs (B) and (C)" and inserting "subparagraphs (B), (C), and (E)".

SEC. 814. REPEAL OF REQUIREMENT TO REVIEW ONGOING PROGRAMS INITIATED BEFORE ENACTMENT OF MILESTONE B CERTIFICATION AND APPROVAL PROCESS.

Subsection (b) of section 205 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1725; 10 U.S.C. 2366b note) is repealed.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 821. MODIFICATION OF TIME PERIOD FOR CONGRESSIONAL NOTIFICATION OF THE LEASE OF CERTAIN VESSELS BY THE DEPARTMENT OF DEFENSE.

Section 2401(h)(2) of title 10, United States Code, is amended by striking "30 days of continuous session of Congress" and inserting "60 days".

SEC. 822. EXTENSION OF AUTHORITY FOR USE OF SIMPLIFIED ACQUISITION PROCEDURES FOR CERTAIN COMMERCIAL ITEMS.

Effective date.

(a) EXTENSION.—Effective as of January 1, 2012, section 4202 of the Clinger–Cohen Act of 1996 (division D of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) is amended in subsection (e) by striking "2012" and inserting "2015".

(b) TECHNICAL AMENDMENT TO CROSS REFERENCES.—Subsection (e) of such Act is further amended by striking "section 303(g)(1) of the Federal Property and Administrative Services Act of 1949, and section 31(a) of the Office of Federal Procurement Policy Act, as amended by this section," and inserting "section 3305(a) of title 41, United States Code, and section 1901(a) of title 41, United States Code,".

SEC. 823. CODIFICATION AND AMENDMENT RELATING TO LIFE-CYCLE MANAGEMENT AND PRODUCT SUPPORT REQUIREMENTS.

(a) CODIFICATION AND AMENDMENT.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, as amended by section 331, is further amended by adding at the end the following new section:

10 USC 2337.

"§ 2337. Life-cycle management and product support

"(a) GUIDANCE ON LIFE-CYCLE MANAGEMENT.—The Secretary of Defense shall issue and maintain comprehensive guidance on life-cycle management and the development and implementation of product support strategies for major weapon systems. The guidance issued pursuant to this subsection shall—

"(1) maximize competition and make the best possible use of available Department of Defense and industry resources at the system, subsystem, and component levels; and

"(2) maximize value to the Department of Defense by providing the best possible product support outcomes at the lowest operations and support cost.

"(b) PRODUCT SUPPORT MANAGERS.—

"(1) REQUIREMENT.—The Secretary of Defense shall require that each major weapon system be supported by a product support manager in accordance with this subsection.

"(2) RESPONSIBILITIES.—A product support manager for a major weapon system shall—

"(A) develop and implement a comprehensive product support strategy for the weapon system;

"(B) use appropriate predictive analysis and modeling tools that can improve material availability and reliability, increase operational availability rates, and reduce operation and sustainment costs;

"(C) conduct appropriate cost analyses to validate the product support strategy, including cost-benefit analyses as outlined in Office of Management and Budget Circular A–94;

"(D) ensure achievement of desired product support outcomes through development and implementation of appropriate product support arrangements;

"(E) adjust performance requirements and resource allocations across product support integrators and product support providers as necessary to optimize implementation of the product support strategy;

"(F) periodically review product support arrangements between the product support integrators and product support providers to ensure the arrangements are consistent with the overall product support strategy;

"(G) prior to each change in the product support strategy or every five years, whichever occurs first, revalidate any business-case analysis performed in support of the product support strategy; and

"(H) ensure that the product support strategy maximizes small business participation at the appropriate tiers.

"(c) DEFINITIONS.—In this section:

"(1) PRODUCT SUPPORT.—The term 'product support' means the package of support functions required to field and maintain the readiness and operational capability of major weapon systems, subsystems, and components, including all functions related to weapon system readiness.

"(2) PRODUCT SUPPORT ARRANGEMENT.—The term 'product support arrangement' means a contract, task order, or any type of other contractual arrangement, or any type of agreement or non-contractual arrangement within the Federal Government, for the performance of sustainment or logistics support required for major weapon systems, subsystems, or components. The term includes arrangements for any of the following:

"(A) Performance-based logistics.

"(B) Sustainment support.

"(C) Contractor logistics support.

"(D) Life-cycle product support.

"(E) Weapon systems product support.

"(3) PRODUCT SUPPORT INTEGRATOR.—The term 'product support integrator' means an entity within the Federal Government or outside the Federal Government charged with integrating all sources of product support, both private and public, defined within the scope of a product support arrangement.

"(4) PRODUCT SUPPORT PROVIDER.—The term 'product support provider' means an entity that provides product support

functions. The term includes an entity within the Department of Defense, an entity within the private sector, or a partnership between such entities.

"(5) MAJOR WEAPON SYSTEM.—The term 'major weapon system' means a major system within the meaning of section 2302d(a) of this title.".

10 USC prec. 2301.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title, as so amended, is further amended by adding at the end the following new item:

"2337. Life-cycle management and product support.".

(b) REPEAL OF SUPERSEDED SECTION.—Section 805 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 10 U.S.C. 2302 note) is repealed.

SEC. 824. CODIFICATION OF REQUIREMENT RELATING TO GOVERNMENT PERFORMANCE OF CRITICAL ACQUISITION FUNCTIONS.

(a) CODIFICATION.—

(1) IN GENERAL.—Subchapter I of chapter 87 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 1706.

"§ 1706. Government performance of certain acquisition functions

"(a) GOAL.—It shall be the goal of the Department of Defense and each of the military departments to ensure that, for each major defense acquisition program and each major automated information system program, each of the following positions is performed by a properly qualified member of the armed forces or full-time employee of the Department of Defense:

"(1) Program executive officer.
"(2) Deputy program executive officer.
"(3) Program manager.
"(4) Deputy program manager.
"(5) Senior contracting official.
"(6) Chief developmental tester.
"(7) Program lead product support manager.
"(8) Program lead systems engineer.
"(9) Program lead cost estimator.
"(10) Program lead contracting officer.
"(11) Program lead business financial manager.
"(12) Program lead production, quality, and manufacturing.
"(13) Program lead information technology.

"(b) PLAN OF ACTION.—The Secretary of Defense shall develop and implement a plan of action for recruiting, training, and ensuring appropriate career development of military and civilian personnel to achieve the objective established in subsection (a).

"(c) DEFINITIONS.—In this section:

"(1) The term 'major defense acquisition program' has the meaning given such term in section 2430(a) of this title.

"(2) The term 'major automated information system program' has the meaning given such term in section 2445a(a) of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

10 USC prec. 1701.

"1706. Government performance of certain acquisition functions.".

(b) REPEAL OF SUPERSEDED SECTION.—Section 820 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 10 U.S.C. 1701 note) is repealed.

SEC. 825. COMPETITION IN ACQUISITION OF MAJOR SUBSYSTEMS AND SUBASSEMBLIES ON MAJOR DEFENSE ACQUISITION PROGRAMS.

Section 202(c) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1720; 10 U.S.C. 2430 note) is amended—

(1) in the matter preceding paragraph (1), by striking "fair and objective 'make-buy' decisions by prime contractors" and inserting "competition or the option of competition at the subcontract level";

(2) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting before paragraph (2), as redesignated by paragraph (2) of this section, the following new paragraph (1):

"(1) where appropriate, breaking out a major subsystem, conducting a separate competition for the subsystem, and providing the subsystem to the prime contractor as Government-furnished equipment;".

SEC. 826. COMPLIANCE WITH BERRY AMENDMENT REQUIRED FOR UNIFORM COMPONENTS SUPPLIED TO AFGHAN MILITARY OR AFGHAN NATIONAL POLICE.

Applicability.

(a) REQUIREMENT.—In the case of any textile components supplied by the Department of Defense to the Afghan National Army or the Afghan National Police for purposes of production of uniforms, section 2533a of title 10, United States Code, shall apply, and no exceptions or exemptions under that section shall apply.

(b) EFFECTIVE DATE.—This section shall apply to solicitations issued and contracts awarded for the procurement of such components after the date of the enactment of this Act.

SEC. 827. ENHANCEMENT OF WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES.

(a) IN GENERAL.—Subsection (a) of section 2409 of title 10, United States Code, is amended—

(1) by inserting "(1)" before "An employee";

(2) in paragraph (1), as so designated—

(A) by inserting "or subcontractor" after "employee of a contractor";

(B) by striking "a Member of Congress" and all that follows through "the Department of Justice" and inserting "a person or body described in paragraph (2)"; and

(C) by striking "evidence of" and all that follows and inserting the following: "evidence of the following:

"(A) Gross mismanagement of a Department of Defense contract or grant, a gross waste of Department funds, an abuse of authority relating to a Department contract or grant, or a violation of law, rule, or regulation related to a Department

contract (including the competition for or negotiation of a contract) or grant.

"(B) Gross mismanagement of a National Aeronautics and Space Administration contract or grant, a gross waste of Administration funds, an abuse of authority relating to an Administration contract or grant, or a violation of law, rule, or regulation related to an Administration contract (including the competition for or negotiation of a contract) or grant.

"(C) A substantial and specific danger to public health or safety."; and

(3) by adding at the end the following new paragraphs:

"(2) The persons and bodies described in this paragraph are the persons and bodies as follows:

"(A) A Member of Congress or a representative of a committee of Congress.

"(B) An Inspector General.

"(C) The Government Accountability Office.

"(D) An employee of the Department of Defense or the National Aeronautics and Space Administration, as applicable, responsible for contract oversight or management.

"(E) An authorized official of the Department of Justice or other law enforcement agency.

"(F) A court or grand jury.

"(G) A management official or other employee of the contractor or subcontractor who has the responsibility to investigate, discover, or address misconduct.

"(3) For the purposes of paragraph (1)—

"(A) an employee who initiates or provides evidence of contractor or subcontractor misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a Department of Defense or National Aeronautics and Space Administration contract or grant shall be deemed to have made a disclosure covered by such paragraph; and

"(B) a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of a Department or Administration official, unless the request takes the form of a nondiscretionary directive and is within the authority of the Department or Administration official making the request.".

(b) INVESTIGATION OF COMPLAINTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting "fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant," after "is frivolous,";

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting ", fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant" after "is frivolous"; and

(B) in subparagraph (B), by inserting ", up to 180 days," after "such additional period of time"; and

(3) by adding at the end the following new paragraphs:

"(3) The Inspector General may not respond to any inquiry or disclose any information from or about any person alleging the reprisal, except to the extent that such response or disclosure is—

"(A) made with the consent of the person alleging the reprisal;

"(B) made in accordance with the provisions of section 552a of title 5 or as required by any other applicable Federal law; or

"(C) necessary to conduct an investigation of the alleged reprisal.

"(4) A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.".

(c) REMEDY AND ENFORCEMENT AUTHORITY.—Subsection (c) of such section is amended—

(1) in paragraph (1)(B), by striking "the compensation (including back pay)" and inserting "compensatory damages (including back pay)";

(2) in paragraph (2), by adding at the end following new sentence: "An action under this paragraph may not be brought more than two years after the date on which remedies are deemed to have been exhausted.";

(3) in paragraph (4), by striking "and compensatory and exemplary damages." and inserting ", compensatory and exemplary damages, and reasonable attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the agency.";

(4) in paragraph (5), by adding at the end the following new sentence: "Filing such an appeal shall not act to stay the enforcement of the order of the head of an agency, unless a stay is specifically entered by the court."; and

(5) by adding at the end the following new paragraphs:

"(6) The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an Inspector General, decision by the head of an agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.

"(7) The rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment.".

(d) NOTIFICATION OF EMPLOYEES.—Such section is further amended—

(1) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) NOTIFICATION OF EMPLOYEES.—The Secretary of Defense and the Administrator of the National Aeronautics and Space Administration shall ensure that contractors and subcontractors of the Department of Defense and the National Aeronautics and Space Administration, as applicable, inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.".

(e) EXCEPTIONS FOR INTELLIGENCE COMMUNITY.—Such section is further amended by inserting after subsection (d), as added by subsection (d)(2) of this section, the following new subsection (e):

"(e) EXCEPTIONS.—(1) This section shall not apply to any element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"(2) This section shall not apply to any disclosure made by an employee of a contractor, subcontractor, or grantee of an element of the intelligence community if such disclosure—

"(A) relates to an activity of an element of the intelligence community; or

"(B) was discovered during contract, subcontract, or grantee services provided to an element of the intelligence community.".

(f) ABUSE OF AUTHORITY DEFINED.—Subsection (g) of such section, as redesignated by subsection (d)(1) of this section, is further amended by adding at the end the following new paragraph:

"(6) The term 'abuse of authority' means the following:

"(A) An arbitrary and capricious exercise of authority that is inconsistent with the mission of the Department of Defense or the successful performance of a Department contract or grant.

"(B) An arbitrary and capricious exercise of authority that is inconsistent with the mission of the National Aeronautics and Space Administration or the successful performance of an Administration contract or grant.".

(g) ALLOWABILITY OF LEGAL FEES.—Section 2324(k) of such title is amended—

(1) in paragraph (1), by striking "commenced by the United States or a State" and inserting "commenced by the United States, by a State, or by a contractor employee submitting a complaint under section 2409 of this title"; and

(2) in paragraph (2)(C), by striking "the imposition of a monetary penalty" and inserting "the imposition of a monetary penalty or an order to take corrective action under section 2409 of this title".

10 USC 2324 note.

(h) CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to provide any rights to disclose classified information not otherwise provided by law.

10 USC 2324 note. Applicability.

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply to—

(A) all contracts awarded on or after such date;

(B) all task orders entered on or after such date pursuant to contracts awarded before, on, or after such date; and

(C) all contracts awarded before such date that are modified to include a contract clause providing for the applicability of such amendments.

Deadline.

(2) REVISION OF SUPPLEMENTS TO THE FAR.—Not later than 180 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation and the National Aeronautics and Space Administration Supplement to the Federal Acquisition Regulation shall each be revised to implement the requirements arising under the amendments made by this section.

(3) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS AWARDED BEFORE EFFECTIVE DATE.—At the time of any major modification to a contract that was awarded before the date that is 180

days after the date of the enactment of this Act, the head of the contracting agency shall make best efforts to include in the contract a contract clause providing for the applicability of the amendments made by this section to the contract.

SEC. 828. PILOT PROGRAM FOR ENHANCEMENT OF CONTRACTOR EMPLOYEE WHISTLEBLOWER PROTECTIONS.

(a) WHISTLEBLOWER PROTECTIONS.—

(1) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

"§ 4712. Pilot program for enhancement of contractor protection from reprisal for disclosure of certain information

41 USC 4712.

"(a) PROHIBITION OF REPRISALS.—

"(1) IN GENERAL.—An employee of a contractor, subcontractor, or grantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in paragraph (2) information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

"(2) PERSONS AND BODIES COVERED.—The persons and bodies described in this paragraph are the persons and bodies as follows:

"(A) A Member of Congress or a representative of a committee of Congress.

"(B) An Inspector General.

"(C) The Government Accountability Office.

"(D) A Federal employee responsible for contract or grant oversight or management at the relevant agency.

"(E) An authorized official of the Department of Justice or other law enforcement agency.

"(F) A court or grand jury.

"(G) A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.

"(3) RULES OF CONSTRUCTION.—For the purposes of paragraph (1)—

"(A) an employee who initiates or provides evidence of contractor, subcontractor, or grantee misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a Federal contract or grant shall be deemed to have made a disclosure covered by such paragraph; and

"(B) a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of an executive branch official, unless the request takes the form of a non-discretionary directive and is within the authority of the executive branch official making the request.

"(b) INVESTIGATION OF COMPLAINTS.—

Determination.
Reports.

"(1) SUBMISSION OF COMPLAINT.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of the executive agency involved. Unless the Inspector General determines that the complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant, the Inspector General shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the contractor or grantee concerned, and the head of the agency.

"(2) INSPECTOR GENERAL ACTION.—

"(A) DETERMINATION OR SUBMISSION OF REPORT ON FINDINGS.—Except as provided under subparagraph (B), the Inspector General shall make a determination that a complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant or submit a report under paragraph (1) within 180 days after receiving the complaint.

"(B) EXTENSION OF TIME.—If the Inspector General is unable to complete an investigation in time to submit a report within the 180-day period specified in subparagraph (A) and the person submitting the complaint agrees to an extension of time, the Inspector General shall submit a report under paragraph (1) within such additional period of time, up to 180 days, as shall be agreed upon between the Inspector General and the person submitting the complaint.

"(3) PROHIBITION ON DISCLOSURE.—The Inspector General may not respond to any inquiry or disclose any information from or about any person alleging the reprisal, except to the extent that such response or disclosure is—

"(A) made with the consent of the person alleging the reprisal;

"(B) made in accordance with the provisions of section 552a of title 5 or as required by any other applicable Federal law; or

"(C) necessary to conduct an investigation of the alleged reprisal.

"(4) TIME LIMITATION.—A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.

"(c) REMEDY AND ENFORCEMENT AUTHORITY.—

Deadline.
Determination.
Order.

"(1) IN GENERAL.—Not later than 30 days after receiving an Inspector General report pursuant to subsection (b), the head of the executive agency concerned shall determine whether there is sufficient basis to conclude that the contractor or grantee concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:

"(A) Order the contractor or grantee to take affirmative action to abate the reprisal.

"(B) Order the contractor or grantee to reinstate the person to the position that the person held before the

reprisal, together with compensatory damages (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

"(C) Order the contractor or grantee to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys' fees and expert witnesses' fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the executive agency.

"(2) EXHAUSTION OF REMEDIES.—If the head of an executive agency issues an order denying relief under paragraph (1) or has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under paragraph (b)(2)(B), not later than 30 days after the expiration of the extension of time, and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the contractor or grantee to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury. An action under this paragraph may not be brought more than two years after the date on which remedies are deemed to have been exhausted. Deadlines.

"(3) ADMISSIBILITY OF EVIDENCE.—An Inspector General determination and an agency head order denying relief under paragraph (2) shall be admissible in evidence in any de novo action at law or equity brought pursuant to this subsection.

"(4) ENFORCEMENT OF ORDERS.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the executive agency concerned shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the executive agency.

"(5) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order's conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the executive agency. Review shall conform to chapter 7 of title 5. Filing such an appeal shall not act to stay the enforcement of the order of the head of an executive agency, unless a stay is specifically entered by the court. Time period.

"(6) BURDENS OF PROOF.—The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an Inspector General, decision by the head of an executive agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.

"(7) RIGHTS AND REMEDIES NOT WAIVABLE.—The rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment.

"(d) NOTIFICATION OF EMPLOYEES.—The head of each executive agency shall ensure that contractors, subcontractors, and grantees of the agency inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

"(e) CONSTRUCTION.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

"(f) EXCEPTIONS.—(1) This section shall not apply to any element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

"(2) This section shall not apply to any disclosure made by an employee of a contractor, subcontractor, or grantee of an element of the intelligence community if such disclosure—

"(A) relates to an activity of an element of the intelligence community; or

"(B) was discovered during contract, subcontract, or grantee services provided to an element of the intelligence community.

"(g) DEFINITIONS.—In this section:

"(1) The term 'abuse of authority' means an arbitrary and capricious exercise of authority that is inconsistent with the mission of the executive agency concerned or the successful performance of a contract or grant of such agency.

"(2) The term 'Inspector General' means an Inspector General appointed under the Inspector General Act of 1978 and any Inspector General that receives funding from, or has oversight over contracts or grants awarded for or on behalf of, the executive agency concerned.

"(h) CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to provide any rights to disclose classified information not otherwise provided by law.

"(i) DURATION OF SECTION.—This section shall be in effect for the four-year period beginning on the date of the enactment of this section.".

41 USC prec. 4701.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"4712. Pilot program for enhancement of contractor protection from reprisal for disclosure of certain information.".

41 USC 4712 note. Applicability.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall, during the period

section 4712 of title 41, United States Code, as added by such subsection, is in effect, apply to—

(A) all contracts and grants awarded on or after such date;

(B) all task orders entered on or after such date pursuant to contracts awarded before, on, or after such date; and

(C) all contracts awarded before such date that are modified to include a contract clause providing for the applicability of such amendments.

(2) REVISION OF FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to implement the requirements arising under the amendments made by this section. Deadline.

(3) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS AWARDED BEFORE EFFECTIVE DATE.—At the time of any major modification to a contract that was awarded before the date that is 180 days after the date of the enactment of this Act, the head of the contracting agency shall make best efforts to include in the contract a contract clause providing for the applicability of the amendments made by this section to the contract. Time period.

(c) SUSPENSION OF EFFECTIVENESS OF SECTION 4705 OF TITLE 41, UNITED STATES CODE, WHILE PILOT PROGRAM IS IN EFFECT.—Section 4705 of title 41, United States Code, is amended by adding at the end the following new subsection:

"(f) FOUR-YEAR SUSPENSION OF EFFECTIVENESS WHILE PILOT PROGRAM IS IN EFFECT.—While section 4712 of this title is in effect, this section shall not be in effect.".

(d) ALLOWABILITY OF LEGAL FEES.—Section 4310 of title 41, United States Code, is amended—

(1) in subsection (b), by striking "commenced by the Federal Government or a State" and inserting "commenced by the Federal Government, by a State, or by a contractor or grantee employee submitting a complaint under section 4712 of this title"; and

(2) in subsection (c)(3), by striking "the imposition of a monetary penalty" and inserting "the imposition of a monetary penalty or an order to take corrective action under section 4712 of this title".

(e) GOVERNMENT ACCOUNTABILITY OFFICE STUDY AND REPORT.—

(1) STUDY.—Not later than three years after the date of the enactment of this Act, the Comptroller General of the United States shall begin conducting a study to evaluate the implementation of section 4712 of title 41, United States Code, as added by subsection (a).

(2) REPORT.—Not later than four years after the date of the enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study required by paragraph (1), with such findings and recommendations as the Comptroller General considers appropriate.

SEC. 829. EXTENSION OF CONTRACTOR CONFLICT OF INTEREST LIMITATIONS. 10 USC 2302 note.

(a) ASSESSMENT OF EXTENSION OF LIMITATIONS TO CERTAIN ADDITIONAL FUNCTIONS AND CONTRACTS.—Not later than 180 days Deadline. Review.

after the date of the enactment of this Act, the Secretary of Defense shall review the guidance on personal conflicts of interest for contractor employees issued pursuant to section 841(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4537) in order to determine whether it would be in the best interest of the Department of Defense and the taxpayers to extend such guidance to personal conflicts of interest by contractor personnel performing any of the following:

(1) Functions other than acquisition functions that are closely associated with inherently governmental functions (as that term is defined in section 2383(b)(3) of title 10, United States Code).

(2) Personal services contracts (as that term is defined in section 2330a(g)(5) of title 10, United States Code).

(3) Contracts for staff augmentation services (as that term is defined in section 808(d)(3) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1490)).

Determination.

(b) EXTENSION OF LIMITATIONS.—If the Secretary determines pursuant to the review under subsection (a) that the guidance on personal conflicts of interest should be extended, the Secretary shall revise the Defense Supplement to the Federal Acquisition Regulation to the extent necessary to achieve such extension.

Deadline.
Documentation.

(c) RESULTS OF REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall document in writing the results of the review conducted under subsection (a), including, at a minimum—

(1) the findings and recommendations of the review; and

(2) the basis for such findings and recommendations.

SEC. 830. REPEAL OF SUNSET FOR CERTAIN PROTESTS OF TASK AND DELIVERY ORDER CONTRACTS.

Section 2304c(e) of title 10, United States Code, is amended by striking paragraph (3).

10 USC 2306a note.
Deadlines.

SEC. 831. GUIDANCE AND TRAINING RELATED TO EVALUATING REASONABLENESS OF PRICE.

(a) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall issue guidance on the use of the authority provided by sections 2306a(d) and 2379 of title 10, United States Code. The guidance shall—

(1) include standards for determining whether information on the prices at which the same or similar items have previously been sold is adequate for evaluating the reasonableness of price;

(2) include standards for determining the extent of uncertified cost information that should be required in cases in which price information is not adequate for evaluating the reasonableness of price;

(3) ensure that in cases in which such uncertified cost information is required, the information shall be provided in the form in which it is regularly maintained by the offeror in its business operations; and

(4) provide that no additional cost information may be required by the Department of Defense in any case in which there are sufficient non-Government sales to establish reasonableness of price.

(b) TRAINING AND EXPERTISE.—Not later than 270 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop and begin implementation of a plan of action to— Plans.

(1) train the acquisition workforce on the use of the authority provided by sections 2306a(d) and 2379 of title 10, United States Code, in evaluating reasonableness of price in procurements of commercial items; and

(2) develop a cadre of experts within the Department of Defense to provide expert advice to the acquisition workforce in the use of the authority provided by such sections in accordance with the guidance issued pursuant to subsection (a).

(c) DOCUMENTATION REQUIREMENTS.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall ensure that requests for uncertified cost information for the purposes of evaluating reasonableness of price are sufficiently documented. The Under Secretary shall require that the contract file include, at a minimum, the following:

(1) A justification of the need for additional cost information.

(2) A copy of any request from the Department of Defense to a contractor for additional cost information.

(3) Any response received from the contractor to the request, including any rationale or justification provided by the contractor for a failure to provide the requested information.

(d) COMPTROLLER GENERAL REVIEW AND REPORT.—

(1) REVIEW REQUIREMENT.—The Comptroller General of the United States shall conduct a review of data collected pursuant to sections 2306a(d) and 2379 of title 10, United States Code, during the two-year period beginning on the date of the enactment of this Act. Time periods.

(2) REPORT REQUIREMENT.—Not later than 180 days after the end of the two-year period referred to in paragraph (1), the Comptroller General shall submit to the congressional defense committees a report on—

(A) the extent to which the Department of Defense needed access to additional cost information pursuant to sections 2306a(d) and 2379 of title 10, United States Code, during such two-year period in order to determine price reasonableness;

(B) the extent to which acquisition officials of the Department of Defense complied with the guidance issued pursuant to subsection (a) during such two-year period;

(C) the extent to which the Department of Defense needed access to additional cost information during such two-year period to determine reasonableness of price, but was not provided such information by the contractor on request; and

(D) recommendations for improving evaluations of reasonableness of price by Department of Defense acquisition professionals, including recommendations for any amendments to law, regulations, or guidance.

10 USC 2313 note.

SEC. 832. DEPARTMENT OF DEFENSE ACCESS TO, USE OF, AND SAFEGUARDS AND PROTECTIONS FOR CONTRACTOR INTERNAL AUDIT REPORTS.

(a) REVISED GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the Defense Contract Audit Agency shall revise guidance on access to defense contractor internal audit reports (including the Contract Audit Manual) to incorporate the requirements of this section.

(b) DOCUMENTATION REQUIREMENTS.—The revised guidance shall ensure that requests for access to defense contractor internal audit reports are appropriately documented. The required documentation shall include, at a minimum, the following:

(1) Written determination that access to such reports is necessary to complete required evaluations of contractor business systems.

(2) A copy of any request from the Defense Contract Audit Agency to a contractor for access to such reports.

(3) A record of response received from the contractor, including the contractor's rationale or justification if access to requested reports was not granted.

(b) SAFEGUARDS AND PROTECTIONS.—The revised guidance shall include appropriate safeguards and protections to ensure that contractor internal audit reports cannot be used by the Defense Contract Audit Agency for any purpose other than evaluating and testing the efficacy of contractor internal controls and the reliability of associated contractor business systems.

Determination.

(c) RISK-BASED AUDITING.—A determination by the Defense Contract Audit Agency that a contractor has a sound system of internal controls shall provide the basis for increased reliance on contractor business systems or a reduced level of testing with regard to specific audits, as appropriate. Internal audit reports provided by a contractor pursuant to this section may be considered in determining whether or not a contractor has a sound system of internal controls, but shall not be the sole basis for such a determination.

(d) COMPTROLLER GENERAL REVIEW.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a review of the documentation required by subsection (a). Not later than 90 days after completion of the review, the Comptroller General shall submit to the congressional defense committees a report on the results of the review, with findings and recommendations for improving the audit processes of the Defense Contract Audit Agency.

10 USC 2302 note.

SEC. 833. CONTRACTOR RESPONSIBILITIES IN REGULATIONS RELATING TO DETECTION AND AVOIDANCE OF COUNTERFEIT ELECTRONIC PARTS.

Section 818(c)(2)(B) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1493; 10 U.S.C. 2302 note) is amended to read as follows:

"(B) the cost of counterfeit electronic parts and suspect counterfeit electronic parts and the cost of rework or corrective action that may be required to remedy the use or inclusion of such parts are not allowable costs under Department contracts, unless—

"(i) the covered contractor has an operational system to detect and avoid counterfeit parts and suspect counterfeit electronic parts that has been reviewed and approved by the Department of Defense pursuant to subsection (e)(2)(B);

"(ii) the counterfeit electronic parts or suspect counterfeit electronic parts were provided to the contractor as Government property in accordance with part 45 of the Federal Acquisition Regulation; and

"(iii) the covered contractor provides timely notice to the Government pursuant to paragraph (4).".

Subtitle D—Provisions Relating to Contracts in Support of Contingency Operations

SEC. 841. EXTENSION AND EXPANSION OF AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.

(a) EXTENSION OF TERMINATION DATE.—Subsection (f) of section 801 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2399) is amended by striking "on or after the date occurring three years after the date of the enactment of this Act" and inserting "after December 31, 2014".

(b) EXPANSION OF AUTHORITY TO COVER FORCES OF THE UNITED STATES AND COALITION FORCES.—Subsection (b)(1) of such section is amended—

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by adding "or" at the end; and

(3) by adding at the end the following:

"(D) by the United States or coalition forces in Afghanistan if the product or service is from a country that has agreed to allow the transport of coalition personnel, equipment, and supplies;".

(c) REPEAL OF EXPIRED REPORT REQUIREMENT.—Subsection (g) of such section is repealed.

(d) CLERICAL AMENDMENT.—The heading of such section is amended by striking "**; REPORT**".

SEC. 842. LIMITATION ON AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN AFGHANISTAN.

Section 886 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 266; 10 U.S.C. 2302 note) is amended—

(1) in the section heading, by striking "**IRAQ OR**";

(2) by striking "Iraq or" each place it appears; and

(3) in the subsection heading of subsection (c), by striking "IRAQ OR".

SEC. 843. RESPONSIBILITY WITHIN DEPARTMENT OF DEFENSE FOR OPERATIONAL CONTRACT SUPPORT.

10 USC 2302 note.

(a) GUIDANCE REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall develop and issue guidance establishing the chain of authority

Deadline.

and responsibility within the Department of Defense for policy, planning, and execution of operational contract support.

(b) ELEMENTS.—The guidance under subsection (a) shall, at a minimum—

(1) specify the officials, offices, and components of the Department within the chain of authority and responsibility described in subsection (a);

(2) identify for each official, office, and component specified under paragraph (1)—

(A) requirements for policy, planning, and execution of contract support for operational contract support, including, at a minimum, requirements in connection with—

(i) coordination of functions, authorities, and responsibilities related to operational contract support, including coordination with relevant Federal agencies;

(ii) assessments of total force data in support of Department force planning scenarios, including the appropriateness of and necessity for the use of contractors for identified functions;

(iii) determinations of capability requirements for nonacquisition community operational contract support, and identification of resources required for planning, training, and execution to meet such requirements; and

(iv) determinations of policy regarding the use of contractors by function, and identification of the training exercises that will be required for operational contract support (including an assessment whether or not such exercises will include contractors); and

(B) roles, authorities, responsibilities, and lines of supervision for the achievement of the requirements identified under subparagraph (A); and

(3) ensure that the chain of authority and responsibility described in subsection (a) is appropriately aligned with, and appropriately integrated into, the structure of the Department for the conduct of overseas contingency operations, including the military departments, the Joint Staff, and the commanders of the unified combatant commands.

10 USC 2302 note.

SEC. 844. DATA COLLECTION ON CONTRACT SUPPORT FOR FUTURE OVERSEAS CONTINGENCY OPERATIONS INVOLVING COMBAT OPERATIONS.

Deadline. Guidance.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall each issue guidance regarding data collection on contract support for future contingency operations outside the United States that involve combat operations.

(b) ELEMENTS.—The guidance required by subsection (a) shall ensure that the Department of Defense, the Department of State, and the United States Agency for International Development take the steps necessary to ensure that each agency has the capability to collect and report, at a minimum, the following data regarding such contract support:

(1) The total number of contracts entered into as of the date of any report.

(2) The total number of such contracts that are active as of such date.

(3) The total value of contracts entered into as of such date.

(4) The total value of such contracts that are active as of such date.

(5) An identification of the extent to which the contracts entered into as of such date were entered into using competitive procedures.

(6) The total number of contractor personnel working under contracts entered into as of the end of each calendar quarter during the one-year period ending on such date.

(7) The total number of contractor personnel performing security functions under contracts entered into as of the end of each calendar quarter during the one-year period ending on such date.

(8) The total number of contractor personnel killed or wounded under any contracts entered into.

(c) COMPTROLLER GENERAL REVIEW AND REPORT.—

(1) REVIEW.—The Comptroller General of the United States shall review the data system or systems established to track contractor data pursuant to subsections (a) and (b). The review shall, with respect to each such data system, at a minimum—

(A) identify each such data system and assess the resources needed to sustain such system;

(B) determine if all such data systems are interoperable, use compatible data standards, and meet the requirements of section 2222 of title 10, United States Code; and

(C) make recommendations on the steps that the Department of Defense, the Department of State, and the United States Agency for International Development should take to ensure that all such data systems—

(i) meet the requirements of the guidance issued pursuant to subsections (a) and (b);

(ii) are interoperable, use compatible data standards, and meet the requirements of section 2222 of such title; and

(iii) are supported by appropriate business processes and rules to ensure the timeliness and reliability of data.

(2) REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General shall submit a report on the review required by paragraph (1) to the following committees:

(A) The congressional defense committees.

(B) The Committee on Foreign Relations and the Committee on Homeland Security and Governmental Affairs of the Senate.

(C) The Committee on Foreign Affairs and the Committee on Oversight and Government Reform of the House of Representatives.

SEC. 845. INCLUSION OF OPERATIONAL CONTRACT SUPPORT IN CERTAIN REQUIREMENTS FOR DEPARTMENT OF DEFENSE PLANNING, JOINT PROFESSIONAL MILITARY EDUCATION, AND MANAGEMENT STRUCTURE.

(a) READINESS REPORTING SYSTEM.—Section 117(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(8) Measure, on an annual basis, the capability of operational contract support to support current and anticipated wartime missions of the armed forces.".

(b) OPERATIONAL CONTRACT SUPPORT PLANNING AND PREPAREDNESS FUNCTIONS OF CJCS.—Section 153(a)(3) of such title is amended by adding at the end the following new subparagraph:

"(F) In coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Secretaries of the military departments, the heads of the Defense Agencies, and the commanders of the combatant commands, determining the operational contract support requirements of the armed forces and recommending the resources required to improve and enhance operational contract support for the armed forces and planning for such operational contract support.".

(c) OPERATIONAL CONTRACT SUPPORT AS MATTER WITHIN COURSE OF JOINT PROFESSIONAL MILITARY EDUCATION.—Section 2151(a) of such title is amended by adding at the end the following new paragraph:

"(6) Operational contract support.".

(d) MANAGEMENT STRUCTURE.—Section 2330(c)(2) of such title is amended by striking "other than services" and all that follows and inserting "including services in support of contingency operations. The term does not include services relating to research and development or military construction.".

10 USC 2302 note.

SEC. 846. REQUIREMENTS FOR RISK ASSESSMENTS RELATED TO CONTRACTOR PERFORMANCE.

(a) RISK ASSESSMENTS FOR CONTRACTOR PERFORMANCE IN OPERATIONAL OR CONTINGENCY PLANS.—The Secretary of Defense shall require that a risk assessment on reliance on contractors be included in operational or contingency plans developed by a commander of a combatant command in executing the responsibilities prescribed in section 164 of title 10, United States Code. Such risk assessments shall address, at a minimum, the potential risks listed in subsection (c).

(b) COMPREHENSIVE RISK ASSESSMENTS AND MITIGATION PLANS FOR CONTRACTOR PERFORMANCE IN SUPPORT OF OVERSEAS CONTINGENCY OPERATIONS.—

Deadline.

(1) IN GENERAL.—Subject to paragraphs (2) and (3), not later than six months after the commencement or designation of a contingency operation outside the United States that includes or is expected to include combat operations, the head of each covered agency shall perform a comprehensive risk assessment and develop a risk mitigation plan for operational and political risks associated with contractor performance of critical functions in support of the operation for such covered agency.

(2) EXCEPTIONS.—Except as provided in paragraph (3), a risk assessment and risk mitigation plan shall not be required under paragraph (1) for an overseas contingency operation if—

(A) the operation is not expected to continue for more than one year; and

(B) the total amount of obligations for contracts for support of the operation for the covered agency is not expected to exceed $250,000,000.

(3) TERMINATION OF EXCEPTIONS.—Notwithstanding paragraph (2), the head of a covered agency shall perform a risk assessment and develop a risk mitigation plan under paragraph (1) for an overseas contingency operation with regard to which a risk assessment and risk mitigation plan has not previously been performed under paragraph (1) not later than 60 days after the date on which— Deadline.

(A) the operation has continued for more than one year; or

(B) the total amount of obligations for contracts for support of the operation for the covered agency exceeds $250,000,000.

(c) COMPREHENSIVE RISK ASSESSMENTS.—A comprehensive risk assessment under subsection (b) shall consider, at a minimum, risks relating to the following:

(1) The goals and objectives of the operation (such as risks from contractor behavior or performance that may injure innocent members of the local population or offend their sensibilities).

(2) The continuity of the operation (such as risks from contractors refusing to perform or being unable to perform when there may be no timely replacements available).

(3) The safety of military and civilian personnel of the United States if the presence or performance of contractor personnel creates unsafe conditions or invites attack.

(4) The safety of contractor personnel employed by the covered agency.

(5) The managerial control of the Government over the operation (such as risks from over-reliance on contractors to monitor other contractors or inadequate means for Government personnel to monitor contractor performance).

(6) The critical organic or core capabilities of the Government, including critical knowledge or institutional memory of key operations areas and subject-matter expertise.

(7) The ability of the Government to control costs, avoid organizational or personal conflicts of interest, and minimize waste, fraud, and abuse.

(d) RISK MITIGATION PLANS.—A risk mitigation plan under subsection (b) shall include, at a minimum, the following:

(1) For each high-risk area identified in the comprehensive risk assessment for the operation performed under subsection (b)—

(A) specific actions to mitigate or reduce such risk, including the development of alternative capabilities to reduce reliance on contractor performance of critical functions;

(B) measurable milestones for the implementation of planned risk mitigation or risk reduction measures; and

(C) a process for monitoring, measuring, and documenting progress in mitigating or reducing risk.

(2) A continuing process for identifying and addressing new and changed risks arising in the course of the operation,

including the periodic reassessment of risks and the development of appropriate risk mitigation or reduction plans for any new or changed high-risk area identified.

(e) CRITICAL FUNCTIONS.—For purposes of this section, critical functions include, at a minimum, the following:

(1) Private security functions, as that term is defined in section 864(a)(6) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note).

(2) Training and advising Government personnel, including military and security personnel, of a host nation.

(3) Conducting intelligence or information operations.

(4) Any other functions that are closely associated with inherently governmental functions, including the functions set forth in section 7.503(d) of the Federal Acquisition Regulation.

(5) Any other functions that are deemed critical to the success of the operation.

Definition.

(f) COVERED AGENCY.—In this section, the term "covered agency" means the Department of Defense, the Department of State, and the United States Agency for International Development.

SEC. 847. EXTENSION AND MODIFICATION OF REPORTS ON CONTRACTING IN IRAQ AND AFGHANISTAN.

(a) TWO-YEAR EXTENSION OF REQUIREMENT FOR JOINT REPORT.—Subsection (a)(5) of section 863 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note) is amended by striking "February 1, 2013" and inserting "February 1, 2015".

(b) REPEAL OF COMPTROLLER GENERAL REVIEW.—Such section is further amended by striking subsection (b).

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Such section is further amended—

(A) by striking "JOINT REPORT REQUIRED.—" and all that follows through "paragraph (6)" and inserting "IN GENERAL.—Except as provided in subsection (f)";

(B) by striking "this subsection" each place it appears and inserting "this section";

(C) by redesignating paragraphs (2) through (7) as subsections (b) through (g), respectively, and by moving the left margins of such subsections (including the subparagraphs in such subsections), as so redesignated, two ems to the left;

(D) in subsection (b), as redesignated by subparagraph (C) of this paragraph—

(i) by capitalizing the second and third words of the heading; and

(ii) by redesignating subparagraphs (A) through (I) as paragraphs (1) through (9), respectively;

(E) in subsection (c), as redesignated by subparagraph (C) of this paragraph—

(i) by capitalizing the second and third words of the heading;

(ii) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively; and

(iii) by striking "paragraph (2)" each place it appears and inserting "subsection (b)";

(F) in subsection (d), as redesignated by subparagraph (C) of this paragraph, by capitalizing the second word of the heading;

(G) in subsection (e), as redesignated by subparagraph (C) of this paragraph, by capitalizing the third word of the heading;

(H) in subsection (f), as redesignated by subparagraph (C) of this paragraph, by striking "this paragraph" and inserting "this subsection"; and

(I) in subsection (g), as redesignated by subparagraph (C) of this paragraph, by striking "paragraph (2)(F)" and inserting "subsection (b)(6)".

(2) HEADING AMENDMENT.—The heading of such section is amended by striking "**AND COMPTROLLER GENERAL REVIEW**".

SEC. 848. RESPONSIBILITIES OF INSPECTORS GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.

The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating section 8L as section 8M; and

(2) by inserting after section 8J the following new section 8L:

"SEC. 8L. SPECIAL PROVISIONS CONCERNING OVERSEAS CONTINGENCY OPERATIONS. 5 USC app. 8L.

"(a) ADDITIONAL RESPONSIBILITIES OF CHAIR OF COUNCIL OF INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY.—Upon the commencement or designation of a military operation as an overseas contingency operation that exceeds 60 days, the Chair of the Council of Inspectors General on Integrity and Efficiency (CIGIE) shall, in consultation with the members of the Council, have the additional responsibilities specified in subsection (b) with respect to the Inspectors General specified in subsection (c). Time period.

"(b) SPECIFIC RESPONSIBILITIES.—The responsibilities specified in this subsection are the following:

"(1) In consultation with the Inspectors General specified in subsection (c), to designate a lead Inspector General in accordance with subsection (d) to discharge the authorities of the lead Inspector General for the overseas contingency operation concerned as set forth in subsection (d).

"(2) To resolve conflicts of jurisdiction among the Inspectors General specified in subsection (c) on investigations, inspections, and audits with respect to such contingency operation in accordance with subsection (d)(2)(B).

"(3) To assist in identifying for the lead inspector general for such contingency operation, Inspectors General and inspector general office personnel available to assist the lead Inspector General and the other Inspectors General specified in subsection (c) on matters relating to such contingency operation.

"(c) INSPECTORS GENERAL.—The Inspectors General specified in this subsection are the Inspectors General as follows:

"(1) The Inspector General of the Department of Defense.

"(2) The Inspector General of the Department of State.

"(3) The Inspector General of the United States Agency for International Development.

"(d) LEAD INSPECTOR GENERAL FOR OVERSEAS CONTINGENCY OPERATION.—(1) A lead Inspector General for an overseas contingency operation shall be designated by the Chair of the Council Designation. Deadline. Time period.

of Inspectors General on Integrity and Efficiency under subsection (b)(1) not later than 30 days after the commencement or designation of the military operation concerned as an overseas contingency operation that exceeds 60 days. The lead Inspector General for a contingency operation shall be designated from among the Inspectors General specified in subsection (c).

"(2) The lead Inspector General for an overseas contingency operation shall have the following responsibilities:

"(A) To appoint, from among the offices of the other Inspectors General specified in subsection (c), an Inspector General to act as associate Inspector General for the contingency operation who shall act in a coordinating role to assist the lead Inspector General in the discharge of responsibilities under this subsection.

"(B) To develop and carry out, in coordination with the offices of the other Inspectors General specified in subsection (c), a joint strategic plan to conduct comprehensive oversight over all aspects of the contingency operation and to ensure through either joint or individual audits, inspections, and investigations, independent and effective oversight of all programs and operations of the Federal Government in support of the contingency operation.

"(C) To review and ascertain the accuracy of information provided by Federal agencies relating to obligations and expenditures, costs of programs and projects, accountability of funds, and the award and execution of major contracts, grants, and agreements in support of the contingency operation.

"(D)(i) If none of the Inspectors General specified in subsection (c) has principal jurisdiction over a matter with respect to the contingency operation, to exercise responsibility for discharging oversight responsibilities in accordance with this Act with respect to such matter.

"(ii) If more than one of the Inspectors General specified in subsection (c) has jurisdiction over a matter with respect to the contingency operation, to determine principal jurisdiction for discharging oversight responsibilities in accordance with this Act with respect to such matter.

"(E) To employ, or authorize the employment by the other Inspectors General specified in subsection (c), on a temporary basis using the authorities in section 3161 of title 5, United States Code, such auditors, investigators, and other personnel as the lead Inspector General considers appropriate to assist the lead Inspector General and such other Inspectors General on matters relating to the contingency operation.

Deadline. Web posting. Public information. Reports.

"(F) To submit to Congress on a bi-annual basis, and to make available on an Internet website available to the public, a report on the activities of the lead Inspector General and the other Inspectors General specified in subsection (c) with respect to the contingency operation, including—

"(i) the status and results of investigations, inspections, and audits and of referrals to the Department of Justice; and

"(ii) overall plans for the review of the contingency operation by inspectors general, including plans for investigations, inspections, and audits.

"(G) To submit to Congress on a quarterly basis, and to make available on an Internet website available to the public, a report on the contingency operation.

Deadline. Web posting. Public information. Reports.

"(H) To carry out such other responsibilities relating to the coordination and efficient and effective discharge by the Inspectors General specified in subsection (c) of duties relating to the contingency operation as the lead Inspector General shall specify.

"(3)(A) The lead Inspector General for an overseas contingency operation may employ, or authorize the employment by the other Inspectors General specified in subsection (c) of, annuitants covered by section 9902(g) of title 5, United States Code, for purposes of assisting the lead Inspector General in discharging responsibilities under this subsection with respect to the contingency operation.

"(B) The employment of annuitants under this paragraph shall be subject to the provisions of section 9902(g) of title 5, United States Code, as if the lead Inspector General concerned was the Department of Defense.

"(C) The period of employment of an annuitant under this paragraph may not exceed three years, except that the period may be extended for up to an additional two years in accordance with the regulations prescribed pursuant to section 3161(b)(2) of title 5, United States Code.

"(4) The lead Inspector General for an overseas contingency operation shall discharge the responsibilities for the contingency operation under this subsection in a manner consistent with the authorities and requirements of this Act generally and the authorities and requirements applicable to the Inspectors General specified in subsection (c) under this Act.

"(e) SUNSET FOR PARTICULAR CONTINGENCY OPERATIONS.—The requirements and authorities of this section with respect to an overseas contingency operation shall cease at the end of the first fiscal year after the commencement or designation of the contingency operation in which the total amount appropriated for the contingency operation is less than $100,000,000.

"(f) CONSTRUCTION OF AUTHORITY.—Nothing in this section shall be construed to limit the ability of the Inspectors General specified in subsection (c) to enter into agreements to conduct joint audits, inspections, or investigations in the exercise of their oversight responsibilities in accordance with this Act with respect to overseas contingency operations.".

SEC. 849. OVERSIGHT OF CONTRACTS AND CONTRACTING ACTIVITIES FOR OVERSEAS CONTINGENCY OPERATIONS IN RESPONSIBILITIES OF CHIEF ACQUISITION OFFICERS OF FEDERAL AGENCIES.

(a) IN GENERAL.—Subsection (b)(3) of section 1702 of title 41, United States Code, is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (E) the following new subparagraph (F):

"(F) advising the executive agency on the applicability of relevant policy on the contracts of the agency for overseas contingency operations and ensuring the compliance of the contracts and contracting activities of the agency with such policy;".

(b) DEFINITION.—Such section is further amended by adding at the end the following new subsection:

"(d) OVERSEAS CONTINGENCY OPERATIONS DEFINED.—In this section, the term 'overseas contingency operations' means military operations outside the United States and its territories and possessions that are a contingency operation (as that term is defined in section 101(a)(13) of title 10).".

22 USC 2151 note.

SEC. 850. REPORTS ON RESPONSIBILITY WITHIN DEPARTMENT OF STATE AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR CONTRACT SUPPORT FOR OVERSEAS CONTINGENCY OPERATIONS.

Consultation. Assessment.

(a) DOS AND USAID REPORTS REQUIRED.—Not later than six months after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall, in consultation with the Chief Acquisition Officer of the Department of State and the Chief Acquisition Officer of the United States Agency for International Development, respectively, each submit to the appropriate committees of Congress an assessment of Department of State and United States Agency for International Development policies governing contract support in overseas contingency operations.

(b) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) A description and assessment of the roles and responsibilities of the officials, offices, and components of the Department of State or the United States Agency for International Development, as applicable, within the chain of authority and responsibility for policy, planning, and execution of contract support for overseas contingency operations.

(2) Procedures and processes of the Department or Agency, as applicable, on the following in connection with contract support for overseas contingency operations:

(A) Collection, inventory, and reporting of data.

(B) Acquisition planning.

(C) Solicitation and award of contracts.

(D) Requirements development and management.

(E) Contract tracking and oversight.

(F) Performance evaluations.

(G) Risk management.

(H) Interagency coordination and transition planning.

(3) Strategies and improvements necessary for the Department or the Agency, as applicable, to address reliance on contractors, workforce planning, and the recruitment and training of acquisition workforce personnel, including the anticipated number of personnel needed to perform acquisition management and oversight functions and plans for achieving personnel staffing goals, in connection with overseas contingency operations.

(c) COMPTROLLER GENERAL REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the progress of the efforts of the Department of State and the United States Agency for International Development in implementing improvements and changes identified under paragraphs (1) through (3) of subsection (b) in the reports required by subsection (a), together with such additional information as

the Comptroller General considers appropriate to further inform such committees on issues relating to the reports required by subsection (a).

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

SEC. 851. DATABASE ON PRICE TRENDS OF ITEMS AND SERVICES UNDER FEDERAL CONTRACTS.

(a) DATABASE REQUIRED.—

(1) IN GENERAL.—Chapter 33 of title 41, United States Code, is amended by adding at the end the following new section:

"§ 3312. Database on price trends of items and services under Federal contracts

41 USC 3312 note.

"(a) DATABASE REQUIRED.—The Administrator shall establish and maintain a database of information on price trends for items and services under contracts with the Federal Government. The information in the database shall be designed to assist Federal acquisition officials in the following:

"(1) Monitoring developments in price trends for items and services under contracts with the Federal Government.

"(2) Conducting price or cost analyses for items and services under offers for contracts with the Federal Government, or otherwise conducting determinations of the reasonableness of prices for items and services under such offers, and addressing unjustified escalation in prices being paid by the Federal Government for items and services under contracts with the Federal Government.

"(b) USE.—(1) The database under subsection (a) shall be available to executive agencies in the evaluation of offers for contracts with the Federal Government for items and services.

"(2) The Secretary of Defense may satisfy the requirements of this section by complying with the requirements of section 892 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2306a note).".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of such title is amended by adding at the end the following new item:

41 USC prec. 3301.

"3312. Database on price trends of items and services under Federal contracts.".

(b) USE OF ELEMENTS OF DEPARTMENT OF DEFENSE PILOT PROJECT.—In establishing the database required by section 3312 of title 41, United States Code (as added by subsection (a)), the Administrator for Federal Procurement Policy shall use and incorporate appropriate elements of the pilot project on pricing being carried out by the Under Secretary of Defense for Acquisition, Technology, and Logistics pursuant to section 892 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C.

41 USC 3312 note.

2306a note) and the Better Buying Power initiative of the Secretary of Defense.

SEC. 852. INFORMATION ON CORPORATE CONTRACTOR PERFORMANCE AND INTEGRITY THROUGH THE FEDERAL AWARDEE PERFORMANCE AND INTEGRITY INFORMATION SYSTEM.

Subsection (d) of section 2313 of title 41, United States Code, is amended by adding at the end the following new paragraph:

"(3) INFORMATION ON CORPORATIONS.—The information in the database on a person that is a corporation shall, to the extent practicable, include information on any parent, subsidiary, or successor entities to the corporation in a manner designed to give the acquisition officials using the database a comprehensive understanding of the performance and integrity of the corporation in carrying out Federal contracts and grants.".

41 USC 1126 note.

SEC. 853. INCLUSION OF DATA ON CONTRACTOR PERFORMANCE IN PAST PERFORMANCE DATABASES FOR EXECUTIVE AGENCY SOURCE SELECTION DECISIONS.

(a) STRATEGY REQUIRED.—

Deadline.

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall develop a strategy for ensuring that timely, accurate, and complete information on contractor performance is included in past performance databases used by executive agencies for making source selection decisions.

(2) CONSULTATION WITH USDATL.—In developing the strategy required by this subsection, the Federal Acquisition Regulatory Council shall consult with the Under Secretary of Defense for Acquisition, Technology, and Logistics to ensure that the strategy is, to the extent practicable, consistent with the strategy developed by the Under Secretary pursuant to section 806 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1487; 10 U.S.C. 2302 note).

(b) ELEMENTS.—The strategy required by subsection (a) shall, at a minimum—

(1) establish standards for the timeliness and completeness of past performance submissions for purposes of databases described in subsection (a);

(2) assign responsibility and management accountability for the completeness of past performance submissions for such purposes; and

(3) ensure that past performance submissions for such purposes are consistent with award fee evaluations in cases where such evaluations have been conducted.

Deadlines.

(c) CONTRACTOR COMMENTS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require the following:

(1) That affected contractors are provided, in a timely manner, information on contractor performance to be included in past performance databases in accordance with subsection (a).

(2) That such contractors are afforded up to 14 calendar days, from the date of delivery of the information provided in accordance with paragraph (1), to submit comments,

rebuttals, or additional information pertaining to past performance for inclusion in such databases.

(3) That agency evaluations of contractor past performance, including any comments, rebuttals, or additional information submitted under paragraph (2), are included in the relevant past performance database not later than the date that is 14 days after the date of delivery of the information provided in accordance with paragraph (1).

(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a contractor from submitting comments, rebuttals, or additional information pertaining to past performance after the period described in subsection (c)(2) has elapsed or to prohibit a contractor from challenging a past performance evaluation in accordance with applicable laws, regulations, or procedures.

(e) COMPTROLLER GENERAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the actions taken by the Federal Acquisition Regulatory Council pursuant to this section, including an assessment of the following:

(1) The extent to which the strategy required by subsection (a) is consistent with the strategy developed by the Under Secretary of Defense for Acquisition, Technology, and Logistics as described in subsection (a)(2).

(2) The extent to which the actions of the Federal Acquisition Regulatory Council pursuant to this section have otherwise achieved the objectives of this section.

(f) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term "executive agency" has the meaning given that term in section 133 of title 41, United States Code, except that the term excludes the Department of Defense and the military departments.

(3) The term "Federal Acquisition Regulatory Council" means the Federal Acquisition Regulatory Council under section 1302(a) of title 41, United States Code.

Subtitle E—Other Matters

SEC. 861. REQUIREMENTS AND LIMITATIONS FOR SUSPENSION AND DEBARMENT OFFICIALS OF THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

31 USC 6101 note.

(a) REQUIREMENTS.—Not later than 180 days after the date of the enactment of this Act, the head of the covered agency concerned shall ensure the following:

Deadline.

(1) There shall be not less than one suspension and debarment official—

(A) in the case of the Department of Defense, for each of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency;

(B) for the Department of State; and

(C) for the United States Agency for International Development.

(2) A suspension and debarment official under paragraph (1) may not report to or be subject to the supervision of the acquisition office or the Inspector General—

(A) in the case of the Department of Defense, of either the Department of Defense or the military department or Defense Agency concerned; and

(B) in the case of the Department of State and the United States Agency for International Development, of the covered agency concerned.

(3) Each suspension and debarment official under paragraph (1) shall have a staff and resources adequate for the discharge of the suspension and debarment responsibilities of such official.

(4) Each suspension and debarment official under paragraph (1) shall document the basis for any final decision taken pursuant to a formal referral in accordance with the policies established under paragraph (5).

(5) Each suspension and debarment official under paragraph (1) shall, in consultation with the General Counsel of the covered agency, establish in writing policies for the consideration of the following:

(A) Formal referrals of suspension and debarment matters.

(B) Suspension and debarment matters that are not formally referred.

(b) DUTIES OF INTERAGENCY COMMITTEE ON DEBARMENT AND SUSPENSION.—Section 873 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (31 U.S.C. 6101 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting ", including with respect to contracts in connection with contingency operations" before the semicolon; and

(B) in paragraph (7)—

(i) in subparagraph (B), by striking "and" at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(D) a summary of suspensions, debarments, and administrative agreements during the previous year."; and

(2) by striking subsection (b) and inserting the following new subsections:

"(b) DATE OF SUBMITTAL OF ANNUAL REPORTS.—The annual report required by subsection (a)(7) shall be submitted not later than January 31 of each year, beginning with January 31, 2014.

"(c) DEFINITIONS.—In this section:

"(1) The term 'contingency operation' has the meaning given that term in section 101(a)(13) of title 10, United States Code.

"(2) The term 'Interagency Committee on Debarment and Suspension' means the committee constituted under sections 4 and 5 of Executive Order No. 12549.".

(c) COVERED AGENCY.—In this section, the term "covered agency" means the Department of Defense, the Department of State, and the United States Agency for International Development. Definition.

SEC. 862. UNIFORM CONTRACT WRITING SYSTEM REQUIREMENTS. 41 USC prec. 3101 note. Deadline.

(a) UNIFORM STANDARDS AND CONTROLS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the officials specified in subsection (b) shall—

(1) establish uniform data standards, internal control requirements, independent verification and validation requirements, and business process rules for processing procurement requests, contracts, receipts, and invoices by the Department of Defense or other executive agencies, as applicable;

(2) establish and maintain one or more approved electronic contract writing systems that conform with the standards, requirements, and rules established pursuant to paragraph (1); and

(3) require the use of electronic contract writing systems approved in accordance with paragraph (2) for all contracts entered into by the Department of Defense or other executive agencies, as applicable.

(b) COVERED OFFICIALS.—The officials specified in this subsection are the following:

(1) The Secretary of Defense, with respect to the Department of Defense and the military departments.

(2) The Administrator for Federal Procurement Policy, with respect to the executive agencies other than the Department of Defense and the military departments.

(c) ELECTRONIC WRITING SYSTEMS FOR DEPARTMENT OF STATE AND USAID.—Notwithstanding subsection (b)(2), the Secretary of State and the Administrator of the United States Agency for International Development may meet the requirements of subsection (a)(2) with respect to approved electronic contract writing systems for the Department of State and the United States Agency for International Development, respectively, if the Secretary and the Administrator, as the case may be, demonstrate to the Administrator for Federal Procurement Policy that prior investment of resources in existing contract writing systems will result in the most cost effective and efficient means to satisfy such requirements.

(d) PHASE-IN OF IMPLEMENTATION OF REQUIREMENT FOR APPROVED SYSTEMS.—The officials specified in subsection (b) may phase in the implementation of the requirement to use approved electronic contract writing systems in accordance with subsection (a)(3) over a period of up to five years beginning with the date of the enactment of this Act. Time period. Effective date.

(e) REPORTS.—Not later than 180 days after the date of the enactment of this Act, the officials specified in subsection (b) shall each submit to the appropriate committees of Congress a report on the implementation of the requirements of this section. Each report shall, at a minimum—

(1) describe the standards, requirements, and rules established pursuant to subsection (a)(1);

(2) identify the electronic contract writing systems approved pursuant to subsection (a)(2) and, if multiple systems

are approved, explain why the use of such multiple systems is the most efficient and effective approach to meet the contract writing needs of the Federal Government; and

(3) provide the schedule for phasing in the use of approved electronic contract writing systems in accordance with subsections (a)(3) and (d).

(f) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term "executive agency" has the meaning given that term in section 133 of title 41, United States Code.

SEC. 863. EXTENSION OF OTHER TRANSACTION AUTHORITY.

Section 845(i) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking "September 30, 2013" and inserting "September 30, 2018".

SEC. 864. REPORT ON ALLOWABLE COSTS OF COMPENSATION OF CONTRACTOR EMPLOYEES.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the effect of reducing the allowable costs of contractor compensation of employees to the amount payable to the President under section 102 of title 3, United States Code, or to the amount payable to the Vice President under section 104 of such title.

(b) MATTERS COVERED.—The report shall include, at a minimum, the following:

(1) An estimate of the total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 would have exceeded the amount of allowable costs under section 2324(e)(1)(P) of title 10, United States Code.

(2) An estimate of the total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 exceeded the amount payable to the President under section 102 of title 3, United States Code.

(3) An estimate of the total number of contractor employees whose allowable costs of compensation in fiscal year 2012 exceeded the amount payable to the Vice President under section 104 of title 3, United States Code.

(4) An estimate of the total number of contractor employees in fiscal year 2012 that could have been characterized as falling within a narrowly targeted exception established by the Secretary of Defense under section 2324(e)(1)(P) of title 10, United States Code, as a result of the amendment made by section 803(a)(2) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1485).

(5) A description of the duties and services performed in fiscal year 2012 by employees who were characterized by their

employers as falling within a narrowly targeted exception described in paragraph (4).

(6) An assessment of whether the compensation amounts provided in fiscal year 2012 to employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4) were provided in a manner consistent with private sector practice.

(7) An assessment of the extent to which contractor employees received compensation in the form of vested or unvested stock options.

(8) An assessment of the potential impact on the Department of Defense, contractors of the Department of Defense, and employees of such contractors of adjusting the amount of allowable costs of contractor compensation to the amount specified in paragraph (2) or the amount specified in paragraph (3).

(9) Such recommendations as the Comptroller General considers appropriate.

SEC. 865. REPORTS ON USE OF INDEMNIFICATION AGREEMENTS.

(a) IN GENERAL.—Not later than 90 days after the end of each of fiscal years 2013 through 2016, the Secretary of Defense shall submit to the appropriate committees of Congress a report on any actions described in subsection (b) which occurred during the preceding fiscal years.

(b) ACTIONS DESCRIBED.—

(1) IN GENERAL.—An action described in this subsection is the Secretary of Defense—

(A) entering into a contract that includes an indemnification provision relating to bodily injury caused by negligence or relating to wrongful death; or

(B) modifying an existing contract to include a provision described in subparagraph (A) in a contract.

(2) EXCLUDED CONTRACTS.—Paragraph (1) shall not apply to any contract awarded in accordance with—

(A) section 2354 of title 10, United States Code; or

(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(c) MATTERS INCLUDED.—For each action covered in a report under subsection (a), the report shall include—

(1) the name of the contractor;

(2) a description of the indemnification provision included in the contract; and

(3) a justification for the contract including the indemnification provision.

(d) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

SEC. 866. PLAN TO INCREASE NUMBER OF CONTRACTORS ELIGIBLE FOR CONTRACTS UNDER AIR FORCE NETCENTS-2 CONTRACT.

Deadline.

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to increase the number of contractors eligible to be awarded contracts under the Air Force's Network-Centric Solutions-2 (NETCENTS-2) indefinite-delivery, indefinite-quantity (IDIQ) contract.

(b) CONTENT.—The plan required under subsection (a) shall include the following elements:

(1) A recommendation and rationale for a maximum number of contractors to be eligible for contract awards under NETCENTS-2 to foster competition and reduce overall costs associated with hardware and operation and maintenance of Air Networks.

(2) The methodology used to periodically review existing eligible NETCENTS-2 contractors and contracts.

(3) A timeline to increase the current number of eligible contractors under NETCENTS-2 and dates of future "on-ramps" under NETCENTS-2 to assess current eligible contractors and add additional eligible contractors.

SEC. 867. INCLUSION OF INFORMATION ON PREVALENT GROUNDS FOR SUSTAINING BID PROTESTS IN ANNUAL PROTEST REPORT BY COMPTROLLER GENERAL TO CONGRESS.

Section 3554(e)(2) of title 31, United States Code, is amended by adding at the end the following: "The report shall also include a summary of the most prevalent grounds for sustaining protests during such preceding year.".

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Sec. 901. Additional duties of Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy and amendments to Strategic Materials Protection Board.
Sec. 902. Requirement for focus on urgent operational needs and rapid acquisition.
Sec. 903. Designation of Department of Defense senior official for enterprise resource planning system data conversion.
Sec. 904. Additional responsibilities and resources for Deputy Assistant Secretary of Defense for Developmental Test and Evaluation.
Sec. 905. Definition and report on terms "preparation of the environment" and "operational preparation of the environment" for joint doctrine purposes.
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Subtitle B—Space Activities

Sec. 911. Reports on integration of acquisition and capability delivery schedules for segments of major satellite acquisition programs and funding for such programs.
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Sec. 921. Authority to provide geospatial intelligence support to certain security alliances and regional organizations.
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Subtitle D—Cyberspace-Related Matters

Sec. 931. Implementation strategy for Joint Information Environment.
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Sec. 941. Reports to Department of Defense on penetrations of networks and information systems of certain contractors.

Subtitle E—Other Matters

Sec. 951. Advice on military requirements by Chairman of Joint Chiefs of Staff and Joint Requirements Oversight Council.
Sec. 952. Enhancement of responsibilities of the Chairman of the Joint Chiefs of Staff regarding the national military strategy.
Sec. 953. One-year extension of authority to waive reimbursement of costs of activities for nongovernmental personnel at Department of Defense regional centers for security studies.
Sec. 954. National Language Service Corps.
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Subtitle A—Department of Defense Management

SEC. 901. ADDITIONAL DUTIES OF DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR MANUFACTURING AND INDUSTRIAL BASE POLICY AND AMENDMENTS TO STRATEGIC MATERIALS PROTECTION BOARD.

(a) RESPONSIBILITIES OF DEPUTY ASSISTANT SECRETARY.—Section 139c(b) of title 10, United States Code, is amended—

(1) by striking paragraphs (1) through (4) and inserting the following:

"(1) Providing input to strategy reviews, including quadrennial defense reviews conducted pursuant to section 118 of this title, on matters related to—

"(A) the defense industrial base; and

"(B) materials critical to national security.

"(2) Establishing policies of the Department of Defense for developing and maintaining the defense industrial base of the United States and ensuring a secure supply of materials critical to national security.

"(3) Providing recommendations on budget matters pertaining to the industrial base, the supply chain, and the

development and retention of skills necessary to support the industrial base.

"(4) Providing recommendations and acquisition policy guidance on supply chain management and supply chain vulnerability throughout the entire supply chain, from suppliers of raw materials to producers of major end items.";

(2) by striking paragraph (5) and redesignating paragraphs (6), (7), (8), (9), and (10) as paragraphs (5), (6), (7), (8), and (9), respectively;

(3) by inserting after paragraph (9), as so redesignated, the following new paragraph (10):

"(10) Providing policy and oversight of matters related to materials critical to national security to ensure a secure supply of such materials to the Department of Defense.";

(4) by redesignating paragraph (15) as paragraph (18); and

(5) by inserting after paragraph (14) the following new paragraphs:

"(15) Coordinating with the Director of Small Business Programs on all matters related to industrial base policy of the Department of Defense.

"(16) Ensuring reliable sources of materials critical to national security, such as specialty metals, armor plate, and rare earth elements.

"(17) Establishing policies of the Department of Defense for continued reliable resource availability from secure sources for the industrial base of the United States.".

(b) MATERIALS CRITICAL TO NATIONAL SECURITY DEFINED.—Section 139c of such title is further amended by adding at the end the following new subsection:

"(d) MATERIALS CRITICAL TO NATIONAL SECURITY DEFINED.—In this section, the term 'materials critical to national security' has the meaning given that term in section 187(e)(1) of this title.".

(c) AMENDMENTS TO STRATEGIC MATERIALS PROTECTION BOARD.—

(1) MEMBERSHIP.—Paragraph (2) of section 187(a) of such title is amended to read as follows:

"(2) The Board shall be composed of the following:

"(A) The Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy, who shall be the chairman of the Board.

"(B) The Administrator of the Defense Logistics Agency Strategic Materials, or any successor organization, who shall be the vice chairman of the Board.

"(C) A designee of the Assistant Secretary of the Army for Acquisition, Logistics, and Technology.

"(D) A designee of the Assistant Secretary of the Navy for Research, Development, and Acquisition.

"(E) A designee of the Assistant Secretary of the Air Force for Acquisition.".

(2) DUTIES.—Paragraphs (3) and (4) of section 187(b) of such title are each amended by striking "President" and inserting "Secretary".

(3) MEETINGS.—Section 187(c) of such title is amended by striking "Secretary of Defense" and inserting "Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy".

(4) REPORTS.—Section 187(d) of such title is amended to read as follows:

"(d) REPORTS.—(1) Subject to paragraph (2), after each meeting of the Board, the Board shall prepare a report containing the results of the meeting and such recommendations as the Board determines appropriate. Each such report shall be submitted to the congressional defense committees, together with comments and recommendations from the Secretary of Defense, not later than 90 days after the meeting covered by the report.

"(2) In any year in which the Board meets more than once, each report prepared by the Board as required by paragraph (1) may be combined into one annual report and submitted as provided by paragraph (1) not later than 90 days after the last meeting of the year.".

SEC. 902. REQUIREMENT FOR FOCUS ON URGENT OPERATIONAL NEEDS AND RAPID ACQUISITION.

10 USC 2302 note.

(a) DESIGNATION OF SENIOR OFFICIAL RESPONSIBLE FOR FOCUS ON URGENT OPERATIONAL NEEDS AND RAPID ACQUISITION.—

(1) IN GENERAL.—The Secretary of Defense, after consultation with the Secretaries of the military departments, shall designate a senior official in the Office of the Secretary of Defense as the principal official of the Department of Defense responsible for leading the Department's actions on urgent operational needs and rapid acquisition, in accordance with this section.

(2) STAFF AND RESOURCES.—The Secretary shall assign to the senior official designated under paragraph (1) appropriate staff and resources necessary to carry out the official's functions under this section.

(b) RESPONSIBILITIES.—The senior official designated under subsection (a) shall be responsible for the following:

(1) Acting as an advocate within the Department of Defense for issues related to the Department's ability to rapidly respond to urgent operational needs, including programs funded and carried out by the military departments.

(2) Improving visibility of urgent operational needs throughout the Department, including across the military departments, the Defense Agencies, and all other entities and processes in the Department that address urgent operational needs.

(3) Ensuring that tools and mechanisms are used to track, monitor, and manage the status of urgent operational needs within the Department, from validation through procurement and fielding, including a formal feedback mechanism for the Armed Forces to provide information on how well fielded solutions are meeting urgent operational needs.

(c) URGENT OPERATIONAL NEEDS DEFINED.—In this section, the term "urgent operational needs" means capabilities that are determined by the Secretary of Defense, pursuant to the review process required by section 804(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2302 note), to be suitable for rapid fielding in response to urgent operational needs.

10 USC 113 note.

SEC. 903. DESIGNATION OF DEPARTMENT OF DEFENSE SENIOR OFFICIAL FOR ENTERPRISE RESOURCE PLANNING SYSTEM DATA CONVERSION.

Deadline.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall—

(1) designate a senior official of the Department of Defense as the official with principal responsibility for coordination and management oversight of data conversion for all enterprise resource planning systems of the Department; and

(2) set forth the responsibilities of that senior official with respect to such data conversion.

SEC. 904. ADDITIONAL RESPONSIBILITIES AND RESOURCES FOR DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DEVELOPMENTAL TEST AND EVALUATION.

(a) DIRECT COMMUNICATION.—Section 139b(a)(3) of title 10, United States Code, is amended by striking "to the Under Secretary" before the period and inserting "to the Under Secretary. The Deputy Assistant Secretary may communicate views on matters within the responsibility of the Deputy Assistant Secretary directly to the Under Secretary without obtaining the approval or concurrence of any other official within the Department of Defense".

(b) DUTIES.—Section 139b(a)(5) of such title is amended—

(1) in subparagraph (A)(i), by striking "in the Department of Defense" and inserting "in the military departments and other elements of the Department of Defense";

(2) in subparagraph (B), by striking "review and approve" and inserting "review and approve or disapprove";

(3) in subparagraph (C), by striking "programs" and inserting "programs (including the activities of chief developmental testers and lead developmental test evaluation organizations designated in accordance with subsection (c))";

(4) in subparagraph (E), by striking "and" after the semicolon at the end; and

(5) by redesignating subparagraph (F) as subparagraph (G) and by inserting after subparagraph (E) the following new subparagraph (F):

"(F) in consultation with the Assistant Secretary of Defense for Research and Engineering, assess the technological maturity and integration risk of critical technologies at key stages in the acquisition process; and".

(c) CONCURRENT SERVICE.—Section 139b(a)(7) of such title is amended by striking "may" and inserting "shall".

(d) RESOURCES.—Section 139b(a) of such title is amended by adding at the end the following new paragraph:

"(8) RESOURCES.—

President.

"(A) The President shall include in the budget transmitted to Congress, pursuant to section 1105 of title 31, for each fiscal year, a separate statement of estimated expenditures and proposed appropriations for the fiscal year for the activities of the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation in carrying out the duties and responsibilities of the Deputy Assistant Secretary under this section.

"(B) The Deputy Assistant Secretary of Defense for Developmental Test and Evaluation shall have sufficient professional staff of military and civilian personnel to

enable the Deputy Assistant Secretary to carry out the duties and responsibilities prescribed by law.".

(e) CONSULTATIONS RELATING TO TECHNOLOGICAL READINESS.—

(1) CONSULTATION ON REPORT ON CRITICAL TECHNOLOGIES.—Section 138b(b)(2) of such title is amended by striking "The Assistant Secretary shall submit" and inserting "The Assistant Secretary, in consultation with the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation, shall submit".

(2) CONSULTATION DURING CERTIFICATION PROCESS FOR MAJOR DEFENSE ACQUISITION PROGRAMS.—Section 2366b(a)(3)(D) of such title is amended by striking "the Assistant Secretary of Defense for Research and Engineering" and inserting "the Assistant Secretary of Defense for Research and Engineering, in consultation with the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation".

(f) DUTIES OF CHIEF DEVELOPMENTAL TESTER AND LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.—Section 139b(c) of such title is amended—

(1) in paragraph (2), by striking "shall be responsible for" and inserting ", consistent with policies and guidance issued pursuant to subsection (a)(5)(A), shall be responsible for";

(2) in paragraph (3), by striking "shall be responsible for" and inserting ", consistent with policies and guidance issued pursuant to subsection (a)(5)(A), shall be responsible for"; and

(3) by adding at the end the following new paragraph:

"(4) TRANSMITTAL OF RECORDS AND DATA.—The chief developmental tester and the lead developmental test and evaluation organization for a major defense acquisition program shall promptly transmit to the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation any records or data relating to the program that are requested by the Deputy Assistant Secretary, as provided in subsection (a)(6).".

(g) ANNUAL REPORT.—Section 139b(d) of such title is amended—

(1) in the subsection heading, by striking "JOINT";

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively, and moving each subparagraph (as so redesignated) two ems to the right;

(3) by striking "Not later than March 31" and inserting:

"(1) IN GENERAL.—Not later than March 31";

(4) in the matter appearing before subparagraph (A), as so redesignated, by striking "jointly" and inserting "each"; and

(5) by adding at the end the following new paragraph:

"(2) ADDITIONAL REQUIREMENTS FOR REPORT BY DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DEVELOPMENTAL TEST AND EVALUATION.—With respect to the report required under paragraph (1) by the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation, the report shall include—

"(A) a separate section that covers the activities of the Department of Defense Test Resource Management Center (established under section 196 of this title) during the preceding year; and

"(B) a separate section that addresses the adequacy of the resources available to the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation and to the lead developmental test and evaluation organizations

of the military departments to carry out the responsibilities prescribed by this section.".

10 USC 133 note.

(h) REPORTS TO CONGRESS ON FAILURE TO COMPLY WITH RECOMMENDATIONS.—

(1) REPORT REQUIRED.—Not later than 60 days after the end of each fiscal year, from fiscal year 2013 through fiscal year 2018, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on each case in which a major defense acquisition program, in the preceding fiscal year—

(A) proceeded to implement a test and evaluation master plan notwithstanding a decision of the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation to disapprove the developmental test and evaluation plan within that plan in accordance with section 139b(a)(5)(B) of title 10, United States Code; or

(B) proceeded to initial operational testing and evaluation notwithstanding a determination by the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation on the basis of an assessment of operational test readiness that the program is not ready for operational testing.

(2) MATTERS COVERED.—

(A) For each program covered by paragraph (1)(A), the report shall include the following:

(i) A description of the specific aspects of the developmental test and evaluation plan that the Deputy Assistant Secretary determined to be inadequate.

(ii) An explanation of the reasons why the program disregarded the Deputy Assistant Secretary's recommendations with regard to those aspects of the developmental test and evaluation plan.

(iii) The steps taken to address those aspects of the developmental test and evaluation plan and address the concerns of the Deputy Assistant Secretary.

(B) For each program covered by paragraph (1)(B), the report shall include the following:

(i) An explanation of the reasons why the program proceeded to initial operational testing and evaluation notwithstanding the findings of the assessment of operational test readiness.

(ii) A description of the aspects of the approved testing and evaluation master plan that had to be set aside to enable the program to proceed to initial operational testing and evaluation.

(iii) A description of how the program addressed the specific areas of concern raised in the assessment of operational test readiness.

(iv) A statement of whether initial operational testing and evaluation identified any significant shortcomings in the program.

(3) ADDITIONAL CONGRESSIONAL NOTIFICATION.—Not later than 30 days after any decision to conduct developmental testing on a major defense acquisition program without an approved test and evaluation master plan in place, the Under

Secretary of Defense for Acquisition, Technology, and Logistics shall provide to the congressional defense committees a written explanation of the basis for the decision and a timeline for getting an approved plan in place.

SEC. 905. DEFINITION AND REPORT ON TERMS "PREPARATION OF THE ENVIRONMENT" AND "OPERATIONAL PREPARATION OF THE ENVIRONMENT" FOR JOINT DOCTRINE PURPOSES.

(a) DEFINITIONS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall define for purposes of joint doctrine the following terms:

(1) The term "preparation of the environment".

(2) The term "operational preparation of the environment".

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the terms defined under subsection (a). The report shall include the following:

(A) The definition of the term "preparation of the environment" pursuant to subsection (a).

(B) Examples of activities meeting the definition of the term "preparation of the environment" by special operations forces and general purpose forces.

(C) The definition of the term "operational preparation of the environment" pursuant to subsection (a).

(D) Examples of activities meeting the definition of the term "operational preparation of the environment" by special operations forces and general purpose forces.

(E) An assessment of the appropriate roles of special operations forces and general purpose forces in conducting activities meeting the definition of the term "preparation of the environment" and the definition of the term "operational preparation of the environment".

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 906. INFORMATION FOR DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE FROM THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES FOR DEFENSE BUSINESS SYSTEM INVESTMENT REVIEWS.

Section 2222(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3)(A) The investment management process required by paragraph (1) shall include requirements for the military departments and the Defense Agencies to make available to the Deputy Chief Management Officer such information on covered defense business system programs and other business functions as the Deputy Chief Management Officer shall require for the review of defense business system programs under the process. Such information shall be made available to the Deputy Chief Management Officer through existing data sources or in a standardized format established by the Deputy Chief Management Officer for purposes of this paragraph.".

Subtitle B—Space Activities

SEC. 911. REPORTS ON INTEGRATION OF ACQUISITION AND CAPABILITY DELIVERY SCHEDULES FOR SEGMENTS OF MAJOR SATELLITE ACQUISITION PROGRAMS AND FUNDING FOR SUCH PROGRAMS.

(a) IN GENERAL.—Chapter 135 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 2275.

"§ 2275. Reports on integration of acquisition and capability delivery schedules for segments of major satellite acquisition programs and funding for such programs

"(a) REPORTS REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on each major satellite acquisition program in accordance with subsection (d) that assesses—

"(1) the integration of the schedules for the acquisition and the delivery of the capabilities of the segments for the program; and

"(2) funding for the program.

"(b) ELEMENTS.—Each report required by subsection (a) with respect to a major satellite acquisition program shall include the following:

"(1) The amount of funding approved for the program and for each segment of the program that is necessary for full operational capability of the program.

"(2) The dates by which the program and each segment of the program is anticipated to reach initial and full operational capability.

"(3) A description of the intended primary capabilities and key performance parameters of the program.

"(4) An assessment of the extent to which the schedules for the acquisition and the delivery of the capabilities of the segments for the program or any related program referred to in paragraph (1) are integrated.

"(5) If the Under Secretary determines pursuant to the assessment under paragraph (4) that the program is a non-integrated program, an identification of—

"(A) the impact on the mission of the program of having the delivery of the segment capabilities of the program more than one year apart;

"(B) the measures the Under Secretary is taking or is planning to take to improve the integration of the acquisition and delivery schedules of the segment capabilities; and

"(C) the risks and challenges that impede the ability of the Department of Defense to fully integrate those schedules.

"(c) CONSIDERATION BY MILESTONE DECISION AUTHORITY.—The Milestone Decision Authority shall include the report required by subsection (a) with respect to a major satellite acquisition program as part of the documentation used to approve the acquisition of the program.

"(d) SUBMITTAL OF REPORTS.—(1) In the case of a major satellite acquisition program initiated before the date of the enactment

of the National Defense Authorization Act for Fiscal Year 2013, the Under Secretary shall submit the report required by subsection (a) with respect to the program not later than one year after such date of enactment.

"(2) In the case of a major satellite acquisition program initiated on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the Under Secretary shall submit the report required by subsection (a) with respect to the program at the time of the Milestone B approval of the program.

"(e) NOTIFICATION TO CONGRESS OF NON-INTEGRATED ACQUISITION AND CAPABILITY DELIVERY SCHEDULES.—If, after submitting the report required by subsection (a) with respect to a major satellite acquisition program, the Under Secretary determines that the program is a non-integrated program, the Under Secretary shall, not later than 30 days after making that determination, submit to the congressional defense committees a report— Determination.

"(1) notifying the committees of that determination; and

"(2) identifying—

"(A) the impact on the mission of the program of having the delivery of the segment capabilities of the program more than one year apart;

"(B) the measures the Under Secretary is taking or is planning to take to improve the integration of the acquisition and delivery schedules of the segment capabilities; and

"(C) the risks and challenges that impede the ability of the Department of Defense to fully integrate those schedules.

"(f) ANNUAL UPDATES FOR NON-INTEGRATED PROGRAMS.—

"(1) REQUIREMENT.—For each major satellite acquisition program that the Under Secretary has determined under subsection (b)(5) or subsection (e) is a non-integrated program, the Under Secretary shall annually submit to Congress, at the same time the budget of the President for a fiscal year is submitted under section 1105 of title 31, an update to the report required by subsection (a) for such program.

"(2) TERMINATION OF REQUIREMENT.—The requirement to submit an annual report update for a program under paragraph (1) shall terminate on the date on which the Under Secretary submits to the congressional defense committees notice that the Under Secretary has determined that such program is no longer a non-integrated program, or on the date that is five years after the date on which the initial report update required under paragraph (1) is submitted, whichever is earlier. Notification.

"(3) GAO REVIEW OF CERTAIN NON-INTEGRATED PROGRAMS.—If at the time of the termination of the requirement to annually update a report for a program under paragraph (1) the Under Secretary has not provided notice to the congressional defense committees that the Under Secretary has determined that the program is no longer a non-integrated program, the Comptroller General shall conduct a review of such program and submit the results of such review to the congressional defense committees.

"(g) DEFINITIONS.—In this section:

"(1) SEGMENTS.—The term 'segments', with respect to a major satellite acquisition program, refers to any satellites acquired under the program and the ground equipment and

user terminals necessary to fully exploit the capabilities provided by those satellites.

"(2) MAJOR SATELLITE ACQUISITION PROGRAM.—The term 'major satellite acquisition program' means a major defense acquisition program (as defined in section 2430 of this title) for the acquisition of a satellite.

"(3) MILESTONE B APPROVAL.—The term 'Milestone B approval' has the meaning given that term in section 2366(e)(7) of this title.

"(4) NON-INTEGRATED PROGRAM.—The term 'non-integrated program' means a program with respect to which the schedules for the acquisition and the delivery of the capabilities of the segments for the program, or a related program that is necessary for the operational capability of the program, provide for the acquisition or the delivery of the capabilities of at least two of the three segments for the program or related program more than one year apart.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 135 of such title is amended by adding at the end the following new item:

10 USC prec. 2271.

"2275. Reports on integration of acquisition and capability delivery schedules for segments of major satellite acquisition programs and funding for such programs.".

SEC. 912. COMMERCIAL SPACE LAUNCH COOPERATION.

(a) IN GENERAL.—Chapter 135 of title 10, United States Code, as amended by section 911 of this Act, is further amended by adding at the end the following new section:

10 USC 2276.

"§ 2276. Commercial space launch cooperation

"(a) AUTHORITY.—The Secretary of Defense may take such actions as the Secretary considers to be in the best interest of the Federal Government to—

"(1) maximize the use of the capacity of the space transportation infrastructure of the Department of Defense by the private sector in the United States;

"(2) maximize the effectiveness and efficiency of the space transportation infrastructure of the Department of Defense;

"(3) reduce the cost of services provided by the Department of Defense related to space transportation infrastructure at launch support facilities and space recovery support facilities;

"(4) encourage commercial space activities by enabling investment by covered entities in the space transportation infrastructure of the Department of Defense; and

"(5) foster cooperation between the Department of Defense and covered entities.

"(b) AUTHORITY FOR CONTRACTS AND OTHER AGREEMENTS RELATING TO SPACE TRANSPORTATION INFRASTRUCTURE.—The Secretary of Defense—

"(1) may enter into an agreement with a covered entity to provide the covered entity with support and services related to the space transportation infrastructure of the Department of Defense; and

Determination.

"(2) upon the request of such covered entity, may include such support and services in the space launch and reentry range support requirements of the Department of Defense if—

"(A) the Secretary determines that the inclusion of such support and services in such requirements—

"(i) is in the best interest of the Federal Government;

"(ii) does not interfere with the requirements of the Department of Defense; and

"(iii) does not compete with the commercial space activities of other covered entities, unless that competition is in the national security interests of the United States; and

"(B) any commercial requirement included in the agreement has full non-Federal funding before the execution of the agreement.

"(c) CONTRIBUTIONS.—

"(1) IN GENERAL.—The Secretary of Defense may enter into an agreement with a covered entity on a cooperative and voluntary basis to accept contributions of funds, services, and equipment to carry out this section.

"(2) USE OF CONTRIBUTIONS.—Any funds, services, or equipment accepted by the Secretary under this subsection—

"(A) may be used only for the objectives specified in this section in accordance with terms of use set forth in the agreement entered into under this subsection; and

"(B) shall be managed by the Secretary in accordance with regulations of the Department of Defense.

"(3) REQUIREMENTS WITH RESPECT TO AGREEMENTS.—An agreement entered into with a covered entity under this subsection—

"(A) shall address the terms of use, ownership, and disposition of the funds, services, or equipment contributed pursuant to the agreement; and

"(B) shall include a provision that the covered entity will not recover the costs of its contribution through any other agreement with the United States.

"(d) DEFENSE COOPERATION SPACE LAUNCH ACCOUNT.—

"(1) ESTABLISHMENT.—There is established in the Treasury of the United States a special account to be known as the 'Defense Cooperation Space Launch Account'.

"(2) CREDITING OF FUNDS.—Funds received by the Secretary of Defense under subsection (c) shall be credited to the Defense Cooperation Space Launch Account.

"(3) USE OF FUNDS.—Funds deposited in the Defense Cooperation Space Launch Account under paragraph (2) are authorized to be appropriated and shall be available for obligation only to the extent provided in advance in an appropriation Act for costs incurred by the Department of Defense in carrying out subsection (b). Funds in the Account shall remain available until expended.

"(e) ANNUAL REPORT.—Not later than January 31 of each year, the Secretary of Defense shall submit to the congressional defense committees a report on the funds, services, and equipment accepted and used by the Secretary under this section during the preceding fiscal year.

"(f) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out this section.

"(g) DEFINITIONS.—In this section:

"(1) COVERED ENTITY.—The term 'covered entity' means a non-Federal entity that—

"(A) is organized under the laws of the United States or of any jurisdiction within the United States; and

"(B) is engaged in commercial space activities.

"(2) LAUNCH SUPPORT FACILITIES.—The term 'launch support facilities' has the meaning given the term in section 50501(7) of title 51.

"(3) SPACE RECOVERY SUPPORT FACILITIES.—The term 'space recovery support facilities' has the meaning given the term in section 50501(11) of title 51.

"(4) SPACE TRANSPORTATION INFRASTRUCTURE.—The term 'space transportation infrastructure' has the meaning given that term in section 50501(12) of title 51.".

10 USC prec. 2271.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter, as so amended, is further amended by adding at the end the following new item:

"2276. Commercial space launch cooperation.".

SEC. 913. LIMITATION ON INTERNATIONAL AGREEMENTS CONCERNING OUTER SPACE ACTIVITIES.

51 USC 30701 note.

(a) CERTIFICATION REQUIRED.—If the United States becomes a signatory to a non-legally binding international agreement concerning an International Code of Conduct for Outer Space Activities or any similar agreement, at the same time as the United States becomes such a signatory—

President.

(1) the President shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a certification that such agreement has no legally-binding effect or basis for limiting the activities of the United States in outer space; and

(2) the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence shall jointly submit to the congressional defense committees a certification that such agreement will be equitable, enhance national security, and have no militarily significant impact on the ability of the United States to conduct military or intelligence activities in space.

51 USC 30701 note.

(b) BRIEFINGS AND NOTIFICATIONS REQUIRED.—

(1) RESTATEMENT OF POLICY FORMULATION UNDER THE ARMS CONTROL AND DISARMAMENT ACT WITH RESPECT TO OUTER SPACE.—No action shall be taken that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in outer space in a militarily significant manner, except pursuant to the treaty-making power of the President set forth in Article II, Section 2, Clause II of the Constitution or unless authorized by the enactment of further affirmative legislation by the Congress of the United States.

(2) BRIEFINGS.—

(A) REQUIREMENT.—The Secretary of Defense, the Secretary of State, and the Director of National Intelligence shall jointly provide to the covered congressional committees regular, detailed updates on the negotiation of a non-legally binding international agreement concerning an International Code of Conduct for Outer Space Activities or any similar agreement.

(B) TERMINATION OF REQUIREMENT.—The requirement to provide regular briefings under subparagraph (A) shall terminate on the date on which the United States becomes a signatory to an agreement referred to in subparagraph (A), or on the date on which the President certifies to Congress that the United States is no longer negotiating an agreement referred to in subparagraph (A), whichever is earlier.

President. Certification.

(3) NOTIFICATIONS.—If the United States becomes a signatory to a non-legally binding international agreement concerning an International Code of Conduct for Outer Space Activities or any similar agreement, not less than 60 days prior to any action that will obligate the United States to reduce or limit the Armed Forces or armaments or activities of the United States in outer space, the head of each Department or agency of the Federal Government that is affected by such action shall submit to Congress notice of such action and the effect of such action on such Department or agency.

Deadline.

(4) DEFINITION.—In this subsection, the term "covered congressional committees" means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(c) REPORT ON FOREIGN COUNTER-SPACE PROGRAMS.—

(1) REPORT REQUIRED.—Chapter 135 of title 10, United States Code, as amended by section 912 of this Act, is further amended by adding at the end the following new section:

"§ 2277. Report on foreign counter-space programs

10 USC 2277.

"(a) REPORT REQUIRED.—Not later than January 1 of each year, the Secretary of Defense and the Director of National Intelligence shall jointly submit to Congress a report on the counter-space programs of foreign countries.

"(b) CONTENTS.—Each report required under subsection (a) shall include—

"(1) an explanation of whether any foreign country has a counter-space program that could be a threat to the national security or commercial space systems of the United States; and

"(2) the name of each country with a counter-space program described in paragraph (1).

"(c) FORM.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), each report required under subsection (a) shall be submitted in unclassified form.

"(2) CLASSIFIED ANNEX.—The Secretary of Defense and the Director of National Intelligence may submit to the covered congressional committees a classified annex to a report required under subsection (a) containing any classified information required to be submitted for such report.

"(3) FOREIGN COUNTRY NAMES.—

"(A) UNCLASSIFIED FORM.—Subject to subparagraph (B), each report required under subsection (a) shall include

the information required under subsection (b)(2) in unclassified form.

Determination.

"(B) NATIONAL SECURITY WAIVER.—The Secretary of Defense and the Director of National Intelligence may waive the requirement under subparagraph (A) if the Secretary and the Director of National Intelligence jointly determine it is in the interests of national security to waive such requirement and submits to Congress an explanation of why the Secretary and the Director waived such requirement.

"(d) COVERED CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'covered congressional committees' means the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives and the Committee on Armed Services and the Select Committee on Intelligence of the Senate.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 135 of title 10, United States Code, as so amended, is further amended by adding at the end the following new item:

10 USC prec. 2271.

"2277. Report on foreign counter-space programs.".

SEC. 914. OPERATIONALLY RESPONSIVE SPACE PROGRAM OFFICE.

(a) IN GENERAL.—Subsection (a) of section 2273a of title 10, United States Code, is amended to read as follows:

Establishment.

"(a) IN GENERAL.—There is within the Air Force Space and Missile Systems Center of the Department of Defense a joint program office known as the Operationally Responsive Space Program Office (in this section referred to as the 'Office'). The facilities of the Office may not be co-located with the headquarters facilities of the Air Force Space and Missile Systems Center.".

(b) HEAD OF OFFICE.—Subsection (b) of such section is amended by striking "shall be—" and all that follows and inserting "shall be the designee of the Department of Defense Executive Agent for Space. The head of the Office shall report to the Commander of the Air Force Space and Missile Systems Center.".

(c) MISSION.—Subsection (c)(1) of such section is amended by striking "spacelift" and inserting "launch".

(d) SENIOR ACQUISITION EXECUTIVE.—Paragraph (1) of subsection (e) of such section is amended to read as follows:

"(1) The Program Executive Officer for Space shall be the Acquisition Executive of the Office and shall provide streamlined acquisition authorities for projects of the Office.".

(e) EXECUTIVE COMMITTEE.—Such section is further amended by adding at the end the following new subsection:

Establishment.

"(g) EXECUTIVE COMMITTEE.—(1) The Secretary of Defense shall establish for the Office an Executive Committee (to be known as the 'Operationally Responsive Space Executive Committee') to provide coordination, oversight, and approval of projects of the Office.

"(2) The Executive Committee shall consist of the officials (and their duties) as follows:

"(A) The Department of Defense Executive Agent for Space, who shall serve as Chair of the Executive Committee and provide oversight, prioritization, coordination, and resources for the Office.

"(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics, who shall provide coordination and oversight of the Office and recommend funding sources for programs of the Office that exceed the approved program baseline.

"(C) The Commander of the United States Strategic Command, who shall validate requirements for systems to be acquired by the Office and participate in approval of any acquisition program initiated by the Office.

"(D) The Commander of the Air Force Space Command, the Commander of the Army Space and Missile Defense Command, and the Commander of the Space and Naval Warfare Systems Command, who shall jointly organize, train, and equip forces to support the acquisition programs of the Office.

"(E) Such other officials (and their duties) as the Secretary of Defense considers appropriate.".

SEC. 915. REPORT ON OVERHEAD PERSISTENT INFRARED TECHNOLOGY.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Director of National Intelligence, shall submit to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate a report on overhead persistent infrared technology that includes—

(1) an identification of the comprehensive overhead persistent infrared technology requirements of the Department of Defense and the intelligence community;

(2) a description of the strategy, plan, and budget for the space layer, with supporting ground architecture, including key decision points for the current and next generation overhead persistent infrared technology with respect to missile warning, missile defense, battlespace awareness, and technical intelligence;

(3) an assessment of whether there are further opportunities for the Department of Defense and the intelligence community to capitalize on increased data sharing, fusion, interoperability, and exploitation;

(4) recommendations on how to better coordinate the efforts by the Department and the intelligence community to exploit overhead persistent infrared sensor data; and

(5) any other relevant information that the Secretary considers necessary.

(b) COMPTROLLER GENERAL ASSESSMENT.—Not later than 90 days after the date on which the Secretary of Defense submits the report required under subsection (a), the Comptroller General of the United States shall submit to the congressional defense committees an assessment of the report required under subsection (a), including—

(1) an assessment of whether such report is comprehensive, fully supported, and sufficiently detailed; and

(2) an identification of any shortcomings, limitations, or other reportable matters that affect the quality or findings of the report required under subsection (a).

(c) INTELLIGENCE COMMUNITY DEFINED.—In this section, the term "intelligence community" has the meaning given that term

in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 916. ASSESSMENT OF FOREIGN COMPONENTS AND THE SPACE LAUNCH CAPABILITY OF THE UNITED STATES.

(a) ASSESSMENT.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall conduct an independent assessment of the national security implications of continuing to use foreign component and propulsion systems for the launch vehicles under the evolved expendable launch vehicle program.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the assessment conducted under subsection (a).

SEC. 917. REPORT ON COUNTER SPACE TECHNOLOGY.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, and annually thereafter for two years, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report based on all available information (including the Counter Space Technology List of the Department of State) describing key space technologies that could be used, or are being sought, by a foreign country with a counter space or ballistic missile program, and should be subject to export controls by the United States or an ally of the United States, as appropriate.

(b) FORM.—Each report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

Subtitle C—Intelligence-Related Activities

SEC. 921. AUTHORITY TO PROVIDE GEOSPATIAL INTELLIGENCE SUPPORT TO CERTAIN SECURITY ALLIANCES AND REGIONAL ORGANIZATIONS.

(a) AUTHORIZATION.—Section 443(a) of title 10, United States Code, is amended by striking "foreign countries" and inserting "foreign countries, regional organizations with defense or security components, and security alliances of which the United States is a member".

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 443 of title 10, United States Code, is amended by striking "**foreign countries**" and inserting "**foreign countries, regional organizations, and security alliances**".

10 USC prec. 441.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 22 of title 10, United States Code, is amended by striking the item relating to section 443 and inserting the following new item:

"443. Imagery intelligence and geospatial information: support for foreign countries, regional organizations, and security alliances.".

(c) REPORTS.—

(1) IN GENERAL.—Not later than January 15 during each of 2014 and 2015, the Director of the National Geospatial-

Intelligence Agency shall submit to the appropriate congressional committees an annual report on the imagery intelligence or geospatial information support that the Director provided to a regional organization or security alliance under section 443(a) of title 10, United States Code, as amended by subsection (a), during the year covered by the report, including an identification of each such organization or alliance and the number of times such organization or alliance received such intelligence or support.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

SEC. 922. TECHNICAL AMENDMENTS TO REFLECT CHANGE IN NAME OF NATIONAL DEFENSE INTELLIGENCE COLLEGE TO NATIONAL INTELLIGENCE UNIVERSITY.

(a) CONFORMING AMENDMENTS TO REFLECT NAME CHANGE.—Section 2161 of title 10, United States Code, is amended by striking "National Defense Intelligence College" each place it appears and inserting "National Intelligence University".

(b) CLERICAL AMENDMENTS.— 10 USC prec. 2161.

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 2161. Degree granting authority for National Intelligence University".

(2) TABLE OF SECTIONS.—The item related to such section in the table of sections at the beginning of chapter 108 of such title is amended to read as follows:

"2161. Degree granting authority for National Intelligence University.".

SEC. 923. REVIEW OF ARMY DISTRIBUTED COMMON GROUND SYSTEM.

(a) REVIEW.—The Secretary of the Army shall direct the Army Systems Acquisition Review Council to—

(1) review the Distributed Common Ground System program of the Army; and

(2) report the results of such review to the congressional defense committees not later than 180 days after the date of the enactment of this Act. Reports. Deadline.

(b) ELEMENTS.—The review required under subsection (a) shall include—

(1) an assessment of the current acquisition strategy for the Distributed Common Ground System program of the Army to determine the relevance of such program to the current and emerging needs of the Army, including evolving technology needs and architectural strategies;

(2) an assessment of the current technology performance to meet existing program requirements, including interoperability, net-readiness, and functional performance for both cloud-enabled and disconnected operations;

(3) an analysis of competitive procedures that allow new and emerging capabilities, including integration of quick reaction capabilities, to be rapidly integrated into the architecture,

including through the use of product fly-offs using standardized, Government-provided common data sets that allow for equitable comparisons of capabilities;

(4) an analysis of the current technological path to ensure such path incorporates current best practices from industry and is in concert with the emerging needs and requirements of the Joint Information Environment;

(5) an assessment of such program to ensure appropriate investments in human systems integration are being made to ensure interface usability;

(6) an assessment of such program to ensure enterprise knowledge management and training requirements are commensurate with the anticipated force structure of the Army for the decade following the date of the enactment of this Act; and

(7) recommendations for any changes that may be needed as a result of the review.

SEC. 924. ELECTRO-OPTICAL IMAGERY.

(a) IDENTIFICATION OF DEPARTMENT OF DEFENSE ELECTRO-OPTICAL SATELLITE IMAGERY REQUIREMENTS.—

(1) REPORT.—Not later than April 1, 2013, the Chairman of the Joint Requirements Oversight Council shall submit to the Director of the Congressional Budget Office a report setting forth a comprehensive description of Department of Defense peacetime and wartime requirements for electro-optical satellite imagery.

(2) SCOPE OF REQUIREMENTS.—The requirements under paragraph (1) shall—

(A) be expressed in such terms as are necessary, which may include daily regional and global area coverage and number of point targets, resolution, revisit rates, mean-time to access, latency, redundancy, survivability, and diversity; and

(B) take into consideration all types of imagery and collection means available.

(b) ASSESSMENT OF IDENTIFIED REQUIREMENTS.—

Deadline.
Reports.

(1) IN GENERAL.—Not later than September 15, 2013, the Director of the Congressional Budget Office shall submit to the appropriate committees of Congress a report setting forth an assessment by the Director of the report required by subsection (a).

(2) ELEMENTS.—The assessment required by paragraph (1) shall include an assessment of the following:

(A) The extent to which the requirements of the Department for electro-optical imagery from space can be satisfied by commercial companies using either—

(i) current designs; or

(ii) enhanced designs that could be developed at low risk.

(B) The estimated cost and schedule of satisfying such requirements using commercial companies.

(3) CONSULTATION AND OTHER RESOURCES.—In preparing the assessment required by paragraph (1), the Director shall—

(A) consult widely with officials of the Government, private industry, and academia; and

(B) make maximum use of existing studies and modeling and simulations.

(4) ACCESS TO INFORMATION.—The Secretary of Defense shall provide the appropriately cleared staff of the Director of the Congressional Budget Office with such access to information and programs applicable to the assessment required by paragraph (1) as the Director of the Congressional Budget Office shall require for the preparation of the assessment.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 925. DEFENSE CLANDESTINE SERVICE.

(a) PROHIBITION ON USE OF FUNDS FOR ADDITIONAL PERSONNEL.—

(1) PROHIBITION.—Subject to paragraph (2), none of the funds authorized to be appropriated by this Act may be obligated or expended for—

(A) civilian personnel in the Department of Defense conducting or supporting human intelligence in excess of the number of such civilian personnel as of April 20, 2012; or

(B) positions in the Department of Defense served by members of the Armed Forces conducting or supporting human intelligence within the Department of Defense in excess of the number of such positions as of April 20, 2012.

(2) REDUCTION OF CIVILIAN PERSONNEL.—

(A) REDUCTION.—Subject to subparagraph (B), if on the date of the enactment of this Act the number of civilian personnel in the Department of Defense conducting or supporting human intelligence exceeds the number of such personnel as of April 20, 2012, the Secretary of Defense shall, not later than 30 days after the date of the enactment of this Act, take appropriate action to promptly reduce, consistent with reduction-in-force procedures, the total number of such civilian personnel to the number of such civilian personnel as of April 20, 2012. Deadline.

(B) EXCEPTION.—For each civilian personnel in the Department of Defense conducting or supporting human intelligence in excess of the number of such civilian personnel as of April 20, 2012, that the Secretary considers necessary to maintain after the date of the enactment of this Act during all or part of fiscal year 2013, the Secretary shall submit to the appropriate committees of Congress a comprehensive justification for maintaining such civilian personnel, including the specific role, mission, and responsibilities of such civilian personnel and whether such civilian personnel was employed in another capacity in the Department of Defense immediately prior to beginning the conduct or support of human intelligence.

(C) LIMITATION.—Notwithstanding any other provision of this subsection, following the action taken by the Secretary under subparagraph (A), the number of civilian personnel in the Department of Defense conducting or supporting human intelligence for fiscal year 2013 shall not exceed the total of—

(i) the number of such civilian personnel as of April 20, 2012; and

(ii) the number of such civilian personnel for which the Secretary has submitted a justification under subparagraph (B).

(b) CAPE REPORT ON COSTS.—Not later than 120 days after the date of the enactment of this Act, the Director of Cost Assessment and Program Evaluation of the Department of Defense, in consultation with the Director of National Intelligence, shall submit to the appropriate committees of Congress an independent, comprehensive estimate of the costs of the Defense Clandestine Service, including an estimate of the costs over the period of the current future-years defense program and such years occurring after such period as the Director is able to reasonably estimate.

(c) USDI REPORT ON DCS.—

(1) REPORT REQUIRED.—Not later than February 1, 2013, the Under Secretary of Defense for Intelligence shall submit to the appropriate committees of Congress a report on the Defense Clandestine Service.

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) A detailed description of the location and schedule for current and anticipated deployments of case officers trained under the Field Tradecraft Course and a certification of whether each activity receiving a deployment can accommodate and support the deployment.

(B) A statement of the objectives for the effective management of case officers trained under the Field Tradecraft Course. Such objectives shall include an outline of career management tracks commencing with accession, initial training requirement, number of Defense Clandestine Service tours requiring Field Tradecraft Course training, and objectives for management of career tracks, including promotion criteria.

(C) A statement of the manner in which each military department and the Defense Intelligence Agency will each achieve the objectives applicable under subparagraph (B).

(D) A copy of any memoranda of understanding or memoranda of agreement between the Department of Defense and other departments and agencies of the United States Government, or between components of the Department of Defense, that are required to implement objectives for the Defense Clandestine Service.

(d) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) FUTURE-YEARS DEFENSE PROGRAM.—The term "future-years defense program" means the future-years defense program under section 221 of title 10, United States Code.

Subtitle D—Cyberspace-Related Matters

SEC. 931. IMPLEMENTATION STRATEGY FOR JOINT INFORMATION ENVIRONMENT.

Deadlines.

(a) IMPLEMENTATION STRATEGY.—Not later than March 31, 2013, the Secretary of Defense shall submit to the congressional defense committees a strategy for implementing the Joint Information Environment. Such strategy shall include—

(1) a description for the vision for the Joint Information Environment, including a roadmap for achieving such vision from the existing baseline architecture;

(2) an assessment of the key milestones, metrics, and resources needed to achieve such vision, including the anticipated implementation cost and lifecycle cost savings of the Joint Information Environment;

(3) a description of the acquisition strategy and management plan for implementing the Joint Information Environment;

(4) an analysis of the key technical and policy challenges that must be addressed to achieve such vision, including assignment of responsibility for addressing such challenges;

(5) an identification of dependencies with existing initiatives or programs and capability gaps not currently addressed by funded initiatives or programs; and

(6) an assessment of the personnel challenges associated with manning, training, operating, defending, and fighting in the Joint Information Environment as a command and control and weapon system.

(b) PERSONNEL PLAN.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, shall submit to the congressional defense committees a Department-wide personnel plan for making the Joint Information Environment operational. Such personnel plan shall be based on the strategy required under subsection (a) and shall include a validated Joint Staff requirement for manpower levels and the levels required for each of the military departments and combat support agencies needed for full spectrum cyber operations, including the national cyber defense mission and the operational plans of the combatant commands, for each fiscal year across the current future-years defense program.

SEC. 932. NEXT-GENERATION HOST-BASED CYBER SECURITY SYSTEM FOR THE DEPARTMENT OF DEFENSE.

(a) STRATEGY FOR ACQUISITION OF SYSTEM REQUIRED.—The Chief Information Officer of the Department of Defense shall, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Commander of the United States Cyber Command, develop a strategy to acquire next-generation

host-based cyber security tools and capabilities (in this section referred to as a "next-generation system") for the Department of Defense.

(b) ELEMENTS OF SYSTEM.—It is the sense of Congress that any next-generation system acquired under the strategy required by subsection (a) should meet the following requirements:

(1) To overcome problems and limitations in current capabilities, the system should not rely on techniques that—

(A) cannot address new or rapidly morphing threats;

(B) consume substantial amounts of communications capacity to remain current with known threats and to report current status; or

(C) consume substantial amounts of resources to store rapidly growing threat libraries.

(2) The system should provide an open architecture-based framework for so-called "plug-and-play" integration of a variety of types of deployable tools, including appropriate commercially available applications, in addition to cyber intrusion detection tools, including tools for—

(A) insider threat detection;

(B) continuous monitoring and configuration management;

(C) remediation following infections; and

(D) protection techniques that do not rely on detection of the attack.

(3) The system should be designed for ease of deployment to potentially millions of host devices of tailored security solutions depending on need and risk, and to be compatible with cloud-based, thin-client, and virtualized environments as well as battlefield devices and weapons systems.

Reports.

(c) SUBMITTAL TO CONGRESS.—The Chief Information Officer shall submit to Congress a report setting forth the strategy required by subsection (a) together with the budget justification materials of the Department of Defense submitted to Congress with the budget of the President for fiscal year 2015 pursuant to section 1105(a) of title 31, United States Code.

10 USC 2224 note.

SEC. 933. IMPROVEMENTS IN ASSURANCE OF COMPUTER SOFTWARE PROCURED BY THE DEPARTMENT OF DEFENSE.

(a) BASELINE SOFTWARE ASSURANCE POLICY.—The Under Secretary of Defense for Acquisition, Technology, and Logistics, in coordination with the Chief Information Officer of the Department of Defense, shall develop and implement a baseline software assurance policy for the entire lifecycle of covered systems. Such policy shall be included as part of the strategy for trusted defense systems of the Department of Defense.

(b) POLICY ELEMENTS.—The baseline software assurance policy under subsection (a) shall—

(1) require use of appropriate automated vulnerability analysis tools in computer software code during the entire lifecycle of a covered system, including during development, operational testing, operations and sustainment phases, and retirement;

(2) require covered systems to identify and prioritize security vulnerabilities and, based on risk, determine appropriate remediation strategies for such security vulnerabilities;

(3) ensure such remediation strategies are translated into contract requirements and evaluated during source selection;

(4) promote best practices and standards to achieve software security, assurance, and quality; and

(5) support competition and allow flexibility and compatibility with current or emerging software methodologies.

(c) VERIFICATION OF EFFECTIVE IMPLEMENTATION.—The Under Secretary of Defense for Acquisition, Technology, and Logistics, in coordination with the Chief Information Officer of the Department of Defense, shall—

(1) collect data on implementation of the policy developed under subsection (a) and measure the effectiveness of such policy, including the particular elements required under subsection (b); and

(2) identify and promote best practices, tools, and standards for developing and validating assured software for the Department of Defense.

(d) BRIEFING ON ADDITIONAL MEANS OF IMPROVING SOFTWARE ASSURANCE.—Not later than one year after the date of the enactment of this Act, the Under Secretary for Acquisition, Technology, and Logistics shall, in coordination with the Chief Information Officer of the Department of Defense, provide to the congressional defense committees a briefing on the following: Deadline.

(1) A research and development strategy to advance capabilities in software assurance and vulnerability detection.

(2) The state-of-the-art of software assurance analysis and test.

(3) How the Department might hold contractors liable for software defects or vulnerabilities.

(e) DEFINITIONS.—In this section:

(1) COVERED SYSTEM.—The term "covered system" means any Department of Defense critical information, business, or weapons system that is—

(A) a major system, as that term is defined in section 2302(5) of title 10, United States Code;

(B) a national security system, as that term is defined in section 3542(b)(2) of title 44, United States Code; or

(C) a Department of Defense information system categorized as Mission Assurance Category I in Department of Defense Directive 8500.01E that is funded by the Department of Defense.

(2) SOFTWARE ASSURANCE.—The term "software assurance" means the level of confidence that software functions as intended and is free of vulnerabilities, either intentionally or unintentionally designed or inserted as part of the software, throughout the life cycle.

SEC. 934. COMPETITION IN CONNECTION WITH DEPARTMENT OF DEFENSE TACTICAL DATA LINK SYSTEMS. 10 USC 2225 note.

(a) COMPETITION IN CONNECTION WITH TACTICAL DATA LINK SYSTEMS.—Not later than December 1, 2013, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall— Deadline.

(1) develop an inventory of all tactical data link systems in use and in development in the Department of Defense, including interfaces and waveforms; Inventory.

(2) conduct an analysis of each data link system contained in the inventory under paragraph (1) to determine whether— Analysis.

(A) the upgrade, new deployment, or replacement of such system should be open to competition; or

(B) the data link should be converted to an open architecture, or a different data link standard should be adopted to enable such competition;

Plans.

(3) for each data link system for which competition is determined advisable under subparagraph (A) or (B) of paragraph (2), develop a plan to achieve such competition, including a plan to address any policy, legal, programmatic, or technical barriers to such competition; and

(4) for each data link system for which competition is determined not advisable under paragraph (2), prepare an explanation for such determination.

(b) EARLIER ACTIONS.—If the Under Secretary completes any portion of the plan described in subsection (a)(3) before December 1, 2013, the Secretary may commence action on such portion of the plan upon completion of such portion, including publication of such portion of the plan.

(c) REPORT.—At the same time the budget of the President for fiscal year 2015 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the Under Secretary shall submit to the congressional defense committees a report on the plans described in paragraph (3) of subsection (a), including any explanation prepared under paragraph (4) of such subsection.

10 USC 2223 note.

SEC. 935. COLLECTION AND ANALYSIS OF NETWORK FLOW DATA.

(a) DEVELOPMENT OF TECHNOLOGIES.—The Chief Information Officer of the Department of Defense may, in coordination with the Under Secretary of Defense for Policy and the Under Secretary of Defense for Intelligence and acting through the Director of the Defense Information Systems Agency, use the available funding and research activities and capabilities of the Community Data Center of the Defense Information Systems Agency to develop and demonstrate collection, processing, and storage technologies for network flow data that—

(1) are potentially scalable to the volume used by Tier 1 Internet Service Providers to collect and analyze the flow data across their networks;

(2) will substantially reduce the cost and complexity of capturing and analyzing high volumes of flow data; and

(3) support the capability—

(A) to detect and identify cyber security threats, networks of compromised computers, and command and control sites used for managing illicit cyber operations and receiving information from compromised computers;

(B) to track illicit cyber operations for attribution of the source; and

(C) to provide early warning and attack assessment of offensive cyber operations.

(b) COORDINATION.—Any research and development required in the development of the technologies described in subsection (a) shall be conducted in cooperation with the heads of other appropriate departments and agencies of the Federal Government and, whenever feasible, Tier 1 Internet Service Providers and other managed security service providers.

10 USC 2223 note.

SEC. 936. COMPETITION FOR LARGE-SCALE SOFTWARE DATABASE AND DATA ANALYSIS TOOLS.

(a) ANALYSIS.—

(1) REQUIREMENT.—The Secretary of Defense, acting through the Chief Information Officer of the Department of Defense, shall conduct an analysis of large-scale software database tools and large-scale software data analysis tools that could be used to meet current and future Department of Defense needs for large-scale data analytics.

(2) ELEMENTS.—The analysis required under paragraph (1) shall include—

(A) an analysis of the technical requirements and needs for large-scale software database and data analysis tools, including prioritization of key technical features needed by the Department of Defense; and

(B) an assessment of the available sources from Government and commercial sources to meet such needs, including an assessment by the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy to ensure sufficiency and diversity of potential commercial sources.

(3) SUBMISSION.—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer shall submit to the congressional defense committees the results of the analysis required under paragraph (1). Deadline.

(b) COMPETITION REQUIRED.—

(1) IN GENERAL.—If, following the analysis required under subsection (a), the Chief Information Officer of the Department of Defense identifies needs for software systems or large-scale software database or data analysis tools, the Department shall acquire such systems or such tools based on market research and using competitive procedures in accordance with applicable law and the Defense Federal Acquisition Regulation Supplement.

(2) NOTIFICATION.—If the Chief Information Officer elects to acquire large-scale software database or data analysis tools using procedures other than competitive procedures, the Chief Information Officer and the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit a written notification to the congressional defense committees on a quarterly basis until September 30, 2018, that describes the acquisition involved, the date the decision was made, and the rationale for not using competitive procedures. Deadlines.

SEC. 937. SOFTWARE LICENSES OF THE DEPARTMENT OF DEFENSE. 10 USC 2223 note.

(a) PLAN FOR INVENTORY OF LICENSES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer of the Department of the Defense shall, in consultation with the chief information officers of the military departments and the Defense Agencies, issue a plan for the inventory of selected software licenses of the Department of Defense, including a comparison of licenses purchased with licenses installed. Deadline.

(2) SELECTED SOFTWARE LICENSES.—The Chief Information Officer shall determine the software licenses to be treated as selected software licenses of the Department for purposes of this section. The licenses shall be determined so as to maximize the return on investment in the inventory conducted pursuant to the plan required by paragraph (1). Determination.

(3) PLAN ELEMENTS.—The plan under paragraph (1) shall include the following:

(A) An identification and explanation of the software licenses determined by the Chief Information Officer under paragraph (2) to be selected software licenses for purposes of this section, and a summary outline of the software licenses determined not to be selected software licenses for such purposes.

(B) Means to assess the needs of the Department and the components of the Department for selected software licenses during the two fiscal years following the date of the issuance of the plan.

(C) Means by which the Department can achieve the greatest possible economies of scale and cost savings in the procurement, use, and optimization of selected software licenses.

Determination.

(b) PERFORMANCE PLAN.—If the Chief Information Officer determines through the inventory conducted pursuant to the plan required by subsection (a) that the number of selected software licenses of the Department and the components of the Department exceeds the needs of the Department for such software licenses, the Secretary of Defense shall implement a plan to bring the number of such software licenses into balance with the needs of the Department.

SEC. 938. SENSE OF CONGRESS ON POTENTIAL SECURITY RISKS TO DEPARTMENT OF DEFENSE NETWORKS.

It is the sense of Congress that the Department of Defense—

(1) must ensure it maintains full visibility and adequate control of its supply chain, including subcontractors, in order to mitigate supply chain exploitation; and

(2) needs the authority and capability to mitigate supply chain risks to its information technology systems that fall outside the scope of National Security Systems.

SEC. 939. QUARTERLY CYBER OPERATIONS BRIEFINGS.

(a) BRIEFINGS.—Chapter 23 of title 10, United States Code, is amended by inserting after section 483 the following new section:

10 USC 484.

"§ 484. Quarterly cyber operations briefings

"The Secretary of Defense shall provide to the Committees on Armed Services of the House of Representatives and the Senate quarterly briefings on all offensive and significant defensive military operations in cyberspace carried out by the Department of Defense during the immediately preceding quarter.".

Deadline.
10 USC 484 note.

(b) INITIAL BRIEFING.—The first briefing required under section 484 of title 10, United States Code, as added by subsection (a), shall be provided not later than March 1, 2013.

10 USC prec. 480.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of title 10, United States Code, is amended by inserting after the item relating to section 483 the following new item:

"484. Quarterly cyber operations briefings.".

SEC. 940. SENSE OF CONGRESS ON THE UNITED STATES CYBER COMMAND.

It is the sense of Congress that—

(1) there is a serious cyber threat to the national security of the United States and the need to work both offensively and defensively to protect the networks and critical infrastructure of the United States;

(2) it is important to have a unified command structure in the Department of Defense to direct military operations in cyberspace;

(3) a change in the status of the United States Cyber Command has implications for the entire Department and the national security of the United States, which require careful consideration;

(4) Congress expects to be briefed and consulted about any proposal to elevate the United States Cyber Command to a unified command at the time when the Secretary of Defense makes such a proposal and to receive—

(A) a clear statement of mission of the United States Cyber Command and related legal definitions;

(B) an outline of the specific national security benefits of elevating the sub-unified United States Cyber Command to a unified command;

(C) an estimate of the cost of creating a unified United States Cyber Command and a justification of the expenditure; and

(D) if the Secretary considers it advisable to continue the designation of the Commander of the United States Cyber Command as also being the Director of the National Security Agency—

(i) an explanation of how a single individual could serve as a commander of a combatant command that conducts overt, though clandestine, cyber operations under title 10, United States Code, and serve as the head of an element of the intelligence community that conducts covert cyber operations under the National Security Act of 1947 (50 U.S.C. 401 et seq.) in a manner that affords deniability to the United States; and

(ii) a statement of whether the Secretary believes it is appropriate either to appoint a line officer as the Director of the National Security Agency or to take the unprecedented step of appointing an intelligence officer as a unified commander; and

(5) appropriate policy foundations and standing rules of engagement must be in place before any decision to create a unified United States Cyber Command.

SEC. 941. REPORTS TO DEPARTMENT OF DEFENSE ON PENETRATIONS OF NETWORKS AND INFORMATION SYSTEMS OF CERTAIN CONTRACTORS.

10 USC 2224 note.

(a) PROCEDURES FOR REPORTING PENETRATIONS.—The Secretary of Defense shall establish procedures that require each cleared defense contractor to report to a component of the Department of Defense designated by the Secretary for purposes of such procedures when a network or information system of such contractor that meets the criteria established pursuant to subsection (b) is successfully penetrated.

(b) NETWORKS AND INFORMATION SYSTEMS SUBJECT TO REPORTING.—

(1) CRITERIA.—The Secretary of Defense shall designate a senior official to, in consultation with the officials specified in paragraph (2), establish criteria for covered networks to be subject to the procedures for reporting system penetrations under subsection (a).

(2) OFFICIALS.—The officials specified in this subsection are the following:

(A) The Under Secretary of Defense for Policy.

(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(C) The Under Secretary of Defense for Intelligence.

(D) The Chief Information Officer of the Department of Defense.

(E) The Commander of the United States Cyber Command.

(c) PROCEDURE REQUIREMENTS.—

(1) RAPID REPORTING.—The procedures established pursuant to subsection (a) shall require each cleared defense contractor to rapidly report to a component of the Department of Defense designated pursuant to subsection (a) of each successful penetration of the network or information systems of such contractor that meet the criteria established pursuant to subsection (b). Each such report shall include the following:

(A) A description of the technique or method used in such penetration.

(B) A sample of the malicious software, if discovered and isolated by the contractor, involved in such penetration.

(C) A summary of information created by or for the Department in connection with any Department program that has been potentially compromised due to such penetration.

(2) ACCESS TO EQUIPMENT AND INFORMATION BY DEPARTMENT OF DEFENSE PERSONNEL.—The procedures established pursuant to subsection (a) shall—

(A) include mechanisms for Department of Defense personnel to, upon request, obtain access to equipment or information of a cleared defense contractor necessary to conduct forensic analysis in addition to any analysis conducted by such contractor;

(B) provide that a cleared defense contractor is only required to provide access to equipment or information as described in subparagraph (A) to determine whether information created by or for the Department in connection with any Department program was successfully exfiltrated from a network or information system of such contractor and, if so, what information was exfiltrated; and

(C) provide for the reasonable protection of trade secrets, commercial or financial information, and information that can be used to identify a specific person.

(3) LIMITATION ON DISSEMINATION OF CERTAIN INFORMATION.—The procedures established pursuant to subsection (a) shall prohibit the dissemination outside the Department of Defense of information obtained or derived through such procedures that is not created by or for the Department except with the approval of the contractor providing such information.

(d) ISSUANCE OF PROCEDURES AND ESTABLISHMENT OF CRITERIA.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act—

(A) the Secretary of Defense shall establish the procedures required under subsection (a); and

(B) the senior official designated under subsection (b)(1) shall establish the criteria required under such subsection.

(2) APPLICABILITY DATE.—The requirements of this section shall apply on the date on which the Secretary of Defense establishes the procedures required under this section.

(e) DEFINITIONS.—In this section:

(1) CLEARED DEFENSE CONTRACTOR.—The term "cleared defense contractor" means a private entity granted clearance by the Department of Defense to access, receive, or store classified information for the purpose of bidding for a contract or conducting activities in support of any program of the Department of Defense.

(2) COVERED NETWORK.—The term "covered network" means a network or information system of a cleared defense contractor that contains or processes information created by or for the Department of Defense with respect to which such contractor is required to apply enhanced protection.

Subtitle E—Other Matters

SEC. 951. ADVICE ON MILITARY REQUIREMENTS BY CHAIRMAN OF JOINT CHIEFS OF STAFF AND JOINT REQUIREMENTS OVERSIGHT COUNCIL.

(a) AMENDMENTS RELATED TO CHAIRMAN OF JOINT CHIEFS OF STAFF.—Section 153(a)(4) of title 10, United States Code, is amended by striking subparagraph (F) and inserting the following new subparagraphs:

"(F) Identifying, assessing, and approving military requirements (including existing systems and equipment) to meet the National Military Strategy.

"(G) Recommending to the Secretary appropriate trade-offs among life-cycle cost, schedule, and performance objectives, and procurement quantity objectives, to ensure that such trade-offs are made in the acquisition of materiel and equipment to support the strategic and contingency plans required by this subsection in the most effective and efficient manner.".

(b) AMENDMENTS RELATED TO JROC.—Section 181(b) of such title is amended—

(1) in paragraph (1)(C), by striking "in ensuring" and all that follows through "requirements" and inserting the following: "in ensuring that appropriate trade-offs are made among life-cycle cost, schedule, and performance objectives, and procurement quantity objectives, in the establishment and approval of military requirements"; and

(2) in paragraph (3), by striking "such resource level" and inserting "the total cost of such resources".

(c) AMENDMENTS RELATED TO CHIEFS OF ARMED FORCES.—Section 2547(a) of such title is amended—

(1) in paragraph (1), by striking "of requirements relating to the defense acquisition system" and inserting "of requirements for equipping the armed force concerned";

(2) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (2) the following new paragraphs:

"(3) The recommendation of trade-offs among life-cycle cost, schedule, and performance objectives, and procurement quantity objectives, to ensure acquisition programs deliver best value in meeting the approved military requirements.

"(4) Termination of development or procurement programs for which life-cycle cost, schedule, and performance expectations are no longer consistent with approved military requirements and levels of priority, or which no longer have approved military requirements.".

SEC. 952. ENHANCEMENT OF RESPONSIBILITIES OF THE CHAIRMAN OF THE JOINT CHIEFS OF STAFF REGARDING THE NATIONAL MILITARY STRATEGY.

(a) IN GENERAL.—Subsection (b) of section 153 of title 10, United States Code, is amended to read as follows:

"(b) NATIONAL MILITARY STRATEGY.—

Determination.

"(1) NATIONAL MILITARY STRATEGY.—(A) The Chairman shall determine each even-numbered year whether to prepare a new National Military Strategy in accordance with this subparagraph or to update a strategy previously prepared in accordance with this subsection. The Chairman shall complete preparation of the National Military Strategy or update in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion of the report of the Secretary of Defense, if any, under paragraph (4).

"(B) Each National Military Strategy (or update) under this paragraph shall be based on a comprehensive review conducted by the Chairman in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the unified and specified combatant commands.

"(C) Each National Military Strategy (or update) submitted under this paragraph shall describe how the military will achieve the objectives of the United States as articulated in—

"(i) the most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

"(ii) the most recent annual report of the Secretary of Defense submitted to the President and Congress pursuant to section 113 of this title;

"(iii) the most recent Quadrennial Defense Review conducted by the Secretary of Defense pursuant to section 118 of this title; and

"(iv) any other national security or defense strategic guidance issued by the President or the Secretary of Defense.

"(D) Each National Military Strategy (or update) submitted under this paragraph shall identify—

"(i) the United States military objectives and the relationship of those objectives to the strategic environment and to the threats required to be described under subparagraph (E);

"(ii) the operational concepts, missions, tasks, or activities necessary to support the achievement of the objectives identified under clause (i);

"(iii) the fiscal, budgetary, and resource environments and conditions that, in the assessment of the Chairman, affect the strategy; and

"(iv) the assumptions made with respect to each of clauses (i) through (iii).

"(E) Each National Military Strategy (or update) submitted under this paragraph shall also include a description of—

"(i) the strategic environment and the opportunities and challenges that affect United States national interests and United States national security;

"(ii) the threats, such as international, regional, transnational, hybrid, terrorism, cyber attack, weapons of mass destruction, asymmetric challenges, and any other categories of threats identified by the Chairman, to the United States national security;

"(iii) the implications of current force planning and sizing constructs for the strategy;

"(iv) the capacity, capabilities, and availability of United States forces (including both the active and reserve components) to support the execution of missions required by the strategy;

"(v) areas in which the armed forces intends to engage and synchronize with other departments and agencies of the United States Government contributing to the execution of missions required by the strategy;

"(vi) areas in which the armed forces could be augmented by contributions from alliances (such as the North Atlantic Treaty Organization), international allies, or other friendly nations in the execution of missions required by the strategy;

"(vii) the requirements for operational contractor support to the armed forces for conducting security force assistance training, peacekeeping, overseas contingency operations, and other major combat operations under the strategy; and

"(viii) the assumptions made with respect to each of clauses (i) through (vii).

"(F) Each update to a National Military Strategy under this paragraph shall address only those parts of the most recent National Military Strategy for which the Chairman determines, on the basis of a comprehensive review conducted in conjunction with the other members of the Joint Chiefs of Staff and the commanders of the combatant commands, that a modification is needed.

"(2) RISK ASSESSMENT.—(A) The Chairman shall prepare each year an assessment of the risks associated with the most current National Military Strategy (or update) under paragraph (1). The risk assessment shall be known as the 'Risk Assessment of the Chairman of the Joint Chiefs of Staff'. The Chairman shall complete preparation of the Risk Assessment in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion of the report of the Secretary of Defense, if any, under paragraph (4). Deadline.

"(B) The Risk Assessment shall do the following:

"(i) As the Chairman considers appropriate, update any changes to the strategic environment, threats, objectives, force planning and sizing constructs, assessments, and assumptions that informed the National Military Strategy required by this section.

"(ii) Identify and define the strategic risks to United States interests and the military risks in executing the missions of the National Military Strategy.

"(iii) Identify and define levels of risk distinguishing between the concepts of probability and consequences, including an identification of what constitutes 'significant' risk in the judgment of the Chairman.

"(iv)(I) Identify and assess risk in the National Military Strategy by category and level and the ways in which risk might manifest itself, including how risk is projected to increase, decrease, or remain stable over time; and

"(II) for each category of risk, assess the extent to which current or future risk increases, decreases, or is stable as a result of budgetary priorities, tradeoffs, or fiscal constraints or limitations as currently estimated and applied in the most current future-years defense program under section 221 of this title.

"(v) Identify and assess risk associated with the assumptions or plans of the National Military Strategy about the contributions or support of—

"(I) other departments and agencies of the United States Government (including their capabilities and availability);

"(II) alliances, allies, and other friendly nations (including their capabilities, availability, and interoperability); and

"(III) contractors.

"(vi) Identify and assess the critical deficiencies and strengths in force capabilities (including manpower, logistics, intelligence, and mobility support) identified during the preparation and review of the contingency plans of each unified combatant command, and identify and assess the effect of such deficiencies and strengths for the National Military Strategy.

Deadlines.

"(3) SUBMITTAL OF NATIONAL MILITARY STRATEGY AND RISK ASSESSMENT TO CONGRESS.—(A) Not later than February 15 of each even-numbered year, the Chairman shall, through the Secretary of Defense, submit to the Committees on Armed Services of the Senate and the House of Representatives the National Military Strategy or update, if any, prepared under paragraph (1) in such year.

"(B) Not later than February 15 each year, the Chairman shall, through the Secretary of Defense, submit to the Committees on Armed Services of the Senate and the House of Representatives the Risk Assessment prepared under paragraph (2) in such year.

"(4) SECRETARY OF DEFENSE REPORTS TO CONGRESS.—(A) In transmitting a National Military Strategy (or update) or Risk Assessment to Congress pursuant to paragraph (3), the Secretary of Defense shall include in the transmittal such comments of the Secretary thereon, if any, as the Secretary considers appropriate.

"(B) If the Risk Assessment transmitted under paragraph (3) in a year includes an assessment that a risk or risks associated with the National Military Strategy (or update) are significant, or that critical deficiencies in force capabilities exist for a contingency plan described in paragraph (2)(B)(vi), the Secretary shall include in the transmittal of the Risk Assessment the plan of the Secretary for mitigating such risk or deficiency. A plan for mitigating risk of deficiency under this subparagraph shall— Plans.

"(i) address the risk assumed in the National Military Strategy (or update) concerned, and the additional actions taken or planned to be taken to address such risk using only current technology and force structure capabilities; and

"(ii) specify, for each risk addressed, the extent of, and a schedule for expected mitigation of, such risk, and an assessment of the potential for residual risk, if any, after mitigation.".

(b) CONFORMING AMENDMENT.—Such section is further amended by striking subsection (d).

SEC. 953. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PERSONNEL AT DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

Paragraph (1) of section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 184 note) is amended by striking "through 2012" and inserting "through 2013".

SEC. 954. NATIONAL LANGUAGE SERVICE CORPS.

(a) CHARTER FOR NATIONAL LANGUAGE SERVICE CORPS.—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

"SEC. 813. NATIONAL LANGUAGE SERVICE CORPS. 50 USC 1913.

"(a) ESTABLISHMENT.—(1) The Secretary of Defense may establish and maintain within the Department of Defense a National Language Service Corps (in this section referred to as the 'Corps').

"(2) The purpose of the Corps is to provide a pool of nongovernmental personnel with foreign language skills who, as provided in regulations prescribed under this section, agree to provide foreign language services to the Department of Defense or another department or agency of the United States.

"(b) NATIONAL SECURITY EDUCATION BOARD.—If the Secretary establishes the Corps, the Secretary shall provide for the National Security Education Board to oversee and coordinate the activities of the Corps to such extent and in such manner as determined by the Secretary under paragraph (9) of section 803(d).

"(c) MEMBERSHIP.—To be eligible for membership in the Corps, a person must be a citizen of the United States authorized by law to be employed in the United States, have attained the age of 18 years, and possess such foreign language skills as the Secretary considers appropriate for membership in the Corps.

"(d) TRAINING.—The Secretary may provide members of the Corps such training as the Secretary prescribes for purposes of this section.

Determination.

"(e) SERVICE.—Upon a determination that it is in the national interests of the United States, the Secretary shall call upon members of the Corps to provide foreign language services to the Department of Defense or another department or agency of the United States. If a member of the Corps is, as of the time of such determination, employed by or performing under a contract for an element of another Federal agency, the Secretary shall first obtain the concurrence of the head of that agency.

"(f) FUNDING.—The Secretary may impose fees, in amounts up to full-cost recovery, for language services and technical assistance rendered by members of the Corps. Amounts of fees received under this section shall be credited to the account of the Department providing funds for any costs incurred by the Department in connection with the Corps. Amounts so credited to such account shall be merged with amounts in such account, and shall be available to the same extent, and subject to the same conditions and limitations, as amounts in such account. Any amounts so credited shall remain available until expended.".

(b) NATIONAL SECURITY EDUCATION BOARD MATTERS.—

(1) COMPOSITION.—Subsection (b) of section 803 of such Act (50 U.S.C. 1903) is amended—

(A) by striking paragraph (5);

(B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(C) by inserting after paragraph (4) the following new paragraphs:

"(5) The Secretary of Homeland Security.

"(6) The Secretary of Energy.

"(7) The Director of National Intelligence.".

(2) FUNCTIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

"(9) To the extent provided by the Secretary of Defense, oversee and coordinate the activities of the National Language Service Corps under section 813, including—

"(A) assessing on a periodic basis whether the Corps is addressing the needs identified by the heads of departments and agencies of the Federal Government for personnel with skills in various foreign languages;

"(B) recommending plans for the Corps to address foreign language shortfalls and requirements of the departments and agencies of the Federal Government;

"(C) recommending effective ways to increase public awareness of the need for foreign languages skills and career paths in the Federal Government that use those skills; and

"(D) overseeing the Corps efforts to work with Executive agencies and State and Local governments to respond to interagency plans and agreements to address overall foreign language shortfalls and to utilize personnel to address the various types of crises that warrant foreign language skills.".

10 USC 129a note.

SEC. 955. SAVINGS TO BE ACHIEVED IN CIVILIAN PERSONNEL WORKFORCE AND SERVICE CONTRACTOR WORKFORCE OF THE DEPARTMENT OF DEFENSE.

(a) REQUIRED PLAN.—

(1) IN GENERAL.—The Secretary of Defense shall ensure that the civilian personnel workforce and service contractor workforce of the Department of Defense are appropriately sized to support and execute the National Military Strategy, taking into account military personnel and force structure levels. Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall develop and begin to execute an efficiencies plan for the civilian personnel workforce and service contractor workforce of the Department of Defense.

Deadline.

(2) CONSISTENCY WITH OTHER POLICIES AND PROCEDURES.—The Secretary shall ensure the plan required under this subsection is consistent with the policies and procedures required under section 129a of title 10, United States Code, as implemented under the policies issued by the Under Secretary of Defense for Personnel and Readiness for determining the most appropriate and cost-efficient mix of military, civilian, and service contractor personnel to perform the missions of the Department of Defense.

(b) SAVINGS.—The plan required under subsection (a) shall achieve savings in the total funding for each workforce covered by such plan over the period from fiscal year 2012 through fiscal year 2017 that are not less, as a percentage of such funding, than the savings in funding for basic military personnel pay achieved from reductions in military end strengths over the same period of time.

(c) EXCLUSIONS.—In developing and implementing the plan required by subsection (a) and achieving the savings percentages required by subsection (b), the Secretary of Defense may exclude expenses related to the performance of functions identified as core or critical to the mission of the Department, consistent with the workload analysis and risk assessments required by sections 129 and 129a of title 10, United States Code. In making a determination of core or critical functions, the Secretary shall consider at least the following:

(1) Civilian personnel expenses for personnel as follows:

(A) Personnel in Mission Critical Occupations, as defined by the Civilian Human Capital Strategic Plan of the Department of Defense and the Acquisition Workforce Plan of the Department of Defense.

(B) Personnel employed at facilities providing core logistics capabilities pursuant to section 2464 of title 10, United States Code.

(C) Personnel in the Offices of the Inspectors General of the Department of Defense.

(2) Service contractor expenses for personnel as follows:

(A) Personnel performing maintenance and repair of military equipment.

(B) Personnel providing medical services.

(C) Personnel performing financial audit services.

(3) Personnel expenses for personnel in the civilian personnel workforce or service contractor workforce performing such other critical functions as may be identified by the Secretary as requiring exemption in the interest of the national defense.

(d) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense

shall submit to the congressional defense committees a report including a comprehensive description of the plan required by subsection (a).

(2) STATUS REPORTS.—As part of the budget submitted by the President to Congress for each of fiscal years 2015 through 2018, the Secretary shall include a report describing the implementation of the plan during the prior fiscal year and any modifications to the plan required due to changing circumstances. Each such report shall include a summary of the savings achieved in such prior fiscal year through reductions in the military, civilian, and service contractor personnel workforces, and the number of military, civilian, and service contractor personnel reduced. In any case in which savings fall short of the annual target, the report shall include an explanation of the reasons for such shortfall.

(3) EXCLUSIONS.—Each report under paragraphs (1) and (2) shall specifically identify any exclusion granted by the Secretary under subsection (c) in the period of time covered by the report.

(e) LIMITATION ON TRANSFERS OF FUNCTIONS.—The Secretary shall ensure that the savings required by this section are not achieved through unjustified transfers of functions between or among the military, civilian, and service contractor personnel workforces of the Department of Defense. Nothing in this section shall be construed to preclude the Secretary from exercising authority available to the Department under sections 129a, 2330a, 2461, and 2463 of title 10, United States Code.

(f) SENSE OF CONGRESS.—It is the sense of Congress that an amount equal to 30 percent of the amount of the reductions in appropriated funds attributable to reduced budgets for the civilian and service contractor workforces of the Department by reason of the plan required by subsection (a) should be made available for costs of assisting military personnel separated from the Armed Forces in the transition from military service.

(g) SERVICE CONTRACTOR WORKFORCE DEFINED.—In this section, the term "service contractor workforce" means contractor employees performing contract services, as defined in section 2330(c)(2) of title 10, United States Code, other than contract services that are funded out of amounts available for overseas contingency operations.

(h) COMPTROLLER GENERAL REVIEW AND REPORT.—For each fiscal year from fiscal year 2015 through fiscal year 2018, the Comptroller General of the United States shall review the status reports submitted by the Secretary as required by subsection (d)(2) to determine whether the savings required by subsection (b) are being achieved in the civilian personnel workforce and the service contractor workforce and whether the plan required under subsection (a) is being implemented consistent with sourcing and workforce management laws, including sections 129, 129a, 2330a, 2461, and 2463 of title 10, United States Code. The Comptroller General shall submit a report on the findings of each review to the congressional defense committees not later than 120 days after the end of each fiscal year covered by this subsection.

SEC. 956. EXPANSION OF PERSONS ELIGIBLE FOR EXPEDITED FEDERAL HIRING FOLLOWING COMPLETION OF NATIONAL SECURITY EDUCATION PROGRAM SCHOLARSHIP.

Section 802(k) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1902(k)) is amended to read as follows:

"(k) EMPLOYMENT OF PROGRAM PARTICIPANTS.—

"(1) APPOINTMENT AUTHORITY.—The Secretary of Defense, the Secretary of Homeland Security, the Secretary of State, or the head of a Federal agency or office identified by the Secretary of Defense under subsection (g) as having national security responsibilities—

"(A) may, without regard to any provision of title 5, United States Code, governing appointments in the competitive service, appoint an eligible program participant—

"(i) to a position in the excepted service that is certified by the Secretary of Defense under clause (i) of subsection (b)(2)(A) as contributing to the national security of the United States; or

"(ii) subject to clause (ii) of such subsection, to a position in the excepted service in such Federal agency or office identified by the Secretary; and

"(B) may, upon satisfactory completion of two years of substantially continuous service by an incumbent who was appointed to an excepted service position under the authority of subparagraph (A), convert the appointment of such individual, without competition, to a career or career-conditional appointment.

"(2) TREATMENT OF CERTAIN SERVICE.—In the case of an eligible program participant described in clause (ii) or (iii) of paragraph (3)(C) who receives an appointment under paragraph (1)(A), the head of a Department or Federal agency or office referred to in paragraph (1) may count any period that the individual served in a position with the Federal Government toward satisfaction of the service requirement under paragraph (1)(B) if that service—

"(A) in the case of an appointment under clause (i) of paragraph (1)(A), was in a position that is identified under clause (i) of subsection (b)(2)(A) as contributing to the national security of the United States; or

"(B) in the case of an appointment under clause (ii) of paragraph (1)(A), was in the Federal agency or office in which the appointment under that clause is made.

"(3) ELIGIBLE PROGRAM PARTICIPANT DEFINED.—In this subsection, the term 'eligible program participant' means an individual who—

"(A) has successfully completed an academic program for which a scholarship or fellowship under this section was awarded;

"(B) has not previously been appointed to the excepted service position under paragraph (1)(A); and

"(C) at the time of the appointment of the individual to an excepted service position under paragraph (1)(A)—

"(i) under the terms of the agreement for such scholarship or fellowship, owes a service commitment

to a Department or Federal agency or office referred to in paragraph (1);

"(ii) is employed by the Federal Government under a non-permanent appointment to a position in the excepted service that has national security responsibilities; or

"(iii) is a former civilian employee of the Federal Government who has less than a one-year break in service from the last period of Federal employment of such individual in a non-permanent appointment in the excepted service with national security responsibilities.".

TITLE X—GENERAL PROVISIONS

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Sec. 1027. Prohibition on the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
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Sec. 1031. Nuclear weapons employment strategy of the United States.
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Sec. 1056. Authority for short-term extension of lease for aircraft supporting the Blue Devil intelligence, surveillance, and reconnaissance program.
Sec. 1057. Rule of construction relating to prohibition on infringing on the individual right to lawfully acquire, possess, own, carry, and otherwise use privately owned firearms, ammunition, and other weapons.
Sec. 1058. Sense of Congress on the Joint Warfighting Analysis Center.
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Sec. 1064. Repeal of biennial report on the Global Positioning System.
Sec. 1065. Improvements to reports required on acquisition of technology relating to weapons of mass destruction and the threat posed by weapons of mass destruction, ballistic missiles, and cruise missiles.
Sec. 1066. Report on force structure of the United States Army.
Sec. 1067. Report on planned efficiency initiatives at Space and Naval Warfare Systems Command.
Sec. 1068. Report on military resources necessary to execute United States Force Posture Strategy in the Asia Pacific Region.
Sec. 1069. Rialto-Colton Basin, California, water resources study.
Sec. 1070. Reports on the potential security threat posed by Boko Haram.
Sec. 1071. Study on the ability of national test and evaluation capabilities to support the maturation of hypersonic technologies for future defense systems development.

Subtitle H—Other Matters

Sec. 1076. Technical and clerical amendments.
Sec. 1077. Sense of Congress on recognizing Air Mobility Command on its 20th anniversary.
Sec. 1078. Dissemination abroad of information about the United States.
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Sec. 1081. Technical amendments to repeal statutory references to United States Joint Forces Command.
Sec. 1082. Sense of Congress on non-United States citizens who are graduates of United States educational institutions with advanced degrees in science, technology, engineering, and mathematics.
Sec. 1083. Scientific framework for recalcitrant cancers.
Sec. 1084. Protection of veterans' memorials.
Sec. 1085. Sense of Congress regarding spectrum.
Sec. 1086. Public Safety Officers' Benefits Program.
Sec. 1087. Removal of action.
Sec. 1088. Transport for female genital mutilation.
Sec. 1089. Amendments to law enforcement officer safety provisions of title 18.
Sec. 1090. Reauthorization of sale of aircraft and parts for wildfire suppression purposes.
Sec. 1091. Transfer of excess aircraft to other departments of the Federal Government.

Subtitle A—Financial Matters

SEC. 1001. GENERAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

Determinations.

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2013 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $4,000,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) LIMITATIONS.—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

SEC. 1002. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on the conference report or amendment between the Houses.

SEC. 1003. SENSE OF CONGRESS ON NOTICE TO CONGRESS ON UNFUNDED PRIORITIES.

It is the sense of Congress that—

(1) not later than 45 days after the submittal to Congress of the budget for a fiscal year under section 1105(a) of title 31, United States Code, each officer specified in paragraph (2) should, through the Chairman of the Joint Chiefs of Staff and the Secretary of Defense, submit to the congressional defense committees a list of any priority military programs or activities under the jurisdiction of such officer for which, in the estimate of such officer additional funds, if available, would substantially reduce operational or programmatic risk or accelerate the creation or fielding of a critical military capability; Deadline. Lists.

(2) the officers specified in this paragraph are—

(A) the Chief of Staff of the Army;

(B) the Chief of Naval Operations;

(C) the Chief of Staff of the Air Force;

(D) the Commandant of the Marine Corps; and

(E) the Commander of the United States Special Operations Command; and

(3) each list, if any, under paragraph (1) should set forth for each military program or activity on such list—

(A) a description of such program or activity;

(B) a summary description of the justification for or objectives of additional funds, if available for such program or activity; and

(C) the additional amount of funds recommended in connection with the justification or objectives described for such program or activity under subparagraph (B).

SEC. 1004. AUTHORITY TO TRANSFER FUNDS TO THE NATIONAL NUCLEAR SECURITY ADMINISTRATION TO SUSTAIN NUCLEAR WEAPONS MODERNIZATION.

(a) TRANSFER AUTHORIZED.—If the amount authorized to be appropriated for the weapons activities of the National Nuclear Security Administration for fiscal year 2013 in section 3101 is less than $7,900,000,000 (the amount projected to be required for such activities in fiscal year 2013 as specified in the report under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549)), the Secretary of Defense may transfer, from amounts authorized to be appropriated for the Department of Defense for fiscal year 2013 pursuant to this Act, to the Secretary of Energy an amount, not to exceed $150,000,000, to be available only for weapons activities of the National Nuclear Security Administration.

(b) NOTICE TO CONGRESS.—In the event of a transfer under subsection (a), the Secretary of Defense shall promptly notify Congress of the transfer, and shall include in such notice the Department of Defense account or accounts from which funds are transferred.

(c) TRANSFER MECHANISM.—Any funds transferred under this section shall be transferred in accordance with established procedures for reprogramming under section 1001 or successor provisions of law.

(d) CONSTRUCTION OF AUTHORITY.—The transfer authority provided under subsection (a) is in addition to any other transfer authority provided under this Act.

SEC. 1005. AUDIT READINESS OF DEPARTMENT OF DEFENSE STATEMENTS OF BUDGETARY RESOURCES.

(a) OBJECTIVE.—Section 1003(a)(2)(A)(ii) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note) is amended by inserting ", and the statement of budgetary resources of the Department of Defense is validated as ready for audit by not later than September 30, 2014" after "September 30, 2017".

10 USC 2222 note. Deadline.

(b) AFFORDABLE AND SUSTAINABLE APPROACH.—

(1) IN GENERAL.—The Chief Management Officer of the Department of Defense and the Chief Management Officers of each of the military departments shall ensure that plans to achieve an auditable statement of budgetary resources of the Department of Defense by September 30, 2014, include appropriate steps to minimize one-time fixes and manual work-arounds, are sustainable and affordable, and will not delay full auditability of financial statements.

Time period.

(2) ADDITIONAL ELEMENTS IN FIAR PLAN REPORT.—Each semi-annual report on the Financial Improvement and Audit Readiness Plan of the Department of Defense submitted by the Under Secretary of Defense (Comptroller) under section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note) during the period beginning on the date of the enactment of this Act and ending on September 30, 2014, shall include the following:

(A) A description of the actions taken by the military departments pursuant to paragraph (1).

(B) A determination by the Chief Management Officer of each military department whether or not such military department is able to achieve an auditable statement of budgetary resources by September 30, 2014, without an unaffordable or unsustainable level of one-time fixes and manual work-arounds and without delaying the full auditability of the financial statements of such military department.

(C) If the Chief Management Officer of a military department determines under subparagraph (B) that the military department is not able to achieve an auditable statement of budgetary resources by September 30, 2014, as described in that subparagraph—

(i) an explanation why the military department is unable to meet the deadline;

(ii) an alternative deadline by which the military department will achieve an auditable statement of budgetary resources; and

(iii) a description of the plan of the military department for meeting the alternative deadline.

SEC. 1006. REPORT ON BALANCES CARRIED FORWARD BY THE DEPARTMENT OF DEFENSE AT THE END OF FISCAL YEAR 2012.

Web posting. Public information.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, and publish on the Internet website of the Department of Defense available to the public, the following:

(1) The total dollar amount of all balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.

(2) The total dollar amount of all unobligated balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.

(3) The total dollar amount of any balances (both obligated and unobligated) that have been carried forward by the Department of Defense for five years or more as of the end of fiscal year 2012 by account.

SEC. 1007. REPORT ON ELIMINATION AND STREAMLINING OF REPORTING REQUIREMENTS, THRESHOLDS, AND STATUTORY AND REGULATORY REQUIREMENTS RESULTING FROM UNQUALIFIED AUDIT OPINION OF DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS.

Lists.

Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees a report setting forth, in the opinion of the Under Secretary, the following:

(1) A list of reports currently required by law to be submitted by the Department of Defense to Congress that would be no longer necessary if the financial statements of the Department of Defense were audited with an unqualified opinion.

(2) A list of each statutory and regulatory requirement that would be no longer necessary if the financial statements of the Department of defense were audited with an unqualified opinion.

(3) A list of each statutory and regulatory requirement that could be revised and streamlined if the financial statement of the Department of Defense were audited with an unqualified opinion.

Subtitle B—Counter-Drug Activities

SEC. 1008. EXTENSION OF THE AUTHORITY TO ESTABLISH AND OPERATE NATIONAL GUARD COUNTERDRUG SCHOOLS.

Section 901 of the Office of National Drug Control Policy Reauthorization Act of 2006 (Public Law 109–469; 120 Stat. 3536; 32 U.S.C. 112 note) is amended—

(1) in subsection (c)—

(A) by striking paragraph (1) and redesignating paragraphs (2) through (5) as paragraphs (1) through (4), respectively; and

(B) by adding at the end the following new paragraph:

"(5) The Western Regional Counterdrug Training Center, Camp Murray, Washington.";

(2) by striking subsection (f) and inserting the following new subsection (f):

"(f) ANNUAL REPORT ON ACTIVITIES.—Not later than February 1 each year, the Secretary of Defense shall submit to Congress a report on the activities of the National Guard counterdrug schools during the preceding year. Each such report shall set forth a description of the activities of each National Guard counterdrug school for the fiscal year preceding the fiscal year during which the report is submitted, including—

"(1) the amount of funding made available and the appropriation account for each National Guard counterdrug school during such fiscal year;

"(2) the cumulative amount of funding made available for each National Guard counterdrug school during five fiscal years preceding such fiscal year;

"(3) a description of the curriculum and training used at each National Guard counterdrug school;

"(4) a description of how the activities conducted at each National Guard counterdrug school fulfilled Department of Defense counterdrug mission;

"(5) a list of the entities described in subsection (b) whose personnel received training at each National Guard counterdrug school; and

"(6) updates, if any, to the Department of Defense regulations prescribed under subsection (a)."; and

(3) in subsection (g)—

(A) in paragraph (1), by striking "There is hereby authorized" and all that follows through "such fiscal year" and inserting the following: "Not more than $30,000,000 may be expended by the Secretary of Defense for purposes of the National Guard counterdrug schools in any fiscal year"; and

(B) in paragraph (2), by striking "amount authorized to be appropriated by paragraph (1)" and inserting "amount expended pursuant to paragraph (1)".

SEC. 1009. BIANNUAL REPORTS ON USE OF FUNDS IN THE DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE ACCOUNT.

Time periods.

(a) BIANNUAL REPORTS ON EXPENDITURES OF FUNDS.—Not later than 60 days after the end of the first half of a fiscal year and after the end of the second half of a fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description of the expenditure of funds, by project code, from the Drug Interdiction and Counter-Drug Activities, Defense-wide account during such half of the fiscal year, including expenditures of funds in direct or indirect support of the counter-drug activities of foreign governments.

(b) INFORMATION ON SUPPORT OF COUNTER-DRUG ACTIVITIES OF FOREIGN GOVERNMENTS.—The information in a report under subsection (a) on direct or indirect support of the counter-drug activities of foreign governments shall include, for each foreign government so supported, the following:

(1) The total amount of assistance provided to, or expended on behalf of, the foreign government.

(2) A description of the types of counter-drug activities conducted using the assistance.

(3) An explanation of the legal authority under which the assistance was provided.

(c) DEFINITIONS.—In this section:

(1) The term "first half of a fiscal year" means the period beginning on October 1 of any year and ending on March 31 of the following year.

(2) The term "second half of a fiscal year" means the period beginning on April 1 of any year and ending on September 30 of such year.

(d) CESSATION OF REQUIREMENT.—No report shall be required under subsection (a) for any half of a fiscal year beginning on or after October 1, 2017.

(e) REPEAL OF OBSOLETE AUTHORITY.—Section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) is hereby repealed.

SEC. 1010. EXTENSION OF AUTHORITY TO SUPPORT UNIFIED COUNTER-DRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

Section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 118 Stat. 2042), as most recently amended by section 1007 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1558), is amended—

(1) in subsection (a), by striking "2012" and inserting "2013"; and

(2) in subsection (c), by striking "2012" and inserting "2013".

SEC. 1011. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 117 Stat. 1594; 10 U.S.C. 371 note) is amended by striking "2012" and inserting "2013".

SEC. 1012. REQUIREMENT FOR BIENNIAL CERTIFICATION ON PROVISION OF SUPPORT FOR COUNTER-DRUG ACTIVITIES TO CERTAIN FOREIGN GOVERNMENTS.

Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as most recently amended by section 1006 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1557), is further amended—

(1) in subsection (f)(1), by striking "the written certification described in subsection (g) for that fiscal year." and inserting "a written certification described in subsection (g) applicable to that fiscal year. The first such certification with respect to any such government may apply only to a period of one fiscal year. Subsequent certifications with respect to any such government may apply to a period of not to exceed two fiscal years."; and

(2) in subsection (g), in the matter preceding paragraph (1)—

(A) by striking "The written" and inserting "A written"; and

(B) by striking "for a fiscal year" and all that follows through the colon and inserting "for a government to receive support under this section for any period of time is a certification of each of the following with respect to that government:".

Subtitle C—Naval Vessels and Shipyards

SEC. 1013. POLICY RELATING TO MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.

10 USC 7291 note.

Notification.

Section 1012(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 303), as most recently amended by section 1015 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4586), is amended by striking "Secretary of Defense" and all that follows through the period and inserting the following: "Secretary of the Navy notifies the congressional defense committees that, as a result of a cost-benefit analysis, it would not be practical for the Navy to design the class of ships with an integrated nuclear power system.".

SEC. 1014. LIMITATION ON AVAILABILITY OF FUNDS FOR DELAYED ANNUAL NAVAL VESSEL CONSTRUCTION PLAN.

(a) IN GENERAL.—Section 231 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e) LIMITATION ON AVAILABILITY OF FUNDS FOR FISCAL YEARS WITHOUT PLAN AND CERTIFICATION.—(1) If the Secretary of Defense does not include with the defense budget materials for a fiscal year the plan and certification under subsection (a), the Secretary of the Navy may not use more than 50 percent of the funds described in paragraph (2) during the fiscal year in which such materials are submitted until the date on which such plan and certification are submitted to the congressional defense committees.

"(2) The funds described in this paragraph are funds made available to the Secretary of the Navy for operation and maintenance, Navy, for emergencies and extraordinary expenses.".

(b) CONFORMING AMENDMENT.—Section 12304b(i) of title 10, United States Code, is amended by striking "section 231(g)(2)" and inserting "section 231(f)(2)".

SEC. 1015. RETIREMENT OF NAVAL VESSELS.

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Chief of Naval Operations shall submit to the congressional defense committees a report that sets forth a comprehensive description of the current requirements of the Navy for combatant vessels of the Navy, including submarines.

(b) ADDITIONAL REPORT ELEMENT IF LESS THAN 313 VESSELS REQUIRED.—If the number of combatant vessels for the Navy (including submarines) specified as being required in the report under subsection (a) is less than 313 combatant vessels, the report shall include a justification for the number of vessels specified as being so required and the rationale by which the number of vessels is considered consistent with applicable strategic guidance issued by the President and the Secretary of Defense in 2012.

SEC. 1016. TERMINATION OF A MARITIME PREPOSITIONING SHIP SQUADRON.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Chief of Naval Operations and the Commandant of the Marine Corps shall jointly submit to the congressional defense committees a report setting forth an assessment of the Marine Corps Prepositioning Program–Norway and the capability of that program to address any readiness gaps that will be created by the termination of Maritime Prepositioning Ship Squadron One in the Mediterranean.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A detailed description of the time required to transfer stockpiles onto naval vessels for use in contingency operations.

(B) A comparison of the response time of the Marine Corps Prepositioning Program–Norway with the response time of Maritime Prepositioning Ship Squadron One.

(C) A description of the equipment stored in the stockpiles of the Marine Corps Prepositioning Program–Norway, the differences (if any) between that equipment and the equipment of a Maritime Prepositioning Ship squadron, and any increased risk or operational plan impacts associated with using Prepositioning Program–Norway to fulfill the Maritime Prepositioning Ship squadron requirements.

(D) A description and assessment of the current age and state of maintenance of the equipment of the Marine Corps Maritime Prepositioning Program-Norway.

(E) A plan to address future requirements, equipment shortages, and modernization needs of the Marine Corps Maritime Prepositioning Program-Norway.

(b) LIMITATION ON AVAILABILITY OF FUNDS.—Amounts authorized to be appropriated by this Act may not be obligated or expended to terminate a Maritime Prepositioning Ship squadron until the date of the submittal to the congressional defense committees of the report required by subsection (a).

SEC. 1017. SENSE OF CONGRESS ON RECAPITALIZATION FOR THE NAVY AND COAST GUARD.

(a) FINDINGS.—Congress makes the following findings:

(1) More than 70 percent of the world's surface is comprised of navigable oceans.

(2) More than 80 percent of the population of the world lives within 100 miles of an ocean.

(3) More than 90 percent of the world's commerce traverses an ocean.

(4) The national security of the United States is inextricably linked to the maintenance of global freedom of access for both the strategic and commercial interests of the United States.

(5) To maintain that freedom of access the sea services of the United States, composed of the Navy, the Marine Corps, and the Coast Guard, must be sufficiently positioned as rotationally globally deployable forces with the capability to decisively defend United States citizens, homeland, and interests abroad from direct or asymmetric attack and must

be comprised of sufficient vessels to maintain global freedom of action.

(6) To achieve appropriate capabilities to ensure national security, the Government of the United States must continue to recapitalize the fleets of the Navy and Coast Guard and must continue to conduct vital maintenance and repair of existing vessels to ensure such vessels meet service life goals.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the sea services of the United States should be funded and maintained to provide the broad spectrum of capabilities required to protect the national security of the United States;

(2) such capabilities should include—

(A) the ability to project United States power rapidly anywhere on the globe without the need for host nation basing permission or long and potentially vulnerable logistics supply lines;

(B) the ability to land and recover maritime forces from the sea for direct combat action, to evacuate United States citizens from hostile situations, and to provide humanitarian assistance where needed;

(C) the ability to operate from the subsurface with overpowering conventional combat power, as well as strategic deterrence; and

(D) the ability to operate in collaboration with United States maritime partners in the common interest of preventing piracy at sea and maintaining the commercial sea lanes available for global commerce;

(3) the Secretary of Defense, in coordination with the Secretary of the Navy, should maintain the recapitalization plans for the Navy as a priority in all future force structure decisions; and

(4) the Secretary of Homeland Security should maintain the recapitalization plans for the Coast Guard as a priority in all future force structure decisions.

SEC. 1018. NOTICE TO CONGRESS FOR THE REVIEW OF PROPOSALS TO NAME NAVAL VESSELS.

10 USC 7292 note.

(a) FINDINGS.—Congress makes the following findings:

(1) The Navy traces its ancestry to October 13, 1775, when an Act of the Continental Congress authorized the first vessel of a navy for the United Colonies. Vessels of the Continental Navy were named for early patriots and military heroes, Federal institutions, colonial cities, and positive character traits representative of naval and military virtues.

(2) An Act of Congress on March 3, 1819, made the Secretary of the Navy responsible for assigning names to vessels of the Navy. Traditional sources for vessel names customarily encompassed such categories as geographic locations in the United States; historic sites, battles, and ships; naval and military heroes and leaders; and noted individuals who made distinguished contributions to United States national security.

(3) These customs and traditions provide appropriate and necessary standards for the naming of vessels of the Navy.

(b) NOTICE TO CONGRESS.—Section 7292 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d)(1) The Secretary of the Navy may not announce or implement any proposal to name a vessel of the Navy until 30 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such proposal.

Time period.
Reports.

"(2) Each report under this subsection shall describe the justification for the proposal covered by such report in accordance with the standards referred to in section 1024(a) of the National Defense Authorization Act for Fiscal Year 2013.".

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall go into effect on the date that is 30 days after the date of the enactment of this Act.

10 USC 7292 note.

Subtitle D—Counterterrorism

SEC. 1021. EXTENSION OF AUTHORITY TO MAKE REWARDS FOR COMBATING TERRORISM.

(a) EXTENSION.—Section 127b(c)(3)(C) of title 10, United States Code, is amended by striking "September 30, 2013" and inserting "September 30, 2014".

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that outlines the future requirements and authorities to make rewards for combating terrorism. The report shall include—

(1) an analysis of future requirements under section 127b of title 10, United States Code;

(2) a detailed description of requirements for rewards in support of operations with allied forces; and

(3) an overview of geographic combatant commander requirements through September 30, 2014.

SEC. 1022. PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) IN GENERAL.—No amounts authorized to be appropriated or otherwise made available to the Department of Defense for fiscal year 2013 may be used to construct or modify any facility in the United States, its territories, or possessions to house any individual detained at Guantanamo for the purposes of detention or imprisonment in the custody or under the control of the Department of Defense unless authorized by Congress.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term "individual detained at Guantanamo" has the meaning given that term in section 1028(f)(2).

SEC. 1023. REPORT ON RECIDIVISM OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, WHO HAVE BEEN TRANSFERRED TO FOREIGN COUNTRIES.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and annually thereafter for five years, the Director of the Defense Intelligence Agency, in consultation

with the head of each element of the intelligence community that the Director considers appropriate, shall submit to the covered congressional committees a report assessing the factors that cause or contribute to the recidivism of individuals detained at Guantanamo who are transferred or released to a foreign country. Such report shall include—

(1) a discussion of trends, by country and region, where recidivism has occurred; and

(2) an assessment of the implementation by foreign countries of the international arrangements relating to the transfer or release of individuals detained at Guantanamo reached between the United States and each foreign country to which an individual detained at Guantanamo has been transferred or released.

(b) FORM.—The report required under subsection (a) may be submitted in classified form.

(c) DEFINITIONS.—In this section:

(1) The term "covered congressional committees" means—

(A) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(2) The term "individual detained at Guantanamo" means any individual who is or was located at United States Naval Station, Guantanamo Bay, Cuba, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) on or after January 1, 2002, was—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 1024. NOTICE AND REPORT ON USE OF NAVAL VESSELS FOR DETENTION OF INDIVIDUALS CAPTURED OUTSIDE AFGHANISTAN PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.

10 USC 801 note.

(a) NOTICE TO CONGRESS.—Not later than 30 days after first detaining an individual pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) on a naval vessel outside the United States, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives notice of the detention. In the case of such an individual who is transferred or released before the submittal of the notice of the individual's detention, the Secretary shall also submit to such Committees notice of the transfer or release.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the use of naval vessels for the detention outside the United States of any individual who is detained pursuant to the Authorization for

Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note). Such report shall include—

(A) procedures and any limitations on detaining such individuals at sea on board United States naval vessels;

(B) an assessment of any force protection issues associated with detaining such individuals on such vessels;

(C) an assessment of the likely effect of such detentions on the original mission of such naval vessels; and

(D) any restrictions on long-term detention of individuals on United States naval vessels.

(2) FORM OF REPORT.—The report required under paragraph (1) may be submitted in classified form.

SEC. 1025. NOTICE REQUIRED PRIOR TO TRANSFER OF CERTAIN INDIVIDUALS DETAINED AT THE DETENTION FACILITY AT PARWAN, AFGHANISTAN.

10 USC 801 note.

(a) NOTICE REQUIRED.—The Secretary of Defense shall submit to the appropriate congressional committees notice in writing of the proposed transfer of any individual detained pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) who is a national of a country other than the United States or Afghanistan from detention at the Detention Facility at Parwan, Afghanistan, to the custody of the Government of Afghanistan or of any other country. Such notice shall be provided not later than 10 days before such a transfer may take place.

Deadline.

(b) ASSESSMENTS REQUIRED.—Prior to any transfer referred to under subsection (a), the Secretary shall ensure that an assessment is conducted as follows:

(1) In the case of the proposed transfer of such an individual by reason of the individual being released, an assessment of the threat posed by the individual and the security environment of the country to which the individual is to be transferred.

(2) In the case of the proposed transfer of such an individual to a country other than Afghanistan for the purpose of the prosecution of the individual, an assessment regarding the capacity, willingness, and historical track record of the country with respect to prosecuting similar cases, including a review of the primary evidence against the individual to be transferred and any significant admissibility issues regarding such evidence that are expected to arise in connection with the prosecution of the individual.

(3) In the case of the proposed transfer of such an individual for reintegration or rehabilitation in a country other than Afghanistan, an assessment regarding the capacity, willingness, and historical track records of the country for reintegrating or rehabilitating similar individuals.

(4) In the case of the proposed transfer of such an individual to the custody of the Government of Afghanistan for prosecution or detention, an assessment regarding the capacity, willingness, and historical track record of Afghanistan to prosecute or detain long-term such individuals.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

SEC. 1026. REPORT ON RECIDIVISM OF INDIVIDUALS FORMERLY DETAINED AT THE DETENTION FACILITY AT PARWAN, AFGHANISTAN.

(a) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the relevant congressional committees a report on the estimated recidivism rates and the factors that appear to contribute to the recidivism of individuals formerly detained at the Detention Facility at Parwan, Afghanistan, who were transferred or released, including the estimated total number of individuals who have been recaptured on one or more occasion.

(b) FORM.—The report required under subsection (a) may be submitted in classified form.

(c) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "relevant congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1027. PROHIBITION ON THE USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

Khalid Sheikh Mohammed.

None of the funds authorized to be appropriated by this Act for fiscal year 2013 may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

10 USC 801 note.

SEC. 1028. REQUIREMENTS FOR CERTIFICATIONS RELATING TO THE TRANSFER OF DETAINEES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

(a) CERTIFICATION REQUIRED PRIOR TO TRANSFER.—

Deadline.

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise available to the Department of Defense for fiscal year 2013 to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

Notification.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance).

Consultation.

(b) CERTIFICATION.—A certification described in this subsection is a written certification made by the Secretary of Defense, with

the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that—

(1) the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(A) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(B) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(C) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(D) has taken or agreed to take effective actions to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or reengage in any terrorist activity; and

(F) has agreed to share with the United States any information that—

(i) is related to the individual or any associates of the individual; and

(ii) could affect the security of the United States, its citizens, or its allies; and

(2) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary's certifications. Assessment.

(c) PROHIBITION IN CASES OF PRIOR CONFIRMED RECIDIVISM.—

(1) PROHIBITION.—Except as provided in paragraph (2) and subsection (d), the Secretary of Defense may not use any amounts authorized to be appropriated or otherwise made available to the Department of Defense to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) EXCEPTION.—Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance). Notification.

(d) NATIONAL SECURITY WAIVER.—

(1) IN GENERAL.—The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in subparagraph (D) or (E) of subsection (b)(1) or the prohibition in subsection (c), if the Secretary certifies the rest of the criteria required by subsection (b) for transfers prohibited by (c) and, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that— Consultation. Determination.

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

(C) in the case of a waiver of subsection (c), the Secretary has considered any confirmed case in which an individual who was transferred to the country subsequently engaged in terrorist activity, and the actions to be taken under subparagraph (A) will substantially mitigate the risk of recidivism with regard to the individual to be transferred; and

(D) the transfer is in the national security interests of the United States.

(2) REPORTS.—Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including—

(i) an explanation why the transfer is in the national security interests of the United States;

(ii) in the case of a waiver of paragraph (D) or (E) of subsection (b)(1), an explanation why it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated; and

(iii) a classified summary of—

(I) the individual's record of cooperation while in the custody of or under the effective control of the Department of Defense; and

(II) the agreements and mechanisms in place to provide for continuing cooperation.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the paragraph or subsection to be waived.

(D) The assessment required by subsection (b)(2).

(e) RECORD OF COOPERATION.—In assessing the risk that an individual detained at Guantanamo will engage in terrorist activity or other actions that could affect the security of the United States if released for the purpose of making a certification under subsection (b) or a waiver under subsection (d), the Secretary of Defense may give favorable consideration to any such individual—

(1) who has substantially cooperated with United States intelligence and law enforcement authorities, pursuant to a pre-trial agreement, while in the custody of or under the effective control of the Department of Defense; and

(2) for whom agreements and effective mechanisms are in place, to the extent relevant and necessary, to provide for

continued cooperation with United States intelligence and law enforcement authorities.

(f) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term "individual detained at Guantanamo" means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(3) The term "foreign terrorist organization" means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 1029. RIGHTS UNAFFECTED.

10 USC 801 note.

Nothing in the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) or the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) shall be construed to deny the availability of the writ of habeas corpus or to deny any Constitutional rights in a court ordained or established by or under Article III of the Constitution to any person inside the United States who would be entitled to the availability of such writ or to such rights in the absence of such laws.

Subtitle E—Nuclear Forces

SEC. 1031. NUCLEAR WEAPONS EMPLOYMENT STRATEGY OF THE UNITED STATES.

(a) REPORTS ON STRATEGY.—Section 491 of title 10, United States Code, is—

(1) transferred to chapter 24 of such title, as added by subsection (b)(1); and

(2) amended—

(A) in the heading, by inserting "**weapons**" after "**Nuclear**";

(B) by striking "nuclear employment strategy" each place it appears and inserting "nuclear weapons employment strategy";

(C) in paragraph (1)—

(i) by inserting "the" after "modifications to"; and

(ii) by inserting ", plans, and options" after "employment strategy";

(D) by inserting after paragraph (3) the following new paragraph:

"(4) The extent to which such modifications include an increased reliance on conventional or non-nuclear global strike capabilities or missile defenses of the United States.";

(E) by striking "On the date" and inserting "(a) REPORTS.—On the date"; and

(F) by adding at the end the following new subsections:

"(b) ANNUAL BRIEFINGS.—Not later than March 15 of each year, the Secretary of Defense shall provide to the congressional defense committees a briefing regarding the nuclear weapons employment strategy, plans, and options of the United States.

"(c) NOTIFICATION OF ANOMALIES.—(1) The Secretary of Defense shall submit to the congressional defense committees written notification of an anomaly in the nuclear command, control, and communications system of the United States that is reported to the Secretary of Defense or the Nuclear Weapons Council by not later than 14 days after the date on which the Secretary or the Council learns of such anomaly, as the case may be.

"(2) In this subsection, the term 'anomaly' means any unplanned, irregular, or abnormal event, whether unexplained or caused intentionally or unintentionally by a person or a system.".

(b) CLERICAL AND CONFORMING AMENDMENTS.—

10 USC prec. 491.

(1) CHAPTER 24.—Part I of subtitle A of title 10, United States Code, is amended by adding at the end the following new chapter:

"CHAPTER 24—NUCLEAR POSTURE

"Sec.
"491. Nuclear weapons employment strategy of the United States: reports on modification of strategy.".

10 USC prec. 101.

(2) TABLE OF CHAPTERS.—The table of chapters at the beginning of subtitle A of title 10, United States Code, and at the beginning of part I of such subtitle, are each amended by inserting after the item relating to chapter 23 the following new item:

"24. Nuclear posture ..... 491".

(3) TRANSFER OF PROVISIONS.—

(A) CHAPTER 23.—Chapter 23 of title 10, United States Code, is amended as follows:

(i) Section 490a is—

(I) transferred to chapter 24 of such title, as added by paragraph (1);

(II) inserted after section 491 of such title, as added to such chapter 24 by subsection (a)(1); and

(III) redesignated as section 492.

10 USC prec. 480.

(ii) The table of sections at the beginning of such chapter 23 is amended by striking the items relating to sections 490a and 491.

(B) FY12 NDAA.—Section 1077 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 50 U.S.C. 2514) is—

(i) transferred to chapter 24 of title 10, United States Code, as added by paragraph (1);

(ii) inserted after section 492 of such title, as added by subparagraph (A)(i);

(iii) redesignated as section 493; and

(iv) amended by striking "the date of the enactment of this Act" and inserting "December 31, 2011,".

(III) by striking "the date of the enactment of this Act" and inserting "December 31, 2011,".

(C) CLERICAL AMENDMENTS.—

(i) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 24 of title 10, United States Code, as added by paragraph (1), is amended by inserting after the item relating to section 491 the following new items:

10 USC prec. 491.

"492. Biennial assessment and report on the delivery platforms for nuclear weapons and the nuclear command and control system.
"493. Reports to Congress on the modification of the force structure for the strategic nuclear weapons delivery systems of the United States.".

(ii) SECTION HEADING TYPEFACE AND TYPESTYLE.—Section 493 of title 10, United States Code, as added by subparagraph (B), is amended—

(I) in the enumerator, by striking "**SEC.**" and inserting "§"; and

(II) in the section heading—

(aa) by striking the period at the end; and

(bb) by conforming the typeface and typestyle, including capitalization, to the typeface and typestyle as used in the section heading of section 491 of such title.

(4) CONFORMING AMENDMENT.—Section 1031(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1574) is amended by striking "section 490a of title 10, United States Code, as added by subsection (a)," and inserting "section 492 of title 10, United States Code,".

10 USC 490a note.

SEC. 1032. PROGRESS OF MODERNIZATION.

(a) NUCLEAR EMPLOYMENT STRATEGY.—Subsection (a) of section 491 of title 10, United States Code, as amended by section 1031, is amended by striking "On the date on which the President issues" and inserting "By not later than 60 days before the date on which the President implements".

Deadline. President.

(b) REPORTS REQUIRED.—Such section 491 is further amended by adding at the end the following:

"(d) REPORTS ON 2010 NUCLEAR POSTURE REVIEW IMPLEMENTATION STUDY DECISIONS.—During each of fiscal years 2012 through 2021, not later than 60 days before the date on which the President carries out the results of the decisions made pursuant to the 2010 Nuclear Posture Review Implementation Study that would alter the nuclear weapons employment strategy, guidance, plans, or options of the United States, the President shall—

President.

"(1) ensure that the annual report required under section 1043(a)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1576) is transmitted to Congress, if so required;

"(2) ensure that the report required under section 494(a)(2)(A) of this title is transmitted to Congress, if so required under such section; and

"(3) transmit to the congressional defense committees a report providing the high-, medium-, and low- confidence assessments of the intelligence community (as defined in section

3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) as to whether the United States will have significant warning of a strategic surprise or breakout caused by foreign nuclear weapons developments.".

SEC. 1033. REPORT IN THE EVENT OF INSUFFICIENT FUNDING FOR MODERNIZATION OF NUCLEAR WEAPONS STOCKPILE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) consistent with Condition 9 of the Resolution of Advice and Consent to Ratification of the New START Treaty of the Senate, agreed to on December 22, 2010, the United States is committed to ensuring the safety, security, reliability, and credibility of its nuclear forces; and

(2) the United States is committed to—

(A) proceeding with a robust stockpile stewardship program and maintaining and modernizing nuclear weapons production capabilities and capacities of the United States to ensure the safety, security, reliability, and credibility of the nuclear arsenal of the United States at the New START Treaty levels and meeting requirements for hedging against possible international developments or technical problems;

(B) reinvigorating and sustaining the nuclear security laboratories of the United States and preserving the core nuclear weapons competencies therein; and

(C) providing the resources needed to achieve these objectives, using as a starting point the levels set forth in the President's 10-year plan provided to Congress in November 2010 pursuant to section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549).

(b) INSUFFICIENT FUNDING REPORT.—

(1) IN GENERAL.—Section 1045 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 50 U.S.C. 2523b) is—

(A) transferred to chapter 24 of title 10, United States Code, as added by section 1031(b);

(B) inserted after section 493 of such title, as added to such chapter 24 by such section 1031(b);

(C) redesignated as section 494; and

(D) amended by amending paragraph (2) of subsection (a) to read as follows:

President. Determination.

"(2) INSUFFICIENT FUNDING.—

"(A) REPORT.—During each year in which the New START Treaty is in force, if the President determines that an appropriations Act is enacted that fails to meet the resource levels set forth in the November 2010 update to the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549) or if at any time determines that more resources are required to carry out such plan than were estimated, the President shall transmit to the appropriate congressional committees, within 60 days of making such a determination, a report detailing—

"(i) a plan to address the resource shortfall;

"(ii) if more resources are required to carry out the plan than were estimated—

"(I) the proposed level of funding required; and

"(II) an identification of the stockpile work, campaign, facility, site, asset, program, operation, activity, construction, or project for which additional funds are required;

"(iii) any effects caused by the shortfall on the safety, security, reliability, or credibility of the nuclear forces of the United States;

"(iv) whether and why, in light of the shortfall, remaining a party to the New START Treaty is still in the national interest of the United States; and

"(v) a detailed explanation of why the modernization timelines established in the 2010 Nuclear Posture Review are no longer applicable.

"(B) PRIOR NOTIFICATION.—If the President transmits a report under subparagraph (A), the President shall notify the appropriate congressional committees of any determination by the President to reduce the number of deployed nuclear warheads of the United States by not later than 60 days before taking any action to carry out such reduction.

"(C) EXCEPTION.—The limitation in subparagraph (B) shall not apply to—

"(i) reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and strategic delivery systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear warheads and strategic delivery systems; or

"(ii) nuclear warheads that are retired or awaiting dismantlement on the date of the report under subparagraph (A).

"(D) DEFINITIONS.—In this paragraph:

"(i) The term 'appropriate congressional committees' means—

"(I) the congressional defense committees; and

"(II) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

"(ii) The term 'New START Treaty' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.".

(2) CLERICAL AMENDMENTS.—

(A) TABLE OF CONTENTS.—The table of sections at the beginning of chapter 24 of title 10, United States Code, as added by section 1031(b), is amended by inserting after the item relating to section 493 the following new item: 10 USC prec. 491.

"494. Nuclear force reductions.".

(B) SECTION HEADING TYPEFACE AND TYPESTYLE.—Section 494 of title 10, United States Code, as added by paragraph (1), is amended—

(i) in the enumerator, by striking "**SEC.**" and inserting "§"; and

(ii) in the section heading—

(I) by striking the period at the end; and

(II) by conforming the typeface and typestyle, including capitalization, to the typeface and typestyle as used in the section heading of section 491 of such title.

10 USC 494 note.

(4) EFFECTIVE DATE.—The amendment made by paragraph (1)(D) shall take effect on October 1, 2012.

President.

SEC. 1034. PREVENTION OF ASYMMETRY OF NUCLEAR WEAPON STOCKPILE REDUCTIONS.

Section 494 of title 10, United States Code, as added by section 1033(b)(1), is amended by adding at the end the following new subsection:

"(d) PREVENTION OF ASYMMETRY IN REDUCTIONS.—

"(1) CERTIFICATION.—During any year in which the President recommends to reduce the number of nuclear weapons in the active and inactive stockpiles of the United States by a number that is greater than a de minimis reduction, the President shall certify in writing to the congressional defense committees whether such reductions will cause the number of nuclear weapons in such stockpiles to be fewer than the high-confidence assessment of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) with respect to the number of nuclear weapons in the active and inactive stockpiles of the Russian Federation.

Reports.

"(2) NOTIFICATION.—If the President certifies under paragraph (1) that the recommended number of nuclear weapons in the active and inactive stockpiles of the United States is fewer than the high-confidence assessment of the intelligence community with respect to the number of nuclear weapons in the active and inactive stockpiles of the Russian Federation, the President shall transmit to the congressional defense committees a report by the Commander of the United States Strategic Command, without change, detailing whether the recommended reduction would create a strategic imbalance or degrade deterrence and extended deterrence between the total number of nuclear weapons of the United States and the total number of nuclear weapons of the Russian Federation. The President shall transmit such report by not later than 60 days before the date on which the President carries out any such recommended reductions.

Deadline.

"(3) EXCEPTION.—The notification in paragraph (2) shall not apply to—

"(A) reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and strategic delivery systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear warheads and strategic delivery systems; or

"(B) nuclear warheads that are retired or awaiting dismantlement on the date of the certification under paragraph (1).

"(4) ADDITIONAL VIEWS.—On the date on which the President transmits to the congressional defense committees a report by the Commander of the United States Strategic Command under paragraph (2), the President may transmit to such committees a report by the President with respect to whether the recommended reductions covered by the report of the Commander will impact the deterrence or extended deterrence capabilities of the United States.".

SEC. 1035. STRATEGIC DELIVERY SYSTEMS.

President.

(a) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1031(b), is amended by inserting after section 494, as added by section 1033(b)(1), the following new section:

"§ 495. Strategic delivery systems

10 USC 495.

"(a) ANNUAL CERTIFICATION.—Beginning in fiscal year 2013, the President shall annually certify in writing to the congressional defense committees whether plans to modernize or replace strategic delivery systems are fully funded at levels equal to or more than the levels set forth in the November 2010 update to the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549), including plans regarding—

Effective date.

"(1) a heavy bomber and air-launched cruise missile;

"(2) an intercontinental ballistic missile;

"(3) a submarine-launched ballistic missile;

"(4) a ballistic missile submarine; and

"(5) maintaining the nuclear command and control system (as first reported under section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1576)).

"(b) ADDITIONAL REPORT MATTERS FOLLOWING CERTAIN CERTIFICATIONS.—If in any year before fiscal year 2020 the President certifies under subsection (a) that plans to modernize or replace strategic delivery systems are not fully funded, the President shall include in the next annual report transmitted to Congress under section 1043 of the National Defense Authorization Act for Fiscal Year 2012 the following:

Determination.

"(1) A determination of whether or not the lack of full funding will result in a loss of military capability when compared with the November 2010 update to the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010.

"(2) If the determination under paragraph (1) is that the lack of full funding will result in a loss of military capability—

"(A) a plan to preserve or retain the military capability that would otherwise be lost; or

Plans.

"(B) a report setting forth—

"(i) an assessment of the impact of the lack of full funding on the strategic delivery systems specified in subsection (a); and

Assessment.

"(ii) a description of the funding required to restore or maintain the capability.

"(3) A certification by the President of whether or not the President is committed to accomplishing the modernization and replacement of strategic delivery systems and will meet the obligations concerning nuclear modernization as set forth

in declaration 12 of the Resolution of Advice and Consent to Ratification of the New START Treaty.

Deadline.

"(c) PRIOR NOTIFICATION.—Not later than 60 days before the date on which the President carries out any reduction to the number of strategic delivery systems, the President shall—

"(1) make the certification under subsection (a) for the fiscal year for which the reductions are proposed to be carried out;

"(2) transmit the additional report matters under subsection (b) for such fiscal year, if such additional report matters are so required; and

Certification.

"(3) certify to the congressional defense committees that the Russian Federation is in compliance with its arms control obligations with the United States and is not engaged in activity in violation of, or inconsistent with, such obligations.

"(d) TREATMENT OF CERTAIN REDUCTIONS.—Any certification under subsection (a) shall not take into account the following:

"(1) Reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and strategic delivery systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear warheads and delivery systems.

"(2) Strategic delivery systems that are retired or awaiting dismantlement on the date of the certification under subsection (a).

"(e) DEFINITIONS.—In this section:

"(1) The term 'New START Treaty' means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

"(2) The term 'strategic delivery system' means a delivery system for nuclear weapons.".

10 USC prec. 491.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of such title is amended by inserting after the item relating to section 494, as added by section 1033(b)(2), the following new item:

"495. Strategic delivery systems.".

SEC. 1036. CONSIDERATION OF EXPANSION OF NUCLEAR FORCES OF OTHER COUNTRIES.

(a) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1031(b), is amended by inserting after section 495, as added by section 1035(a), the following new section:

10 USC 496.

"§ 496. Consideration of expansion of nuclear forces of other countries

President.

"(a) REPORT AND CERTIFICATION.—Not later than 60 days before the President recommends any reductions to the nuclear forces of the United States—

"(1) the President shall transmit to the appropriate congressional committees a report detailing, for each country with nuclear weapons, the high-, medium-, and low- confidence assessment of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) with respect to—

"(A) the number of each type of nuclear weapons possessed by such country;

"(B) the modernization plans for such weapons of such country;

"(C) the production capacity of nuclear warheads and strategic delivery systems (as defined in section 495(e)(2) of this title) of such country;

"(D) the nuclear doctrine of such country; and

"(E) the impact of such recommended reductions on the deterrence and extended deterrence capabilities of the United States; and

"(2) the Commander of the United States Strategic Command shall certify to the appropriate congressional committees whether such recommended reductions in the nuclear forces of the United States will—

"(A) impair the ability of the United States to address—

"(i) unplanned strategic or geopolitical events; or

"(ii) technical challenge; or

"(B) degrade the deterrence or assurance provided by the United States to friends and allies of the United States.

"(b) FORM.—The reports required by subsection (a)(1) shall be submitted in unclassified form, but may include a classified annex.

"(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means the following:

"(1) The congressional defense committees.

"(2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 495, as added by section 1035(b), the following new item:

10 USC prec. 491.

"496. Consideration of expansion of nuclear forces of other countries.".

SEC. 1037. NONSTRATEGIC NUCLEAR WEAPON REDUCTIONS AND EXTENDED DETERRENCE POLICY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the United States should pursue negotiations with the Russian Federation aimed at the reduction of Russian deployed and nondeployed nonstrategic nuclear forces;

(2) nonstrategic nuclear weapons should be considered when weighing the balance of the nuclear forces of the United States and the Russian Federation;

(3) any geographical relocation or storage of nonstrategic nuclear weapons by the Russian Federation does not constitute a reduction or elimination of such weapons;

(4) the vast advantage of the Russian Federation in nonstrategic nuclear weapons constitutes a threat to the United States and its allies and a growing asymmetry in Western Europe;

(5) the forward-deployed nuclear forces of the United States are an important contributor to the assurance of the allies of the United States and constitute a check on proliferation and a tool in dealing with neighboring states hostile to the North Atlantic Treaty Organization ("NATO");

(6) the United States should maintain its commitment to extended deterrence, specifically the nuclear alliance of NATO, as an important component of ensuring and linking the national security interests of the United States and the security of its European allies;

(7) forward-deployed nuclear forces of the United States shall remain based in Europe in support of the nuclear policy and posture of NATO subject to the policy and requirements of NATO;

(8) the presence of nuclear weapons of the United States in Europe—combined with NATO's unique nuclear sharing arrangements under which non-nuclear members participate in nuclear planning and possess specially configured aircraft capable of delivering nuclear weapons—provides reassurance to allies and partners who feel exposed to regional threats; and

(9) only the President and Congress have the legal authority over the nuclear forces of the United States and no multilateral organization, not even NATO, can articulate a declaratory policy concerning the use of nuclear weapons that binds the United States.

(b) NOTIFICATION.—

(1) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1031(b), is amended by inserting after section 496, as added by section 1036(a), the following new section:

President.
10 USC 497.

"§ 497. Notification required for reduction, consolidation, or withdrawal of nuclear forces based in Europe

"(a) NOTIFICATION.—Upon any decision to reduce, consolidate, or withdraw the nuclear forces of the United States that are based in Europe, the President shall transmit to the appropriate congressional committees a notification containing—

"(1) justification for such reduction, consolidation, or withdrawal; and

Assessment.

"(2) an assessment of how member states of the North Atlantic Treaty Organization, in light of such reduction, consolidation, or withdrawal, assess the credibility of the deterrence capability of the United States in support of its commitments undertaken pursuant to article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964).

"(b) PRIOR NOTIFICATION REQUIRED.—

Deadline.

"(1) IN GENERAL.—The President shall transmit the notification required by subsection (a) by not later than 60 days before the date on which the President commences a reduction, consolidation, or withdrawal of the nuclear forces of the United States that are based in Europe described in such notification.

"(2) EXCEPTION.—The limitation in paragraph (1) shall not apply to a reduction, consolidation, or withdrawal of nuclear weapons of the United States that are based in Europe made to ensure the safety, security, reliability, and credibility of such weapons.

"(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means—

"(1) the Committees on Armed Services of the House of Representatives and the Senate; and

"(2) the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating section 496, as added by section 1036(b), the following new item:

"497. Notification required for reduction, consolidation, or withdrawal of nuclear forces based in Europe.".

SEC. 1038. UNILATERAL CHANGE IN NUCLEAR WEAPONS STOCKPILE OF THE UNITED STATES.

(a) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1031(b), is amended by inserting after section 497, as added by section 1037(b)(1), the following new section: 10 USC prec. 491.

"§ 498 Unilateral change in nuclear weapons stockpile of the United States 10 USC 498.

"(a) IN GENERAL.—Other than pursuant to a treaty, if the President has under consideration to unilaterally change the size of the total stockpile of nuclear weapons of the United States by more than 25 percent, prior to doing so the President shall initiate a Nuclear Posture Review.

"(b) TERMS OF REFERENCE.—Prior to the initiation of a Nuclear Posture Review under this section, the President shall determine the terms of reference for the Nuclear Posture Review, which the President shall provide to the congressional defense committees.

"(c) NUCLEAR POSTURE REVIEW.—Upon completion of a Nuclear Posture Review under this section, the President shall submit the Nuclear Posture Review to the congressional defense committees prior to implementing any change in the nuclear weapons stockpile by more than 25 percent.

"(d) CONSTRUCTION.—This section shall not apply to changes to the nuclear weapons stockpile resulting from treaty obligations.

"(e) FORM.—A Nuclear Posture Review under this section shall be submitted in unclassified form, but may include a classified annex.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating section 497, as added by section 1037(b)(2), the following new item: 10 USC 491.

"498. Unilateral change in nuclear weapons stockpile of the United States.".

SEC. 1039. EXPANSION OF DUTIES AND RESPONSIBILITIES OF THE NUCLEAR WEAPONS COUNCIL.

(a) GUIDANCE ON NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS SYSTEMS.—Section 179(d) of title 10, United States Code, is amended—

(1) in paragraph (2), by inserting "and alternatives" before the period;

(2) in paragraph (3), by inserting "and approving" after "Coordinating";

(3) in paragraph (7)—

(A) by striking "broad" and inserting "specific"; and

(B) by inserting before the period at the end the following: "and priorities among activities, including production, surveillance, research, construction, and any other programs within the National Nuclear Security Administration";

(4) by redesignating paragraph (10) as paragraph (12); and

(5) by inserting after paragraph (9) the following new paragraph (10):

"(10) Coordinating and providing guidance and oversight on nuclear command, control, and communications systems.".

(b) BUDGET AND FUNDING MATTERS.—Section 179 of such title is further amended—

(1) in subsection (d), as amended by subsection (a), by inserting after paragraph (10) the following new paragraph (11):

"(11) Coordinating and approving the annual budget proposals of the National Nuclear Security Administration.";

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following new subsection (f):

Certification.

"(f) BUDGET AND FUNDING MATTERS.—(1) The Council shall submit to Congress each year, at the same time the budget of the President for the fiscal year beginning in such year is submitted to Congress pursuant to section 1105(a) of title 31, a certification whether or not the amounts requested for the National Nuclear Security Administration in such budget, and anticipated over the four fiscal years following such budget, meets nuclear stockpile and stockpile stewardship program requirements for such fiscal year and over such four fiscal years. If a member of the Council does not concur in a certification, the certification shall include the reasons for the member's non-concurrence.

Determination. Notification.

"(2) If a House of Congress adopts a bill authorizing or appropriating funds for the National Nuclear Security Administration for nuclear stockpile and stockpile stewardship program activities or other activities that, as determined by the Council, provides insufficient funds for such activities for the period covered by such bill, the Council shall notify the congressional defense committees of the determination.".

Deadline.

(c) AGENDA OF MEETINGS.—Section 179(b)(3) of such title is amended by adding at the end the following: "To the extent possible, not later than seven days before a meeting, the Chairman shall disseminate to each member of the Council the agenda and documents for such meeting.".

SEC. 1040. INTERAGENCY COUNCIL ON THE STRATEGIC CAPABILITY OF THE NATIONAL LABORATORIES.

(a) ESTABLISHMENT.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 188.

"§ 188. Interagency Council on the Strategic Capability of the National Laboratories

"(a) ESTABLISHMENT.—There is an Interagency Council on the Strategic Capability of the National Laboratories (in this section referred to as the 'Council').

"(b) MEMBERSHIP.—The membership of the Council is comprised of the following:

"(1) The Secretary of Defense.

"(2) The Secretary of Energy.

"(3) The Secretary of Homeland Security.

"(4) The Director of National Intelligence.

"(5) The Administrator for Nuclear Security.

"(6) Such other officials as the President considers appropriate.

"(c) STRUCTURE AND PROCEDURES.—The President may determine the chair, structure, staff, and procedures of the Council.

"(d) RESPONSIBILITIES.—The Council shall be responsible for the following matters:

"(1) Identifying and considering the science, technology, and engineering capabilities of the national laboratories that could be leveraged by each participating agency to support national security missions.

"(2) Reviewing and assessing the adequacy of the national security science, technology, and engineering capabilities of the national laboratories for supporting national security missions throughout the Federal Government.

"(3) Establishing and overseeing means of ensuring that—

"(A) capabilities identified by the Council under paragraph (1) are sustained to an appropriate level; and

"(B) each participating agency provides the appropriate level of institutional support to sustain such capabilities.

"(4) In accordance with acquisition rules regarding federally funded research and development centers, establishing criteria for when each participating agency should seek to use the services of the national laboratories, including the identification of appropriate mission areas and capabilities.

"(5) Making recommendations to the President and Congress regarding regulatory or statutory changes needed to better support—

"(A) the strategic capabilities of the national laboratories; and

"(B) the use of such laboratories by each participating agency.

"(6) Other actions the Council considers appropriate with respect to—

"(A) the sustainment of the national laboratories; and

"(B) the use of the strategic capabilities of such laboratories.

"(e) STREAMLINED PROCESS.—With respect to the participating agency for which a member of the Council is the head of, each member of the Council shall—

"(1) establish processes to streamline the consideration and approval of procuring the services of the national laboratories on appropriate matters; and

"(2) ensure that such processes are used in accordance with the criteria established under subsection (d)(4).

"(f) DEFINITIONS.—In this section:

"(1) The term 'participating agency' means a department or agency of the Federal Government that is represented on the Council by a member under subsection (b).

"(2) The term 'national laboratories' means—

"(A) each national security laboratory (as defined in section 3281(1) of the National Nuclear Security Administration Act (50 U.S.C. 2471(1))); and

"(B) each national laboratory of the Department of Energy.".

10 USC prec. 171.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 187 the following new item:

"188. Interagency Council on the Strategic Capability of the National Laboratories.".

10 USC 188 note.

(c) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2013, the Interagency Council on the Strategic Capability of the National Laboratories established under section 188 of title 10, United States Code, as added by subsection (a), shall submit to the appropriate congressional committees a report describing and assessing the following:

(A) The actions taken to implement the requirements of such section 188 and the charter titled "Governance Charter for an Interagency Council on the Strategic Capability of DOE National Laboratories as National Security Assets" signed by the Secretary of Defense, the Secretary of Energy, the Secretary of Homeland Security, and the Director of National Intelligence in July 2010.

(B) The effectiveness of the Council in accomplishing the purpose and objectives of such section and such Charter.

(C) Efforts to strengthen work-for-others programs at the national laboratories.

(D) Efforts to make work-for-others opportunities at the national laboratories more cost-effective.

(E) Ongoing and planned measures for increasing cost-sharing and institutional support investments at the national laboratories from other agencies.

(F) Any regulatory or statutory changes recommended to improve the ability of such other agencies to leverage expertise and capabilities at the national laboratories.

(G) The strategic capabilities and core competencies of laboratories and engineering centers operated by the Department of Defense, including identification of mission areas and functions that should be carried out by such laboratories and engineering centers.

(H) Consistent with the protection of sources and methods, the level of funding and general description of programs that were funded during fiscal year 2012 by—

(i) the Department of Defense and carried out at the national laboratories; and

(ii) the Department of Energy and the national laboratories and carried out at the laboratories and engineering centers of the Department of Defense.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means the following:

(A) The congressional defense committees.

(B) The Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

(C) The Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) The Committee on Science, Space, and Technology of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(E) The Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate.

(d) CONSTRUCTION.—Nothing in section 188 of title 10, United States Code, as added by subsection (a), shall be construed to limit section 309 of the Homeland Security Act of 2002 (6 U.S.C. 189). 10 USC 188 note.

SEC. 1041. COST ESTIMATES FOR NUCLEAR WEAPONS.

(a) BUDGET REQUIREMENTS.—Section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1576) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by amending subparagraph (F) to read as follows:

"(F) In accordance with paragraph (3), a detailed estimate of the budget requirements associated with sustaining and modernizing the nuclear deterrent of the United States and the nuclear weapons stockpile of the United States, including the costs associated with the plans outlined under subparagraphs (A) through (E), over the 10-year period following the date of the report, including the applicable and appropriate costs associated with the procurement, military construction, operation and maintenance, and research, development, test, and evaluation accounts of the Department of Defense."; and Time period.

(B) by adding at the end the following new paragraph:

"(3) BUDGET ESTIMATE CONTENTS AND METHODOLOGY.—Each budget estimate under paragraph (2)(F) shall include a detailed description of the costs included in such estimate and the methodology used to create such estimate."; and

(2) by adding at the end the following new subsection:

"(c) COMPTROLLER GENERAL REVIEW.—The Comptroller General of the United States shall—

"(1) review each report under subsection (a) for accuracy and completeness with respect to the matters described in paragraphs (2)(F) and (3) of such subsection; and

"(2) not later than 180 days after the date on which such report under subsection (a) is submitted, submit to the congressional defense committees a summary of each such review.". Deadline.

(b) CBO ESTIMATE OF COSTS.—Not later than one year after the date of the enactment of this Act, the Director of the Congressional Budget Office shall submit to the congressional defense committees a report setting forth the following: Deadline. Reports. Time period.

(1) An estimate of the costs over the 10-year period beginning on the date of the report associated with fielding and maintaining the current nuclear weapons and nuclear weapon delivery systems of the United States.

(2) An estimate of the costs over the 10-year period beginning on the date of the report of any life extension, modernization, or replacement of any current nuclear weapons or nuclear weapon delivery systems of the United States that is anticipated as of the date of the report.

SEC. 1042. PRIOR NOTIFICATION WITH REGARD TO RETIREMENT OF STRATEGIC DELIVERY SYSTEMS.

President. Deadline.

(a) PRIOR NOTIFICATION.—The President shall ensure that the Secretary of Defense submits to Congress the plan required by section 1042(a) of the National Defense Authorization Act of Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1575) by not later than 60 days before the date on which the President carries out any reduction, conversion, or decommissioning of any strategic delivery system pursuant to the levels set forth for such systems under the New START Treaty.

(b) DEFINITIONS.—In this section:

(1) The term "New START Treaty" means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

(2) The term "strategic delivery system" means the following delivery platforms for nuclear weapons:

(A) Land-based intercontinental ballistic missiles.

(B) Submarine-launched ballistic missiles and associated ballistic missile submarines.

(C) Nuclear-certified strategic bombers.

(D) Nuclear-capable cruise missiles.

SEC. 1043. REPORT ON NUCLEAR WARHEADS ON INTERCONTINENTAL BALLISTIC MISSILES OF THE UNITED STATES.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the requirements necessary to ensure that the United States retains the ability (and all of the related capabilities) to upload an intercontinental ballistic missile with multiple nuclear warheads in the event that operational requirements, technical failures, or other decisions require such an ability.

SEC. 1044. REQUIREMENTS FOR COMBINED OR INTEROPERABLE WARHEAD FOR CERTAIN MISSILE SYSTEMS.

Deadline.

(a) NAVY AND AIR FORCE STATEMENTS.—Not later than 75 days after the date of the enactment of this Act, the Secretary of the Navy and the Secretary of the Air Force shall each submit separate statements to the Nuclear Weapons Council established by section 179 of title 10, United States Code, on—

(1) plans related to a combined or interoperable warhead for the W78 Minuteman III missile system and the W88 Trident II D5 missile system; and

(2) the views of the Secretary with respect to such combined or interoperable warhead.

(b) REPORT BY NUCLEAR WEAPONS COUNCIL.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Nuclear Weapons Council shall submit to the congressional defense committees a report setting forth the requirements for a combined or interoperable

warhead for the W78 Minuteman III missile system and the W88 Trident II D5 missile system.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include—

(A) the views of the Council with respect to the combined or interoperable warhead; and

(B) the unaltered statements of the Secretary of the Navy and the Secretary of the Air Force submitted to the Council under subsection (a).

SEC. 1045. REPORTS ON CAPABILITY OF CONVENTIONAL AND NUCLEAR FORCES AGAINST CERTAIN TUNNEL SITES AND ON NUCLEAR WEAPONS PROGRAM OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) REPORT ON CAPABILITY OF U.S. CONVENTIONAL AND NUCLEAR FORCES AGAINST CERTAIN TUNNEL SITES.—

(1) REPORT.—Not later than one year after the date of the enactment of this Act, the Commander of the United States Strategic Command shall submit to the appropriate congressional committees a report on the underground tunnel network used by the People's Republic of China with respect to the capability of the United States to use conventional and nuclear forces to neutralize such tunnels and what is stored within such tunnels.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) ASSESSMENT OF NUCLEAR WEAPONS PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense shall enter into an agreement with a federally funded research and development center to conduct an assessment of the nuclear weapons program of the People's Republic of China. Contracts.

(2) PANEL.—To conduct the assessment under paragraph (1), the federally funded research and development center shall convene a panel consisting of individuals who—

(A) are nuclear weapons or military experts;

(B) have significant experience and subject matter expertise based on the service of the individual in the Federal Government or the nuclear weapons laboratories; and

(C) possess (or have recently possessed) the appropriate security clearance required to access relevant classified information of the intelligence community and the Department of Energy.

(3) MATTERS INCLUDED.—The assessment under paragraph (1) shall include the following:

(A) An assessment of the nuclear deterrence strategy of China, including a historical perspective and the assessed geopolitical drivers of such strategy.

(B) A detailed description of the nuclear arsenal of China, including—

(i) the capabilities of such arsenal;

(ii) the number of nuclear weapons in such arsenal capable of being delivered at intercontinental range; and

(iii) any associated doctrines (including targeting doctrines) relating to such arsenal.

(C) A comparison of the nuclear forces of the United States with the nuclear forces of China, including with respect to nuclear forces that are deployed, in reserve, or awaiting dismantlement.

(D) Projections of the possible future nuclear arsenals of China, including the capabilities and associated doctrines of such arsenals.

(E) A description of command and control functions and gaps.

(F) An assessment of the fissile material stockpile of China and the civil and military production capabilities and capacities.

(G) An assessment of the production capacities of China for nuclear weapons and nuclear weapon delivery vehicles.

(H) A discussion of any significant uncertainties surrounding the nuclear weapons program of China, including—

(i) identification of the knowledge gaps regarding such nuclear weapons program; and

(ii) a discussion of the implications of any such gaps for the security of the United States and the allies of the United States.

(I) Any recommendations to improve the understanding of the United States with respect to the nuclear weapons program of China.

(4) REPORT.—Not later than August 15, 2013, the federally funded research and development center shall submit to the appropriate congressional committees a report on the assessment conducted under paragraph (1).

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 1046. REPORT ON CONVENTIONAL AND NUCLEAR FORCES IN THE WESTERN PACIFIC REGION.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the congressional defense committees a report on the feasibility and strategic value of deploying additional conventional and nuclear forces to the Western Pacific region to ensure the presence of a robust conventional and nuclear capability, including a forward-deployed nuclear capability, of the United States in response to the ballistic missile and nuclear weapons developments of North Korea and the other belligerent actions North Korea has made against allies of the United States. The report shall include an evaluation of any bilateral agreements, basing arrangements, and costs that would be involved with such additional deployments.

Subtitle F—Miscellaneous Authorities and Limitations

SEC. 1051. EXPANSION OF AUTHORITY OF THE SECRETARY OF THE ARMY TO LOAN OR DONATE EXCESS NON-AUTOMATIC SERVICE RIFLES FOR FUNERAL AND OTHER CEREMONIAL PURPOSES.

(a) IN GENERAL.—Section 4683 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(3)(A) In order to meet the needs of an eligible organization with respect to performing funeral and other ceremonies, if the Secretary determines appropriate, the Secretary may—

"(i) loan or donate excess non-automatic service rifles to an eligible organization; or

"(ii) authorize an eligible organization to retain non-automatic service rifles other than M–1 rifles.

"(B) Nothing in this paragraph shall be construed to supersede any Federal law or regulation governing the use or ownership of firearms."; and

(2) by striking the section heading and inserting the following:

"§ 4683. Excess non-automatic service rifles: loan or donation for funeral and other ceremonial purposes".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 443 of such title is amended by striking the item relating to section 4683 and inserting the following new item: 10 USC prec. 4681.

"4683. Excess non-automatic service rifles: loan or donation for funeral and other ceremonial purposes.".

SEC. 1052. INTERAGENCY COLLABORATION ON UNMANNED AIRCRAFT SYSTEMS.

(a) FINDINGS ON JOINT DEPARTMENT OF DEFENSE FEDERAL AVIATION ADMINISTRATION EXECUTIVE COMMITTEE ON CONFLICT AND DISPUTE RESOLUTION.—Section 1036(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4596) is amended by adding at the end the following new paragraph:

"(9) Collaboration of scientific and technical personnel and sharing of technical information, test results, and resources where available from the Department of Defense, the Federal Aviation Administration, and the National Aeronautics and Space Administration can advance an enduring relationship of research capability to advance the access of unmanned aircraft systems of the Department of Defense, the National Aeronautics and Space Administration and other public agencies to the National Airspace System.".

(b) INTERAGENCY COLLABORATION.— 49 USC 40101 note.

(1) IN GENERAL.—The Secretary of Defense shall collaborate with the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration to conduct research and seek solutions to challenges associated with the safe integration of unmanned aircraft

systems into the National Airspace System in accordance with subtitle B of title III of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 126 Stat. 72).

(2) ACTIVITIES IN SUPPORT OF PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT SYSTEMS.—Collaboration under paragraph (1) may include research and development of scientific and technical issues, equipment, and technology in support of the plan to safely accelerate the integration of unmanned aircraft systems as required by subtitle B of title III of the FAA Modernization and Reform Act of 2012.

Determination.

(3) NONDUPLICATIVE EFFORTS.—If the Secretary of Defense determines it is in the interest of the Department of Defense, the Secretary may use existing aerospace-related laboratories, personnel, equipment, research radars, and ground facilities of the Department of Defense to avoid duplication of efforts in carrying out collaboration under paragraph (1).

(4) REPORTS.—

(A) REQUIREMENT.—The Secretary of Defense, on behalf of the UAS Executive Committee, shall annually submit to the congressional defense committees, the Committee on Transportation and Infrastructure, and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of research activity of the Department of Defense, including—

(i) progress in accomplishing the goals of the unmanned aircraft systems research, development, and demonstration as related to the Department of Defense Final Report to Congress on Access to National Airspace for Unmanned Aircraft Systems of October 2010, and any ongoing and collaborative research and development programs with the Federal Aviation Administration and the National Aeronautics and Space Administration;

(ii) estimates of long-term funding needs and details of funds expended and allocated in the budget requests of the President that support integration into the National Airspace; and

(iii) progress in sharing with the Federal Aviation Administration safety operational and performance data as it relates to unmanned aircraft system operation and the impact on the National Airspace System.

(B) TERMINATION.—The requirement to submit a report under subparagraph (A) shall terminate on the date that is 5 years after the date of the enactment of this Act.

49 USC 40101 note.

(c) UAS EXECUTIVE COMMITTEE DEFINED.—In this section, the term "UAS Executive Committee" means the National Aeronautics and Space and Administration and the Department of Defense–Federal Aviation Administration executive committee described in section 1036(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 and established by the Secretary of Defense and the Administrator of the Federal Aviation Administration.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 1053. AUTHORITY TO TRANSFER SURPLUS MINE-RESISTANT AMBUSH-PROTECTED VEHICLES AND SPARE PARTS.

10 USC 407 note.

(a) AUTHORITY.—The Secretary of Defense is authorized to transfer surplus Mine-Resistant Ambush-Protected vehicles, including spare parts for such vehicles, to non-profit United States humanitarian demining organizations for purposes of demining activities and training of such organizations.

(b) TERMS AND CONDITIONS.—Any transfer of vehicles or spare parts under subsection (a) shall be subject to the following terms and conditions:

(1) The transfer shall be made on a loan basis.

(2) The costs of operation and maintenance of the vehicles shall be borne by the recipient organization.

(3) Any other terms and conditions as the Secretary of Defense determines to be appropriate.

(c) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees in writing not less than 60 days before making any transfer of vehicles or spare parts under subsection (a). Such notification shall include the name of the organization, the number and model of the vehicle to be transferred, a listing of any spare parts to be transferred, and any other information the Secretary considers appropriate.

Deadline.
Lists.

SEC. 1054. NOTICE TO CONGRESS OF CERTAIN DEPARTMENT OF DEFENSE NONDISCLOSURE AGREEMENTS.

10 USC 1034 note.

(a) NOTICE REQUIRED.—The Secretary of Defense shall submit to the congressional defense committees notice of any request or requirement for members of the Armed Forces or civilian employees of the Department of Defense to enter into nondisclosure agreements that could restrict the ability of such members or employees to communicate with Congress. Each such notice shall include the following:

(1) The basis in law for the agreement.

(2) An explanation for the restriction of the ability to communicate with Congress.

(3) A description of the category of individuals requested or required to enter into the agreement.

(4) A copy of the language contained in the agreement.

Records.

(b) TIMING OF NOTIFICATION.—

Deadlines.

(1) REQUESTS OR REQUIREMENTS BEFORE DATE OF ENACTMENT.—In the case of nondisclosure agreements described in subsection (a) that members or employees were first requested or required to enter into on or before the date of the enactment of this Act, the notice required by subsection (a) shall be submitted not later than 60 days after the date of enactment.

(2) REQUESTS OR REQUIREMENTS AFTER DATE OF ENACTMENT.—In the case of nondisclosure agreements described in subsection (a) that members or employees were first requested or required to enter into after the date of the enactment of this Act, the notice required by subsection (a) shall be submitted not later than 30 days after the date on which the Secretary first requests or requires that the members or employees enter into the agreements.

SEC. 1055. EXTENSION OF AUTHORITY TO PROVIDE ASSURED BUSINESS GUARANTEES TO CARRIERS PARTICIPATING IN CIVIL RESERVE AIR FLEET.

(a) EXTENSION.—Subsection (k) of section 9515 of title 10, United States Code, is amended by striking "December 31, 2015" and inserting "December 31, 2020".

(b) APPLICATION TO ALL SEGMENTS OF CRAF.—Such section is further amended—

(1) in subsection (a)(3), by striking "passenger"; and

(2) in subsection (j), by striking ", except that it only means such transportation for which the Secretary of Defense has entered into a contract for the purpose of passenger travel".

SEC. 1056. AUTHORITY FOR SHORT-TERM EXTENSION OF LEASE FOR AIRCRAFT SUPPORTING THE BLUE DEVIL INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE PROGRAM.

(a) IN GENERAL.—Notwithstanding section 2401 of title 10, United States Code, the Secretary of the Air Force may extend or renew the lease of aircraft supporting the Blue Devil intelligence, surveillance, and reconnaissance program after the date of the expiration of the current lease of such aircraft for a term that is the shorter of—

Time period.
Notification.

(1) the period beginning on the date of the expiration of the current lease and ending on the date on which the Commander of the United States Central Command notifies the Secretary that a substitute is available for the capabilities provided by the lease, or that the capabilities provided by such aircraft are no longer required; or

(2) six months.

(b) FUNDING.—Amounts authorized to be appropriated for fiscal year 2013 by title XV and available for Overseas Contingency Operations for operation and maintenance as specified in the funding tables in section 4302 may be available for the extension or renewal of the lease authorized by subsection (a).

SEC. 1057. RULE OF CONSTRUCTION RELATING TO PROHIBITION ON INFRINGING ON THE INDIVIDUAL RIGHT TO LAWFULLY ACQUIRE, POSSESS, OWN, CARRY, AND OTHERWISE USE PRIVATELY OWNED FIREARMS, AMMUNITION, AND OTHER WEAPONS.

10 USC prec. 1030 note.

Section 1062(c) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4363) is amended—

(1) in paragraph (1)(B), by striking "; or" and inserting a semicolon;

(2) in paragraph (2), by striking "others." and inserting "others; or"; and

(3) by adding at the end the following new paragraph:

"(3) authorize a health professional that is a member of the Armed Forces or a civilian employee of the Department of Defense or a commanding officer to inquire if a member of the Armed Forces plans to acquire, or already possesses or owns, a privately-owned firearm, ammunition, or other weapon, if such health professional or such commanding officer has reasonable grounds to believe such member is at risk for suicide or causing harm to others.".

SEC. 1058. SENSE OF CONGRESS ON THE JOINT WARFIGHTING ANALYSIS CENTER.

It is the sense of Congress that the Joint Warfighting Analysis Center (JWAC) should have adequate resources to meet the continuing requirements of the combatant commands.

SEC. 1059. LIMITATIONS ON RETIREMENT OF FIXED-WING INTRA-THEATER AIRLIFT AIRCRAFT FOR GENERAL SUPPORT AND TIME SENSITIVE/MISSION CRITICAL DIRECT SUPPORT AIRLIFT MISSIONS OF THE DEPARTMENT OF DEFENSE.

(a) LIMITATION ON RETIREMENTS.—During fiscal year 2013, the Secretary of the Air Force shall retain an additional 32 fixed-wing, intra-theater airlift aircraft beyond the number of such aircraft proposed to be retained in the Secretary's total force structure proposal provided to the congressional defense committees on November 2, 2012.

(b) INCORPORATION OF CONCEPT OF EMPLOYMENT.—Not later than June 1, 2013, the Secretary of the Air Force shall ensure that the concept of employment for the Department of the Air Force direct support of Department of the Army time sensitive or mission critical intra-theater airlift mission, as agreed to by the Vice Chiefs of Staff of the Air Force and the Army by memorandum of agreement dated September 13, 2009, and agreed to by the Chiefs of Staff of the Air Force and the Army and the Vice Chairman of the Joint Chiefs of Staff, by memorandum of understanding dated January 27, 2012, is wholly incorporated into Department of the Air Force doctrine, strategy, tactics, and modeling and the Air Force core capabilities of agile combat support and rapid global mobility operations. Deadline.

Subtitle G—Studies and Reports

SEC. 1061. ELECTRONIC WARFARE STRATEGY OF THE DEPARTMENT OF DEFENSE.

(a) GUIDANCE REQUIRED.—Not later than January 1, 2013, the Secretary of Defense shall review and update Department of Defense guidance related to electronic warfare to ensure that oversight roles and responsibilities within the Department related to electronic warfare policy and programs are clearly defined. Such guidance shall clarify, as appropriate, the roles and responsibilities related to the integration of electronic warfare matters and cyberspace operations. 10 USC 113 note.

(b) PLAN REQUIRED.—Not later than October 1, 2013, the Commander of the United States Strategic Command shall update and issue guidance regarding the responsibilities of the Command with regard to joint electronic warfare capabilities. Such guidance shall— 10 USC 113 note.

(1) define the role and objectives of the Joint Electromagnetic Spectrum Control Center or any other center established in the Command to provide governance and oversight of electronic warfare matters; and

(2) include an implementation plan outlining tasks, metrics, and timelines to establish such a center.

(c) ADDITIONAL REPORTING REQUIREMENTS.—Section 1053(b)(1) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2459) is amended—

(1) in subparagraph (B), by striking "; and" and inserting a semicolon;

(2) in subparagraph (C), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(D) performance measures to guide the implementation of such strategy;

"(E) an identification of resources and investments necessary to implement such strategy; and

"(F) an identification of the roles and responsibilities within the Department to implement such strategy.".

SEC. 1062. REPORT ON COUNTERPROLIFERATION CAPABILITIES AND LIMITATIONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees a report outlining operational capabilities, limitations, and shortfalls within the Department of Defense with respect to counterproliferation and combating weapons of mass destruction involving special operations forces and key enabling forces.

(b) ELEMENTS.—The report required under subsection (a) shall include each of the following elements:

(1) An overview and assessment of current counterproliferation and combating weapons of mass destruction capabilities, capacity, and limitations of special operations forces and key enabling capabilities provided by other supporting elements of the Department of Defense and other Government agencies.

(2) An assessment of the unique capabilities of special operations forces to counter a proliferant's ability to develop weapons of mass destruction, including all phases of weaponization.

(3) An overview and assessment of current and future training requirements and gaps, including the adequacy and availability of training facilities relative to paragraphs (1) and (2).

(4) An assessment of technical capability gaps relative to paragraphs (1) and (2), including an identification of any gaps that are unique to special operations forces.

(5) An assessment of interagency coordination capabilities and gaps, including intelligence support to countering weapons of mass destruction.

(6) An assessment of current international bilateral and multilateral partnerships and the limitations of such partnerships, including an assessment of existing authorities to build partnership capacity in countering weapons of mass destruction unique to special operations forces.

(7) A description of efforts to address the limitations and gaps referred to in paragraphs (1) through (6), including timelines and requirements to address such limitations and such gaps.

(8) Any other matters the Secretary considers appropriate.

SEC. 1063. REPORT ON STRATEGIC AIRLIFT AIRCRAFT.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on

Commerce, Science, and Transportation of the Senate a report that sets forth the following:

(1) An assessment of the feasibility and advisability of obtaining a Federal Aviation Administration certification for commercial use of each of the following:

(A) A commercial variant of the C–17 aircraft.

(B) A retired C–17A aircraft.

(C) A retired C–5A aircraft.

(2) An assessment of the current limitations of the aircraft of the Civil Reserve Air Fleet.

(3) An assessment of the potential for using the aircraft referred to in paragraph (1) in the Civil Reserve Air Fleet.

(4) An assessment of the advantages of adding the aircraft referred to in paragraph (1) to the Civil Reserve Air Fleet.

(5) An update on the status of any cooperation between the Federal Aviation Administration and the Department of Defense on the certification of the aircraft referred to in paragraph (1).

(6) A description of all actions required, including any impediments to such actions, to offering retired C–5A aircraft or retired C–17A aircraft as excess defense articles to United States allies or for sale to Civil Reserve Air Fleet carriers.

(7) A description of the actions required for interested allies or Civil Reserve Air Fleet carriers to take delivery of excess C–5A aircraft or excess C–17A aircraft, including the actions, modifications, or demilitarization necessary for such recipients to take delivery of such aircraft, and provisions for permitting such recipients to undertake responsibility for such actions, to the maximum extent practicable.

SEC. 1064. REPEAL OF BIENNIAL REPORT ON THE GLOBAL POSITIONING SYSTEM.

Section 2281 of title 10, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 1065. IMPROVEMENTS TO REPORTS REQUIRED ON ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND THE THREAT POSED BY WEAPONS OF MASS DESTRUCTION, BALLISTIC MISSILES, AND CRUISE MISSILES.

(a) IN GENERAL.—Section 234 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. 2367) is amended to read as follows:

"SEC. 234. REPORTS ON ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND THE THREAT POSED BY WEAPONS OF MASS DESTRUCTION, BALLISTIC MISSILES, AND CRUISE MISSILES.

"(a) ANNUAL REPORT.—Not later than January 30 of each year, the Secretary of Defense, in consultation with the Director of National Intelligence, shall submit to the appropriate congressional committees a report on the following:

"(1) The threats posed to the United States and allies of the United States—

"(A) by weapons of mass destruction, ballistic missiles, and cruise missiles; and

"(B) by the proliferation of weapons of mass destruction, ballistic missiles, and cruise missiles.

"(2) The acquisition by foreign countries during the preceding 12 months of dual-use and other technology useful for the development or production of weapons of mass destruction (including nuclear weapons, chemical weapons, and biological weapons) and advanced conventional munitions.

"(3) Any trends with respect to the acquisition described in paragraph (2).

"(b) MATTERS INCLUDED.—Each report submitted under subsection (a) shall include the following:

"(1) Identification of each foreign country and non-State organization that possesses weapons of mass destruction, ballistic missiles, or cruise missiles, and a description of such weapons and missiles with respect to each such foreign country and non-State organization.

"(2) A description of the means by which any foreign country and non-State organization that has achieved, or is making progress toward achieving, capability with respect to weapons of mass destruction, ballistic missiles, or cruise missiles has achieved, or is making progress toward achieving, that capability, including a description of the international network of foreign countries and private entities that provide assistance to foreign countries and non-State organizations in achieving that capability.

"(3) An examination of the doctrines that guide the use of weapons of mass destruction in each foreign country that possesses such weapons.

"(4) An examination of the existence and implementation of the control mechanisms that exist with respect to nuclear weapons in each foreign country that possesses such weapons.

"(5) Identification of each foreign country and non-State organization that seeks to acquire or develop (indigenously or with foreign assistance) weapons of mass destruction, ballistic missiles, or cruise missiles, and a description of such weapons and missiles with respect to each such foreign country and non-State organization.

"(6) An assessment of various possible timelines for the achievement by foreign countries and non-State organizations of capability with respect to weapons of mass destruction, ballistic missiles, and cruise missiles, taking into account the probability of whether foreign countries that are a party to the Missile Technology Control Regime will comply with and enforce the regime, the potential availability of assistance from foreign technical specialists, and the potential for independent sales by foreign private entities without authorization from their national governments.

"(7) For each foreign country or non-State organization that has not achieved the capability to target the United States or its territories with weapons of mass destruction, ballistic missiles, or cruise missiles as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, an estimate of how far in advance the United States is likely to be warned before such foreign country or non-State organization achieves that capability.

"(8) For each foreign country or non-State organization that has not achieved the capability to target members of

the Armed Forces of the United States deployed abroad with weapons of mass destruction, ballistic missiles, or cruise missiles as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, an estimate of how far in advance the United States is likely to be warned before such foreign country or non-State organization achieves that capability.

"(c) CLASSIFICATION.—Each report submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

"(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'appropriate congressional committees' means the following:

"(1) The congressional defense committees.

"(2) The congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 401a)).

"(3) The Speaker and the minority leader of the House of Representatives and the majority leader and the minority leader of the Senate.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended by striking the item relating to section 234 and inserting the following new item:

"Sec. 234. Reports on acquisition of technology relating to weapons of mass destruction and the threat posed by weapons of mass destruction, ballistic missiles, and cruise missiles.".

(c) CONFORMING REPEAL.—Section 721 of the Intelligence Authorization Act for Fiscal Year 1997 (50 U.S.C. 2366) is repealed.

SEC. 1066. REPORT ON FORCE STRUCTURE OF THE UNITED STATES ARMY.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on the force structure of the Army.

(b) ELEMENTS OF REPORT.—The report required under subsection (a) shall include each of the following:

(1) A description of the planning assumptions and scenarios used to determine the size and force structure of the United States Army, including the reserve component, for the Future Years Defense Program for fiscal years 2014 through 2018.

(2) An evaluation of the adequacy of the proposed force structure for meeting the goals of the national military strategy of the United States.

(3) A description of any alternative force structures considered, including the assessed advantages and disadvantages of each and a brief explanation of why those not selected were rejected.

(4) The estimated resource requirements of each of the alternative force structures referred to in paragraph (3).

(5) An independent risk assessment of the proposed Army force structure, to be conducted by the Chief of Staff of the Army.

(6) Such other information as the Secretary of the Army determines is appropriate.

(c) CLASSIFIED ANNEX.—The report required by subsection (a) shall be in unclassified form but may include a classified annex.

SEC. 1067. REPORT ON PLANNED EFFICIENCY INITIATIVES AT SPACE AND NAVAL WARFARE SYSTEMS COMMAND.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on plans to implement efficiency initiatives to reduce overhead costs at all echelons of the Space and Naval Warfare Systems Command (SPAWAR), including a detailed description of the long-term impacts on current and planned future mission requirements.

SEC. 1068. REPORT ON MILITARY RESOURCES NECESSARY TO EXECUTE UNITED STATES FORCE POSTURE STRATEGY IN THE ASIA PACIFIC REGION.

(a) REVIEW REQUIRED.—

Consultation.

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, conduct a comprehensive review of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with regard to the Asia Pacific region to determine the resources, equipment, and transportation required to meet the strategic and operational plans of the United States.

(2) ELEMENTS.—The review required under paragraph (1) shall include the following elements:

(A) The force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program of the United States associated with the Asia Pacific region that would be required to execute successfully the full range of missions called for in the national defense strategy.

(B) An estimate of the timing for initial and final operational capability for each unit based in, realigned within, or identified for support to the Asia Pacific region.

(C) An assessment of the strategic and tactical sea, ground, and air transportation required for the forces assigned to the Asia Pacific region to meet strategic and operational plans.

(D) The specific capabilities, including the general number and type of specific military platforms, their permanent station, and planned forward operating locations needed to achieve the strategic and warfighting objectives identified in the review.

(E) The forward presence, phased deployments, prepositioning, and other anticipatory deployments of manpower or military equipment necessary for conflict deterrence and adequate military response to anticipated conflicts.

(F) The budget plan that would be required to provide sufficient resources to execute successfully the full range of missions and phased operations in the Asia Pacific region at a low-to-moderate level of risk and any additional resources (beyond those programmed in the current future-years defense program) required to achieve such a level of risk.

(G) Budgetary recommendations that are not constrained to comply with and are fully independent of the

budget submitted to Congress by the President pursuant to section 1105 of title 31, United States Code.

(b) CJCS REVIEW.—Upon the completion of the review under subsection (a), the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chairman's assessment of the review, including the Chairman's assessment of risk and a description of the capabilities needed to address such risk.

Assessment.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the review required under subsection (a).

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of the elements set forth under subsection (a)(1).

(B) A description of the assumptions used in the examination, including assumptions relating to—

(i) the status of readiness of the Armed Forces;

(ii) the cooperation of allies and partners, mission-sharing, and additional benefits to and burdens on the Armed Forces resulting from coalition operations;

(iii) warning times;

(iv) levels of engagement in operations other than war and smaller-scale contingencies and withdrawal from such operations and contingencies;

(v) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies; and

(vi) the roles and responsibilities that would be discharged by contractors.

(C) Any other matters the Secretary of Defense considers appropriate.

(D) The full and complete assessment of the Chairman of the Joint Chiefs of Staff under subsection (b), including related comments of the Secretary of Defense.

(3) FORM.—The report required under paragraph (1) may be submitted in classified or unclassified form.

SEC. 1069. RIALTO-COLTON BASIN, CALIFORNIA, WATER RESOURCES STUDY.

(a) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of the Interior, acting through the Director of the United States Geological Survey, shall complete a study of water resources in the Rialto-Colton Basin in the State of California (in this section referred to as the "Basin"), including—

(1) a survey of ground water resources in the Basin, including an analysis of—

(A) the delineation, either horizontally or vertically, of the aquifers in the Basin, including the quantity of water in the aquifers;

(B) the availability of ground water resources for human use;

(C) the salinity of ground water resources;

(D) the identification of a recent surge in perchlorate concentrations in ground water, whether significant sources are being flushed through the vadose zone, or if perchlorate is being remobilized;

(E) the identification of impacts and extents of all source areas that contribute to the regional plume to be fully characterized;

(F) the potential of the ground water resources to recharge;

(G) the interaction between ground water and surface water;

(H) the susceptibility of the aquifers to contamination, including identifying the extent of commingling of plume emanating within surrounding areas in San Bernardino County, California; and

(I) any other relevant criteria; and

(2) a characterization of surface and bedrock geology of the Basin, including the effect of the geology on ground water yield and quality.

(b) COORDINATION.—The Secretary shall carry out the study in coordination with the State of California and any other entities that the Secretary determines to be appropriate, including other Federal agencies and institutions of higher education.

(c) REPORT.—Upon completion of the study, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study.

SEC. 1070. REPORTS ON THE POTENTIAL SECURITY THREAT POSED BY BOKO HARAM.

Classified information. Assessment.

(a) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a classified intelligence assessment of the Nigerian organization known as Boko Haram. Such assessment shall address the following:

(1) The organizational structure, operational goals, and funding sources of Boko Haram.

(2) The extent to which Boko Haram threatens the stability of Nigeria and surrounding countries.

(3) The extent to which Boko Haram threatens the security of citizens of the United States or the national security or interests of the United States.

(4) Any interaction between Boko Haram and al-Qaeda in the Islamic Maghreb or other al-Qaeda affiliates with respect to operational planning and execution, training, and funding.

(5) The capacity of Nigerian security forces to counter the threat posed by Boko Haram and an assessment of the effectiveness of the strategy of the Nigerian government to date.

(6) Any intelligence gaps with respect to the leadership, operational goals, and capabilities of Boko Haram.

(b) SECRETARY OF STATE AND SECRETARY OF DEFENSE JOINT REPORT.—Not later than 90 days after the date on which the report required by subsection (a) is submitted to Congress, the Secretary of State and the Secretary of Defense shall jointly submit to Congress a classified report describing the strategy of the United States to counter the threat posed by Boko Haram.

SEC. 1071. STUDY ON THE ABILITY OF NATIONAL TEST AND EVALUATION CAPABILITIES TO SUPPORT THE MATURATION OF HYPERSONIC TECHNOLOGIES FOR FUTURE DEFENSE SYSTEMS DEVELOPMENT.

(a) STUDY REQUIRED.—The Director of the Office of Science and Technology Policy, working with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration (NASA), shall conduct a study on the ability of the national test and evaluation infrastructure, including ground test facilities and open air ranges of the Department of Defense, and leveraging NASA and private facilities, when appropriate, to effectively and efficiently mature hypersonic technologies for defense systems development in the short and long term.

(b) REPORT AND PLAN.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report containing the results of the study required under subsection (a) together with a plan for requirements and proposed investments to meet Department of Defense needs through 2030.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the current condition and adequacy of the hypersonics test and evaluation infrastructure within the Department of Defense, NASA, and the private sector to support hypersonic research and development within the Department of Defense.

(B) An identification of test and evaluation infrastructure outside the Department of Defense that could be used to support Department of Defense hypersonic research and development and assess means to ensure the availability of such capabilities to the Department in the present and future.

(C) A time-phased plan to acquire required hypersonics research, development, test and evaluation capabilities, including identification of the resources necessary to acquire any needed capabilities that are currently not available.

(D) Other matters the Secretary determines are appropriate.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services and the Committee on Science, Space, and Technology of the House of Representatives.

Subtitle H—Other Matters

SEC. 1076. TECHNICAL AND CLERICAL AMENDMENTS.

(a) AMENDMENTS TO NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012.—Effective as of December 31, 2011, and

Effective date.
10 USC 139c note.

as if included therein as enacted, the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) is amended as follows:

(1) Section 243(d) (125 Stat. 1344) is amended by striking "paragraph" and inserting "subsection".

10 USC 4544 note.

(2) Section 323(b) (125 Stat. 1362) is amended by striking "Section 328(b)(A)" and inserting "Section 328(b)(2)(A)".

10 USC 920b.

(3) Section 541(b) (125 Stat. 1407) is amended by striking ", as amended by subsection (a),".

10 USC prec. 2551.

(4) Section 589(b) (125 Stat. 1438) is amended by striking "section 717" and inserting "section 2564".

10 USC 7572.

(5) Section 602(a)(2) (125 Stat. 1447) is amended by striking "repairs," and inserting "repairs".

37 USC 489.

(6) Section 631(e)(28)(A) (125 Stat. 1464) is amended by striking "before 'In addition' " and inserting "before 'Under regulations' ".

37 USC prec. 101.

(7) Section 631(f)(2) (125 Stat. 1464) is amended by striking "table of chapter" and inserting "table of chapters".

37 USC prec. 551.

(8) Section 631(f)(3)(B) (125 Stat. 1465) is amended by striking "chapter 9" and inserting "chapter 10".

2 USC 906; 5 USC 4109, 5760; 10 USC 701 note prec., 1071 note, 1174a, 1175, 1175a, 1491, 1591 note; 14 USC 512; 32 USC 115; 36 USC 2101; 37 USC 403, 420, 422.

(9) Section 631(f)(4) (125 Stat. 1465) is amended by striking "subsection (c)" both places it appears and inserting "subsection (d)".

(10) Section 801 (125 Stat. 1482) is amended—

(A) in subsection (a)(1)(B), by striking "paragraphs (6) and (7)" and inserting "paragraphs (5) and (6)";

(B) in subsection (a)(2), in the matter proposed to be inserted as a new paragraph, by striking the double closing quotation marks after "capabilities" and inserting a single closing quotation mark; and

10 USC 2366a.

(C) in subsection (e)(1)(A), by striking "**Point**" in the matter proposed to be struck and inserting "**Point A**".

10 USC 2302 note.

(11) Section 806(d) (125 Stat. 1487) is amended by striking "paragraph (2)" and inserting "subsection (c)(2)".

10 USC 2430 note.

(12) Section 832(b)(1) (125 Stat. 1504) is amended by striking "Defenese" and inserting "Defense".

10 USC 139c.

(13) Section 855 (125 Stat. 1521) is amended by striking "Section 139e(b)(12)" and inserting "Section 139c(b)(12)".

41 USC 1704.

(14) Section 864(a)(2) (125 Stat. 1522) is amended by striking "for Acquisition Workforce Programs" in the matter proposed to be struck.

41 USC 1703.

(15) Section 864(d)(2) (125 Stat. 1525) is amended to read as follows:

"(2) in paragraph (6), by striking 'ensure that amounts collected' and all that follows through the end of the paragraph (as amended by section 526 of division C of Public Law 112–74 (125 Stat. 914)) and inserting 'ensure that amounts collected under this section are not used for a purpose other than the activities set forth in section 1201(a) of this title.'.".

15 USC 637 note.

(16) Section 866(a) (125 Stat. 1526) is amended by striking "September 30" in the matter proposed to be struck and inserting "December 31".

10 USC 2302 note.

(17) Section 867 (125 Stat. 1526) is amended—

(A) in paragraph (1), by striking "2010" in the matter proposed to be struck and inserting "2011"; and

(B) in paragraph (2), by striking "2013" in the matter proposed to be struck and inserting "2014".

(18) Section 933(c) (125 Stat. 1544; 10 U.S.C. 2330 note) is amended by striking "of this title" in the matter proposed to be inserted and inserting "of title 10, United States Code".

(19) Section 1045(c)(1) (125 Stat. 1577) is amended by striking "described in subsection (b)" and inserting "described in paragraph (2)". 50 USC 2523b.

(20) Section 1067 (125 Stat. 1589) is amended— 15 USC 638.

(A) by striking subsection (a); and

(B) by striking the subsection designation and the subsection heading of subsection (b). 50 USC 2911.

(21) Section 2702 (125 Stat. 1681) is amended—

(A) in the section heading, by striking "**AUTHORIZED**" and inserting "**AUTHORIZATION OF APPROPRIATIONS FOR**"; and

(B) by striking "Using amounts" and all that follows through "may carry out" and inserting "Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2011, for".

(22) Section 2815(c) (125 Stat. 1689) is amended by inserting "subchapter III of" before "chapter 169". 10 USC prec. 2851.

(b) AMENDMENTS TO IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—Effective as of January 7, 2011, and as if included therein as enacted, the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) is amended as follows: 10 USC 139c note. Effective date.

(1) Section 358(c)(3) (124 Stat. 4199) is amended by striking "fulfil" and inserting "fulfill". 49 USC 44718 note.

(2) Section 533(b) (124 Stat. 4216) is amended by inserting "Section" before "1559(a)". 10 USC 1559.

(3) Section 896(a) (124 Stat. 4314) is amended by striking "Chapter 7" and inserting "Chapter 4". 10 USC 139c.

(4) Section 1075(b)(50)(C) (124 Stat. 4371) is amended by striking "subsection (j)(1)" and inserting "subsection (j)". 10 USC 9515.

(5) Section 1203(a) (124 Stat. 4386) is amended in the matter preceding paragraph (1) by striking "Fiscal Year 2009" and inserting "Fiscal Year 2008".

(c) AMENDMENTS TO REFLECT REDESIGNATION OF CERTAIN POSITIONS IN OFFICE OF SECRETARY OF DEFENSE.—

(1) ASSISTANT SECRETARY OF DEFENSE FOR NUCLEAR, CHEMICAL, AND BIOLOGICAL DEFENSE PROGRAMS.—Section 1605(a)(5) of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 22 U.S.C. 2751 note) is amended by striking "The Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs" and inserting "The Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs".

(2) ASSISTANT SECRETARY OF DEFENSE FOR RESEARCH AND ENGINEERING.—

(A) The following provisions are amended by striking "Director of Defense Research and Engineering" and inserting "Assistant Secretary of Defense for Research and Engineering":

(i) Sections 2362(a)(1) and 2521(e)(5) of title 10, United States Code.

(ii) Section 241(c) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 2521 note).

(iii) Section 212(b) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375; 10 U.S.C. 2358 note).

(iv) Section 246(d)(1) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 10 U.S.C. 2358 note).

(v) Section 257(a) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 2358 note).

(vi) Section 1101(b)(1)(D) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 5 U.S.C. 3104 note).

(vii) Section 802(g)(1)(B)(ii) of the Higher Education Opportunity Act (20 U.S.C. 9631(g)(1)(B)(ii)).

(B) Section 2365 of title 10, United States Code, is amended—

(i) in subsection (a), by inserting "of Defense for Research and Engineering" after "Assistant Secretary"; and

(ii) in subsection (d)(3)(A), by striking "Director" and inserting "Assistant Secretary".

(C) Section 256 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 10 U.S.C. 1071 note) is amended in subsections (b)(4) and (d) by striking "Director, Defense" and inserting "Assistant Secretary of Defense for".

(D) Section 1504 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 10 U.S.C. 2358 note) is amended—

(i) in subsection (a), by striking "Director of Defense" and inserting "Assistant Secretary of Defense for"; and

(ii) in subsection (b)(9), by striking "the Director of the" and all that follows through "Engineering" and inserting "the Director and the Assistant Secretary".

(E) Section 802 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 10 U.S.C. 2358 note) is amended—

(i) in subsection (a), by striking "Director of Defense" and inserting "Assistant Secretary of Defense for";

(ii) in subsections (b), (d), and (e), by striking "Director" and inserting "Assistant Secretary"; and

(iii) in subsection (f), by striking "Not later than" and all that follows through "the Director" and inserting "The Assistant Secretary".

(F) Section 214 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2521 note) is amended by striking "unless the" and all that follows through "ensures" and inserting "unless the Assistant Secretary of Defense for Research and Engineering ensures".

(3) ASSISTANT SECRETARY OF DEFENSE FOR OPERATIONAL ENERGY PLANS AND PROGRAMS.—Section 2925(b) of title 10, United States Code, is amended—

(A) in paragraph (1), by striking "Director of" and inserting "Assistant Secretary of Defense for"; and

(B) in paragraph (2)(G), by striking "Director" both places it appears and inserting "Assistant Secretary".

(d) CROSS-REFERENCE AMENDMENTS IN TITLE 10.—Title 10, United States Code, is amended as follows:

(1) Section 1722b(c) is amended—

(A) in paragraph (3), by striking "subsections (b)(2)(A) and (b)(2)(B)" and inserting "subsections (b)(1)(A) and (b)(1)(B)"; and

(B) in paragraph (4), by striking "1734(d), or 1736(c)" and inserting "or 1734(d)".

(2) Section 1787(b) is amended—

(A) by striking "section 3(1)" and inserting "section 3"; and

(B) by striking "42 U.S.C. 5102" and inserting "Public Law 93–247; 42 U.S.C. 5101 note".

(3) Section 2382(b)(1) is amended by inserting "of the Small Business Act (15 U.S.C. 657q(c)(4))" after "section 44(c)(4)".

(4) Section 2474(d) is amended by striking "section 2667(d)" and inserting "section 2667(e)".

(5) Section 2548(e)(2) is amended by striking "section 103(f) of the Weapon Systems Acquisition Reform Act of 2009 (10 U.S.C. 2430 note)," and inserting "section 2438(f) of this title".

(6) Section 2925 is amended—

(A) in subsection (a)(1), by striking "section 533" and inserting "section 553"; and

(B) in subsection (b)(1), by striking "section 139b" and inserting "section 138c".

(e) DATE OF ENACTMENT REFERENCES.—Title 10, United States Code, is amended as follows:

(1) Section 1564(a)(2)(B) is amended by striking "the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011" in clauses (ii) and (iii) and inserting "January 7, 2011".

(2) Section 2216a(e) is amended by striking "on the last day of" and all that follows and inserting "on September 30, 2015.".

(3) Section 2359b(k)(5) is amended by striking "the date that is five years after the date of the enactment of this Act" and inserting "January 7, 2016".

(4) Section 2649(c) is amended by striking "During the 5-year period beginning on the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011" and inserting "Until January 6, 2016".

(5) Section 2790(g)(1) is amended by striking "on or after the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011" and inserting "after January 6, 2011,".

(6) Sections 3911(b)(2), 6323(a)(2)(B), and 8911(b)(2) are amended by striking "the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011" and inserting "January 7, 2011,".

(7) Section 10217(d)(3) is amended by striking "after the end of the 2-year period beginning on the date of the enactment of this subsection" and inserting "after January 6, 2013".

(f) OTHER MISCELLANEOUS AMENDMENTS TO TITLE 10.—Title 10, United States Code, is amended as follows:

(1) Section 113(c)(2) is amended by striking "on" after "Board on".

10 USC prec. 131.

(2) The table of sections at the beginning of chapter 4 is amended by striking the item relating to section 133b.

10 USC 138, 138c.

(3) Paragraph (3) of section 138(c), as added by section 314(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1357), is transferred to appear at the end of section 138c(c).

(4) Section 139a(d)(4) is amended by adding a period at the end.

(5) Section 139b(a)(6) is amended by striking "propriety" and inserting "proprietary".

10 USC prec. 221.

(6) The item relating to section 225 at the end of the table of sections at the beginning of chapter 9 is transferred to appear after the item relating to section 224.

(7) Section 401(d) is amended by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

(8) Section 843(b)(2)(B)(v) (article 43 of the Uniform Code of Military Justice) is amended by striking "Kidnaping,," and inserting "Kidnaping,".

(9) Section 920(g)(7) (article 120 of the Uniform Code of Military Justice) is amended by striking the second period at the end.

(10) Section 983(b)(1) is amended by striking "or Secretary" and inserting "or the Secretary".

(11) Section 1086(b)(1) is amended by striking "clause (2)" and inserting "paragraph (2)".

(12) Section 1142(b)(10) is amended by striking "training,," and inserting "training,".

(13) Section 1143(a) is amended by inserting after "Coast Guard" the following: "when it is not operating as a service in the Navy".

(14) Section 1143a(h) is amended by inserting after "Coast Guard" the second place it appears the following: "when it is not operating as a service in the Navy".

(15) Section 1145(e) is amended by inserting before the period at the end the following: "when the Coast Guard is not operating as a service in the Navy".

(16) Section 1146(b) is amended by inserting before the period at the end the following: "when the Coast Guard is not operating as a service in the Navy".

(17) Section 1149 is amended by inserting after "Coast Guard" the following: "when it is not operating as a service in the Navy".

(18) Section 1150(c) is amended by inserting after "Coast Guard" the second place it appears the following: "when it is not operating as a service in the Navy".

(19) Section 1401(a) is amended by striking "columns 1, 2, 3, and 4," in the matter preceding the table and inserting "columns 1, 2, and 3,".

(20) Section 1599a(a) is amended by striking "National Security Act" and inserting "National Security Agency Act".

(21) Section 1781(a) is amended—

(A) in the first sentence, by striking "Director" and inserting "Office";

(B) in the first sentence, by striking "hereinafter"; and

(C) in the second sentence, by striking "office" both places it appears and inserting "Office".

(22) Section 1790, as added by section 8070 of division A of Public 112–74 (125 Stat. 822), is amended—

(A) by striking the section heading and inserting the following:

"§ 1790. Military personnel citizenship processing";

(B) by striking "AUTHORIZATION OF PAYMENTS.—";

(C) by striking "title 10, United States Code" and inserting "this title";

(D) by striking "8 U.S.C. §§ 1439" and inserting "8 U.S.C. 1439"; and

(E) by striking "sections 286(m) and (n) of such Act (8 U.S.C. § 1356(m))" and inserting "subsections (m) and (n) of section 286 of such Act (8 U.S.C. 1356)".

(23) Section 2006(b)(2) is amended by redesignating the second subparagraph (E) (as added by section 109(b)(2)(B) of Public Law 111–377 (124 Stat. 4120), effective August 1, 2011) as subparagraph (F).

(24) Section 2318(a)(2) is amended by striking "section 1705(b) and (c)" and inserting "subsections (b) and (c) of section 1705".

(25) Section 2350m(e) is amended by striking "Not later than October 31, 2009, and annually thereafter" and inserting "Not later than October 31 each year".

(26) Section 2401 is amended by striking "the Committee on Armed Services and the Committee on Appropriations of the Senate and the Committee on Armed Services and the Committee on Appropriations of the House of Representatives" in subsections (b)(1)(B) and (h)(1) and inserting "the congressional defense committees".

(27) Section 2438(a)(3) is amended by inserting "the senior" before "official's".

(28) Section 2461(d)(2) is amended by striking "that Act" and inserting "such section".

(29) Section 2533a(k) is amended by striking "FedBizOps.gov" and inserting "FedBizOpps.gov".

(30) Section 2548 is amended—

(A) in subsection (a)—

(i) by striking "Not later than" and all that follows through "the Secretary" and inserting "The Secretary"; and

(ii) by adding a period at the end of paragraph (3);

(B) in subsection (d)—

(i) in the subsection heading, by inserting "AND" after "PERFORMANCE" the second place it appears; and

(ii) by striking "Beginning with fiscal year 2012, the" and inserting "The"; and

(C) in subsection (e)(1), by striking ", United States Code,".

(31) Section 2561(f)(2) is amended by striking "Committee on International Relations" and inserting "Committee on Foreign Affairs".

(32) Section 2601a(a)(1) is amended by inserting after "Coast Guard" the first place it appears the following: "when it is not operating as a service in the Navy".

(33) Section 2687(f) is amended by striking "at a result" and inserting "as a result".

(34) Section 2687a is amended—

(A) in subsection (a), by striking "Foreign relations" and inserting "Foreign Relations"; and

(B) in subsection (b)(1)—

(i) by striking the comma after "including"; and

(ii) by striking "The Treaty" and inserting "the Treaty".

(35) Section 2835 is amended—

(A) in subsection (a), by inserting after "Coast Guard" the following: "when it is not operating as a service in the Navy"; and

(B) in subsection (g)(1), by inserting after "Coast Guard" the following: "when it is not operating as a service in the Navy".

(36) Section 2836 is amended—

(A) in subsection (a), by inserting after "Coast Guard" the following: "when it is not operating as a service in the Navy"; and

(B) in paragraphs (4)(B) and (11) of subsection (c), by inserting after "Coast Guard" the following: "when it is not operating as a service in the Navy".

(37) Section 3201(a) is amended by striking "(beginning with fiscal year 1999)".

(38) Section 4342 is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking "clause" both places it appears and inserting "paragraph"; and

(ii) in paragraph (5), by striking "clauses" and inserting "paragraphs";

(B) in subsection (d), by striking "clauses" and inserting "paragraphs"; and

(C) in subsection (f), by striking "clauses" and inserting "paragraphs".

(39) Section 4343 is amended by striking "clauses" and inserting "paragraphs".

(40) Section 6954 is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking "clause" both places it appears and inserting "paragraph"; and

(ii) in paragraph (5), by striking "clauses" and inserting "paragraphs"; and

(B) in subsection (d), by striking "clauses" and inserting "paragraphs".

(41) Section 6956(b) is amended by striking "clauses" and inserting "paragraphs".

(42) Section 9342 is amended—

(A) in subsection (b)—

(i) in paragraph (1), by striking "clause" both places it appears and inserting "paragraph"; and

(ii) in paragraph (5), by striking "clauses" and inserting "paragraphs";

(B) in subsection (d), by striking "clauses" and inserting "paragraphs"; and

(C) in subsection (f), by striking "clauses" and inserting "paragraphs".

(43) Section 9343 is amended by striking "clauses" and inserting "paragraphs".

(44) Section 9515(b) is amended by striking "required by" and all the follows through "2008" and inserting "required by section 356 of the National Defense Authorization Act for Fiscal Year 2008".

(45) Section 10217(c)(3) is amended by striking "consider" and inserting "considered".

(g) REPEAL OF EXPIRED PROVISIONS.—Title 10, United States Code, is amended as follows:

(1) Section 1108 is amended—

(A) by striking subsections (j) and (k); and

(B) by redesignating subsection (l) as subsection (j).

(2) Section 2325 is amended by striking subsection (b) and redesignating subsection (c) as subsection (b).

(3) Section 2349a is repealed, and the table of sections at the beginning of subchapter I of chapter 138 is amended by striking the item relating to that section. 10 USC 2341 prec.

(4) Section 2374b is repealed, and the table of sections at the beginning of chapter 139 is amended by striking the item relating to that section. 10 USC 2351 prec.

(h) AMENDMENTS TO TITLE 37.—Title 37, United States Code, is amended as follows:

(1) Section 310(c)(1) is amended by striking "section for for" and inserting "section for".

(2) Section 431, as transferred to chapter 8 of such title by section 631(d)(2) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1460), is redesignated as section 491.

(3) Section 501(a)(5) is amended by striking "a reserve a component" and inserting "a reserve component".

(i) AMENDMENT TO TITLE 46.—Section 51301(a) of title 46, United States Code, is amended in the heading by striking "IN GENERAL" and inserting "IN GENERAL".

(j) DUPLICATIVE PROVISION IN ARMED FORCES RETIREMENT HOME ACT OF 1991.—Section 1511(d) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 411(d)) is amended by striking the first paragraph (3), leaving the second paragraph (3) added by section 561 of Public Law 112–81 (125 Stat. 1420).

(k) CROSS REFERENCES AND DATE OF ENACTMENT REFERENCES IN REINSTATEMENT OF TEMPORARY EARLY RETIREMENT AUTHORITY.—Section 4403 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 1293 note), as amended by section 504(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1391), is amended—

(1) in subsection (c)(2)—

(A) in subparagraph (A), by striking "1995 (" and inserting "1995 (Public Law 103–337;"; and

(B) in subparagraph (B), by striking "1995" and inserting "1996";

(2) in subsection (h), by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012" and inserting "December 31, 2011,"; and

(3) in subsection (i)(2), by striking "the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012" and inserting "December 31, 2011,".

50 USC app. 460 and note. Effective date.

(l) CORRECTION OF ERRONEOUS AMENDMENT INSTRUCTIONS.—Effective as of August 10, 2012, and as if included therein as enacted, section 2(c)(3) of Public Law 112–166 (126 Stat. 1284) is amended by striking "Selective Service Act of 1948" and inserting "Military Selective Service Act".

Applicability. 10 USC 101 note.

(m) COORDINATION WITH OTHER AMENDMENTS MADE BY THIS ACT.—For purposes of applying amendments made by provisions of this Act other than this section, the amendments made by this section shall be treated as having been enacted immediately before any amendment made by other provisions of this Act.

SEC. 1077. SENSE OF CONGRESS ON RECOGNIZING AIR MOBILITY COMMAND ON ITS 20TH ANNIVERSARY.

(a) FINDINGS.—Congress finds the following:

(1) On June 1, 1992, Air Mobility Command was established as the Air Force's functional command for cargo and passenger delivery, air refueling, and aeromedical evacuation.

(2) As the lead Major Command for all Mobility Air Forces, Air Mobility Command ensures that the Air Force's core functions of global vigilance, power, and reach are fulfilled.

(3) The ability of the United States to rapidly respond to humanitarian disasters and the outbreak of hostilities anywhere in the world truly defines the United States as a global power.

(4) Mobility Air Forces Airmen are unified by one single purpose: to answer the call of others so they may prevail.

(5) The United States' hand of friendship to the world many times takes the form of Mobility Air Forces aircraft delivering humanitarian relief. Since its inception, Air Mobility Command has provided forces for 43 humanitarian relief efforts at home and abroad, from New Orleans, Louisiana, to Bam, Iran.

(6) A Mobility Air Forces aircraft departs every 2 minutes, 365 days a year. Since September 11, 2001, Mobility Air Forces aircraft have flown 18.9 million passengers, 6.8 million tons of cargo, and offloaded 2.2 billion pounds of fuel. Many of these flights have assisted combat aircraft protection United States forces from overhead.

(7) The United States keeps its solemn promise to its men and women in uniform with Air Mobility Command, accomplishing 186,940 patient movements since the beginning of Operation Iraqi Freedom.

(8) Mobility Air Forces Airmen reflect the best values of the Nation: delivering hope, saving lives, and fueling the fight.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, on the occasion of the 20th anniversary of the establishment of Air Mobility Command, the people of the United States should—

(1) recognize the critical role that Mobility Air Forces play in the Nation's defense; and

(2) express appreciation for the leadership of Air Mobility Command and the more than 134,000 active-duty, Air National

Guard, Air Force Reserve, and Department of Defense civilians that make up the command.

SEC. 1078. DISSEMINATION ABROAD OF INFORMATION ABOUT THE UNITED STATES.

(a) UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948.—Section 501 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461) is amended to read as follows:

"GENERAL AUTHORIZATION

"SEC. 501. (a) The Secretary and the Broadcasting Board of Governors are authorized to use funds appropriated or otherwise made available for public diplomacy information programs to provide for the preparation, dissemination, and use of information intended for foreign audiences abroad about the United States, its people, and its policies, through press, publications, radio, motion pictures, the Internet, and other information media, including social media, and through information centers, instructors, and other direct or indirect means of communication.

"(b)(1) Except as provided in paragraph (2), the Secretary and the Broadcasting Board of Governors may, upon request and reimbursement of the reasonable costs incurred in fulfilling such a request, make available, in the United States, motion pictures, films, video, audio, and other materials disseminated abroad pursuant to this Act, the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.), or the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.). Any reimbursement pursuant to this paragraph shall be credited to the applicable appropriation account of the Department of State or the Broadcasting Board of Governors, as appropriate. The Secretary and the Broadcasting Board of Governors shall issue necessary regulations— Regulations.

"(A) to establish procedures to maintain such material; Procedures.

"(B) for reimbursement of the reasonable costs incurred in fulfilling requests for such material; and

"(C) to ensure that the persons seeking release of such material have secured and paid for necessary United States rights and licenses.

"(2) With respect to material disseminated abroad before the effective date of section 1078 of the National Defense Authorization Act for Fiscal Year 2013— Historic preservation.

"(A) the Secretary and the Broadcasting Board of Governors shall make available to the Archivist of the United States, for domestic distribution, motion pictures, films, videotapes, and other material 12 years after the initial dissemination of the material abroad; and

"(B) the Archivist shall be the official custodian of the material and shall issue necessary regulations to ensure that persons seeking its release in the United States have secured and paid for necessary United States rights and licenses and that all costs associated with the provision of the material by the Archivist shall be paid by the persons seeking its release, in accordance with paragraph (4). Regulations.

"(3) The Archivist may undertake the functions described in paragraph (1) on behalf of and at the request of the Secretary or the Broadcasting Board of Governors.

"(4) The Archivist may charge fees to recover the costs described in paragraphs (1) and (2), in accordance with section 2116(c) of title 44, United States Code. Such fees shall be paid into, administered, and expended as part of the National Archives Trust Fund.

"(c) Nothing in this section may be construed to require the Secretary or the Broadcasting Board of Governors to make material disseminated abroad available in any format other than in the format disseminated abroad.".

22 USC 1461 note.

(b) RULE OF CONSTRUCTION.—Nothing in this section, or in the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), may be construed to affect the allocation of funds appropriated or otherwise made specifically available for public diplomacy or to authorize appropriations for Broadcasting Board of Governors programming other than for foreign audiences abroad.

(c) FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1986 AND 1987.—Section 208 of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) is amended to read as follows:

"SEC. 208. CLARIFICATION ON DOMESTIC DISTRIBUTION OF PROGRAM MATERIAL.

"(a) IN GENERAL.—No funds authorized to be appropriated to the Department of State or the Broadcasting Board of Governors shall be used to influence public opinion in the United States. This section shall apply only to programs carried out pursuant to the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), the Radio Broadcasting to Cuba Act (22 U.S.C. 1465 et seq.), and the Television Broadcasting to Cuba Act (22 U.S.C. 1465aa et seq.). This section shall not prohibit or delay the Department of State or the Broadcasting Board of Governors from providing information about its operations, policies, programs, or program material, or making such available, to the media, public, or Congress, in accordance with other applicable law.

"(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit the Department of State or the Broadcasting Board of Governors from engaging in any medium or form of communication, either directly or indirectly, because a United States domestic audience is or may be thereby exposed to program material, or based on a presumption of such exposure. Such material may be made available within the United States and disseminated, when appropriate, pursuant to sections 502 and 1005 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1462 and 1437), except that nothing in this section may be construed to authorize the Department of State or the Broadcasting Board of Governors to disseminate within the United States any program material prepared for dissemination abroad on or before the effective date of section 1078 of the National Defense Authorization Act for Fiscal Year 2013.

"(c) APPLICATION.—The provisions of this section shall apply only to the Department of State and the Broadcasting Board of Governors and to no other department or agency of the Federal Government.".

(d) CONFORMING AMENDMENTS.—The United States Information and Educational Exchange Act of 1948 is amended—

(1) in section 502 (22 U.S.C. 1462)—

(A) by inserting "and the Broadcasting Board of Governors" after "Secretary"; and

(B) by inserting "or the Broadcasting Board of Governors" after "Department"; and

(2) in section 1005 (22 U.S.C. 1437), by inserting "and the Broadcasting Board of Governors" after "Secretary" each place it appears.

(e) EFFECTIVE DATE.—This section shall take effect and apply on the date that is 180 days after the date of the enactment of this section. 22 USC 1437 note.

SEC. 1079. COORDINATION FOR COMPUTER NETWORK OPERATIONS.

(a) BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing on the interagency process for coordinating and de-conflicting full-spectrum military cyber operations for the Federal Government. Deadline.

(b) ELEMENTS.— The briefing required under subsection (a) shall include a description of each of the following:

(1) The business processes and rules governing the interagency process for coordinating and de-conflicting full-spectrum military cyber operations.

(2) The membership and responsibilities of such interagency process.

(3) The current status of interagency guidance clarifying roles and responsibilities for full-spectrum military cyber operations.

(4) Plans for implementing the planning and guidance from such interagency process.

(c) BUDGET JUSTIFICATION DOCUMENTS.—The Secretary of Defense shall submit to the congressional defense committees dedicated budget documentation materials to accompany the budget submissions for fiscal year 2015 and each subsequent fiscal year, including a single Department of Defense-wide budget estimate and detailed budget planning data for full-spectrum military cyberspace operations. Such materials shall be submitted in unclassified form but may include a classified annex. 10 USC 221 note.

SEC. 1080. SENSE OF CONGRESS REGARDING UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.

It is the sense of Congress that—

(1) unauthorized disclosures of classified information can threaten the national security and foreign relations of the United States;

(2) the Department of Defense has taken positive steps toward improving its policies, procedures, and enforcement mechanisms regarding unauthorized disclosures of classified information and should continue to improve upon such policies, procedures, and enforcement mechanisms;

(3) other departments and agencies of the Federal Government should undertake similar efforts, if such departments and agencies have not already done so; and

(4) the Department of Justice should investigate possible violations of Federal law related to unauthorized disclosures of classified information, including disclosures related to military, intelligence, and operational capabilities of the United

States and allies of the United States and, in appropriate cases, individuals responsible for such unauthorized disclosures should be prosecuted to the full extent of the law.

SEC. 1081. TECHNICAL AMENDMENTS TO REPEAL STATUTORY REFERENCES TO UNITED STATES JOINT FORCES COMMAND.

Title 10, United States Code, is amended as follows:

(1)(A) Section 232 is repealed.

10 USC 221 prec.

(B) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 232.

(2) Section 2859(d) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraph (3) as paragraph (2).

(3) Section 10503(13)(B) is amended—

(A) by striking clause (iii); and

(B) redesignating clause (iv) as clause (iii).

SEC. 1082. SENSE OF CONGRESS ON NON-UNITED STATES CITIZENS WHO ARE GRADUATES OF UNITED STATES EDUCATIONAL INSTITUTIONS WITH ADVANCED DEGREES IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

It is the sense of Congress—

(1) that the Department of Defense should make every reasonable and practical effort to increase the number of United States citizens who pursue advanced degrees in science, technology, engineering, and mathematics; and

(2) to strongly urge the Department of Defense to investigate innovative mechanisms (subject to all appropriate security requirements) to access the pool of talent of non-United States citizens with advanced scientific and technical degrees from United States institutions of higher education, especially in those scientific and technical areas that are most vital to the national defense (such as those identified by the Assistant Secretary of Defense for Research and Engineering and the Armed Forces).

SEC. 1083. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

42 USC 285a–13.

"SEC. 417G. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.

"(a) DEVELOPMENT OF SCIENTIFIC FRAMEWORK.—

"(1) IN GENERAL.—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall develop (in accordance with subsection (c)) a scientific framework for the conduct or support of research on such cancer.

"(2) CONTENTS.—The scientific framework with respect to a recalcitrant cancer shall include the following:

"(A) CURRENT STATUS.—

"(i) REVIEW OF LITERATURE.—A summary of findings from the current literature in the areas of—

"(I) the prevention, diagnosis, and treatment of such cancer;

"(II) the fundamental biologic processes that regulate such cancer (including similarities and differences of such processes from the biological processes that regulate other cancers); and

"(III) the epidemiology of such cancer.

"(ii) SCIENTIFIC ADVANCES.—The identification of relevant emerging scientific areas and promising scientific advances in basic, translational, and clinical science relating to the areas described in subclauses (I) and (II) of clause (i).

"(iii) RESEARCHERS.—A description of the availability of qualified individuals to conduct scientific research in the areas described in clause (i).

"(iv) COORDINATED RESEARCH INITIATIVES.—The identification of the types of initiatives and partnerships for the coordination of intramural and extramural research of the Institute in the areas described in clause (i) with research of the relevant national research institutes, Federal agencies, and non-Federal public and private entities in such areas.

"(v) RESEARCH RESOURCES.—The identification of public and private resources, such as patient registries and tissue banks, that are available to facilitate research relating to each of the areas described in clause (i).

"(B) IDENTIFICATION OF RESEARCH QUESTIONS.—The identification of research questions relating to basic, translational, and clinical science in the areas described in subclauses (I) and (II) of subparagraph (A)(i) that have not been adequately addressed with respect to such recalcitrant cancer.

"(C) RECOMMENDATIONS.—Recommendations for appropriate actions that should be taken to advance research in the areas described in subparagraph (A)(i) and to address the research questions identified in subparagraph (B), as well as for appropriate benchmarks to measure progress on achieving such actions, including the following:

"(i) RESEARCHERS.—Ensuring adequate availability of qualified individuals described in subparagraph (A)(iii).

"(ii) COORDINATED RESEARCH INITIATIVES.—Promoting and developing initiatives and partnerships described in subparagraph (A)(iv).

"(iii) RESEARCH RESOURCES.—Developing additional public and private resources described in subparagraph (A)(v) and strengthening existing resources.

"(3) TIMING.—

"(A) INITIAL DEVELOPMENT AND SUBSEQUENT UPDATE.—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall— Deadlines.

"(i) develop a scientific framework under this subsection not later than 18 months after the date of the enactment of this section; and

"(ii) review and update the scientific framework not later than 5 years after its initial development.

"(B) OTHER UPDATES.—The Director of the Institute may review and update each scientific framework developed under this subsection as necessary.

"(4) PUBLIC NOTICE.—With respect to each scientific framework developed under subsection (a), not later than 30 days Deadline.

after the date of completion of the framework, the Director of the Institute shall—

"(A) submit such framework to the Committee on Energy and Commerce and Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and Committee on Appropriations of the Senate; and

Web posting.

"(B) make such framework publically available on the Internet website of the Department of Health and Human Services.

"(b) IDENTIFICATION OF RECALCITRANT CANCER.—

"(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Director of the Institute shall identify two or more recalcitrant cancers that each—

"(A) have a 5-year relative survival rate of less than 20 percent; and

"(B) are estimated to cause the death of at least 30,000 individuals in the United States per year.

"(2) ADDITIONAL CANCERS.—The Director of the Institute may, at any time, identify other recalcitrant cancers for purposes of this section. In identifying a recalcitrant cancer pursuant to the previous sentence, the Director may consider additional metrics of progress (such as incidence and mortality rates) against such type of cancer.

"(c) WORKING GROUPS.—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall convene a working group comprised of representatives of appropriate Federal agencies and other non-Federal entities to provide expertise on, and assist in developing, a scientific framework under subsection (a). The Director of the Institute (or the Director's designee) shall participate in the meetings of each such working group.

"(d) REPORTING.—

"(1) BIENNIAL REPORTS.—The Director of NIH shall ensure that each biennial report under section 403 includes information on actions undertaken to carry out each scientific framework developed under subsection (a) with respect to a recalcitrant cancer, including the following:

"(A) Information on research grants awarded by the National Institutes of Health for research relating to such cancer.

"(B) An assessment of the progress made in improving outcomes (including relative survival rates) for individuals diagnosed with such cancer.

"(C) An update on activities pertaining to such cancer under the authority of section 413(b)(7).

"(2) ADDITIONAL ONE-TIME REPORT FOR CERTAIN FRAMEWORKS.—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall, not later than 6 years after the initial development of a scientific framework under subsection (a), submit a report to the Congress on the effectiveness of the framework (including the update required by subsection (a)(3)(A)(ii)) in improving the prevention, detection, diagnosis, and treatment of such cancer.

"(e) RECOMMENDATIONS FOR EXCEPTION FUNDING.—The Director of the Institute shall consider each relevant scientific framework developed under subsection (a) when making recommendations for exception funding for grant applications.

"(f) DEFINITION.—In this section, the term 'recalcitrant cancer' means a cancer for which the five-year relative survival rate is below 50 percent.".

SEC. 1084. PROTECTION OF VETERANS' MEMORIALS.

(a) TRANSPORTATION OF STOLEN MATERIALS.—Section 2314 of title 18, United States Code, is amended—

(1) by striking "or any part thereof—" and inserting the following: "or any part thereof; or";

(2) by inserting before "Shall be fined under this title" the following:

"Whoever transports, transmits, or transfers in interstate or foreign commerce any veterans' memorial object, knowing the same to have been stolen, converted or taken by fraud—";

(3) by inserting after "under this section is greater." the following: "If the offense involves the transportation, transmission, or transfer in interstate or foreign commerce of veterans' memorial objects with a value, in the aggregate, of less than $1,000, the defendant shall be fined under this title or imprisoned not more than one year, or both."; and

(4) by adding at the end the following:

"For purposes of this section the term 'veterans' memorial object' means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance.". Definition.

(b) SALE OR RECEIPT OF STOLEN MEMORIALS.—Section 2315 of title 18, United States Code, is amended—

(1) by striking "or any part thereof—" and inserting the following: "or any part thereof; or"; and

(2) by inserting before "Shall be fined under this title" the following:

"'Whoever receives, possesses, conceals, stores, barters, sells, or disposes of any veterans' memorial object which has crossed a State or United States boundary after being stolen, unlawfully converted, or taken, knowing the same to have been stolen, unlawfully converted, or taken—'";

(3) by inserting after "under this section is greater." the following: "If the offense involves the receipt, possession, concealment, storage, barter, sale, or disposal of veterans' memorial objects with a value, in the aggregate, of less than $1,000, the defendant shall be fined under this title or imprisoned not more than one year, or both."; and

(4) by adding at the end the following: "For purposes of this section the term 'veterans' memorial object' means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance.".

SEC. 1085. SENSE OF CONGRESS REGARDING SPECTRUM.

It is the sense of Congress that—

(1) the United States mobile communications industry is a significant economic engine;

(2) while wireless carriers are continually implementing new and more efficient technologies and techniques to maximize their existing spectrum capacity, there is a pressing need for additional spectrum for mobile broadband services;

(3) as the United States faces the growing demand for spectrum, consideration should be given to both the supply of spectrum for licensed networks and for unlicensed devices;

(4) while such growing demand can be met in part by reallocating spectrum from existing non-governmental uses, the long-term solution must include reallocation and sharing of Federal Government spectrum for private sector use;

(5) recognizing the important uses of spectrum by the Federal Government, including for national security, law enforcement, and other critical Federal uses, existing law ensures that Federal operations are not harmed as a result of a reallocation of spectrum for commercial use, including through the establishment of the Spectrum Relocation Fund to reimburse Federal users for the costs of planning and implementing relocation and sharing arrangements and, with respect to spectrum vacated by the Department of Defense, certification under section 1062(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 768) by the Secretary of Defense, the Secretary of Commerce, and the Chairman of the Joint Chiefs of Staff that replacement spectrum provides comparable technical characteristics to restore essential military capability; and

(6) given the need to determine equitable outcomes for the United States in relation to spectrum use that balance the demand of the private sector for spectrum with national security and other critical Federal missions, all interested parties should be encouraged to continue the collaborative efforts between industry and government stakeholders that have been launched by the National Telecommunications and Information Administration to assess and recommend practical frameworks for the development of relocation, transition, and sharing arrangement and plans for 110 megahertz of Federal spectrum in the 1695–1710 MHz and the 1755–1850 MHz bands.

Dale Long Public Safety Officers' Benefits Improvements Act of 2012.
42 USC 3711.

SEC. 1086. PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "Dale Long Public Safety Officers' Benefits Improvements Act of 2012".

(b) BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS; MISCELLANEOUS AMENDMENTS.—

(1) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(A) in section 901(a) (42 U.S.C. 3791(a))—

(i) in paragraph (26), by striking "and" at the end;

(ii) in paragraph (27), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(28) the term 'hearing examiner' includes any medical or claims examiner.";

(B) in section 1201 (42 U.S.C. 3796)—

(i) in subsection (a), by striking "follows:" and all that follows and inserting the following: "follows (if the payee indicated is living on the date on which the determination is made)—

"(1) if there is no child who survived the public safety officer, to the surviving spouse of the public safety officer;

"(2) if there is at least 1 child who survived the public safety officer and a surviving spouse of the public safety officer, 50 percent to the surviving child (or children, in equal shares) and 50 percent to the surviving spouse;

"(3) if there is no surviving spouse of the public safety officer, to the surviving child (or children, in equal shares);

"(4) if there is no surviving spouse of the public safety officer and no surviving child—

"(A) to the surviving individual (or individuals, in shares per the designation, or, otherwise, in equal shares) designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

"(B) if there is no individual qualifying under subparagraph (A), to the surviving individual (or individuals, in equal shares) designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit;

"(5) if there is no individual qualifying under paragraph (1), (2), (3), or (4), to the surviving parent (or parents, in equal shares) of the public safety officer; or

"(6) if there is no individual qualifying under paragraph (1), (2), (3), (4), or (5), to the surviving individual (or individuals, in equal shares) who would qualify under the definition of the term 'child' under section 1204 but for age.";

(ii) in subsection (b)—

(I) by striking "direct result of a catastrophic" and inserting "direct and proximate result of a personal";

(II) by striking "pay," and all that follows through "the same" and inserting "pay the same";

(III) by striking "in any year" and inserting "to the public safety officer (if living on the date on which the determination is made)";

(IV) by striking "in such year, adjusted" and inserting "with respect to the date on which the catastrophic injury occurred, as adjusted";

(V) by striking ", to such officer";

(VI) by striking "the total" and all that follows through "For" and inserting "for"; and

(VII) by striking "That these" and all that follows through the period, and inserting "That the amount payable under this subsection shall be the amount payable as of the date of catastrophic injury of such public safety officer.";

(iii) in subsection (f)—

(I) in paragraph (1), by striking ", as amended (D.C. Code, sec. 4–622); or" and inserting a semicolon;

(II) in paragraph (2)—

(aa) by striking ". Such beneficiaries shall only receive benefits under such section 8191 that" and inserting ", such that beneficiaries

shall receive only such benefits under such section 8191 as"; and

(bb) by striking the period at the end and inserting "; or"; and

(III) by adding at the end the following:

"(3) payments under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107–42).";

(iv) by amending subsection (k) to read as follows:

"(k) As determined by the Bureau, a heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

"(1) the public safety officer, while on duty—

"(A) engages in a situation involving nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

"(B) participates in a training exercise involving nonroutine stressful or strenuous physical activity;

"(2) the heart attack, stroke, or vascular rupture commences—

"(A) while the officer is engaged or participating as described in paragraph (1);

"(B) while the officer remains on that duty after being engaged or participating as described in paragraph (1); or

Deadline.

"(C) not later than 24 hours after the officer is engaged or participating as described in paragraph (1); and

"(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer, unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors."; and

(v) by adding at the end the following:

Confidentiality.

"(n) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or executed life insurance policy for purposes of subsection (a)(4) shall maintain the confidentiality of the designation or policy in the same manner as the agency, organization, or unit maintains personnel or other similar records of the public safety officer.";

(C) in section 1202 (42 U.S.C. 3796a)—

(i) by striking "death", each place it appears except the second place it appears, and inserting "fatal"; and

(ii) in paragraph (1), by striking "or catastrophic injury" the second place it appears and inserting ", disability, or injury";

(D) in section 1203 (42 U.S.C. 3796a–1)—

(i) in the section heading, by striking "WHO HAVE DIED IN THE LINE OF DUTY" and inserting "WHO HAVE SUSTAINED FATAL OR CATASTROPHIC INJURY IN THE LINE OF DUTY"; and

(ii) by striking "who have died in the line of duty" and inserting "who have sustained fatal or catastrophic injury in the line of duty";

(E) in section 1204 (42 U.S.C. 3796b)—

(i) in paragraph (1), by striking "consequences of an injury that" and inserting "an injury, the direct and proximate consequences of which";

(ii) in paragraph (3)—

(I) in the matter preceding clause (i)—

(aa) by inserting "or permanently and totally disabled" after "deceased"; and

(bb) by striking "death" and inserting "fatal or catastrophic injury"; and

(II) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(iii) in paragraph (5)—

(I) by striking "post-mortem" each place it appears and inserting "post-injury";

(II) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(III) in subparagraph (B), as so redesignated, by striking "death" and inserting "fatal or catastrophic injury";

(iv) in paragraph (7), by striking "public employee member of a rescue squad or ambulance crew;" and inserting "employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

"(A) is a public agency; or

"(B) is (or is a part of) a nonprofit entity serving the public that—

"(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

"(ii) engages in rescue activities or provides emergency medical services as part of an official emergency response system;"; and

(v) in paragraph (9)—

(I) in subparagraph (A), by striking "as a chaplain, or as a member of a rescue squad or ambulance crew;" and inserting "or as a chaplain;";

(II) in subparagraph (B)(ii), by striking "or" after the semicolon;

(III) in subparagraph (C)(ii), by striking the period and inserting "; or"; and

(IV) by adding at the end the following:

"(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services.";

(F) in section 1205 (42 U.S.C. 3796c), by adding at the end the following:

"(d) Unless expressly provided otherwise, any reference in this part to any provision of law not in this part shall be understood to constitute a general reference under the doctrine of incorporation by reference, and thus to include any subsequent amendments to the provision.";

(G) in each of subsections (a) and (b) of section 1212 (42 U.S.C. 3796d–1), sections 1213 and 1214 (42 U.S.C. 3796d–2 and 3796d–3), and subsections (b) and (c) of section 1216 (42 U.S.C. 3796d–5), by striking "dependent" each place it appears and inserting "person";

(H) in section 1212 (42 U.S.C. 3796d–1)—

(i) in subsection (a)—

(I) in paragraph (1), in the matter preceding subparagraph (A), by striking "Subject" and all that follows through ", the" and inserting "The"; and

(II) in paragraph (3), by striking "reduced by" and all that follows through "(B) the amount" and inserting "reduced by the amount";

(ii) in subsection (c)—

(I) in the subsection heading, by striking "DEPENDENT"; and

(II) by striking "dependent";

(I) in paragraphs (2) and (3) of section 1213(b) (42 U.S.C. 3796d–2(b)), by striking "dependent's" each place it appears and inserting "person's";

(J) in section 1216 (42 U.S.C. 3796d–5)—

(i) in subsection (a), by striking "each dependent" each place it appears and inserting "a spouse or child"; and

(ii) by striking "dependents" each place it appears and inserting "a person"; and

(K) in section 1217(3)(A) (42 U.S.C. 3796d–6(3)(A)), by striking "described in" and all that follows and inserting "an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and".

(2) AMENDMENT RELATED TO EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.—Section 611(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c–1(a)) is amended by inserting "or an entity described in section 1204(7)(B) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(7)(B))" after "employed by such agency".

(3) CONFORMING AMENDMENTS.—The Internal Revenue Code of 1986 is amended—

26 USC 402.

(A) in section 402(l)(4)(C), by inserting before the period at the end the following: ", as in effect immediately before the enactment of the National Defense Authorization Act for Fiscal Year 2013"; and

26 USC 101.

(B) in section 101(h)(1), by inserting after "1968" the following: ", as in effect immediately before the enactment of the National Defense Authorization Act for Fiscal Year 2013".

(c) AUTHORIZATION OF APPROPRIATIONS; DETERMINATIONS; APPEALS.—The matter under the heading "PUBLIC SAFETY OFFICERS BENEFITS" under the heading "OFFICE OF JUSTICE PROGRAMS" under title II of division B of the Consolidated Appropriations Act, 2008

(Public Law 110–161; 121 Stat. 1912; 42 U.S.C. 3796c–2) is amended—

(1) by striking "decisions" and inserting "determinations";

(2) by striking "(including those, and any related matters, pending)"; and

(3) by striking the period at the end and inserting the following: ": *Provided further,* That, on and after the date of enactment of the Dale Long Public Safety Officers' Benefits Improvements Act of 2012, as to each such statute—

"(1) the provisions of section 1001(a)(4) of such title I (42 U.S.C. 3793(a)(4)) shall apply;

Applicability.

"(2) payment (consistent with section 611 of the Uniting and Strengthening America By Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c-1)) shall be made only upon a determination by the Bureau that the facts legally warrant the payment; and

"(3) any reference to section 1202 of such title I shall be deemed to be a reference to paragraphs (2) and (3) of such section 1202:

Provided further, That, on and after the date of enactment of the Dale Long Public Safety Officers' Benefits Improvements Act of 2012, no appeal shall bring any final determination of the Bureau before any court for review unless notice of appeal is filed (within the time specified herein and in the manner prescribed for appeal to United States courts of appeals from United States district courts) not later than 90 days after the date on which the Bureau serves notice of the final determination: *Provided further,* That any regulations promulgated by the Bureau under such part (or any such statute) before, on, or after the date of enactment of the Dale Long Public Safety Officers' Benefits Improvements Act of 2012 shall apply to any matter pending on, or filed or accruing after, the effective date specified in the regulations.".

Effective date.
Determination.
Notice.
Deadline.

Regulations.
Applicability.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (1), the amendments made by this section shall—

Applicability.
42 USC 3791 note.

(A) take effect on the date of enactment of this Act; and

(B) apply to any matter pending, before the Bureau of Justice Assistance or otherwise, on the date of enactment of this Act, or filed or accruing after that date.

(2) EXCEPTIONS.—

(A) RESCUE SQUADS AND AMBULANCE CREWS.—For a member of a rescue squad or ambulance crew (as defined in section 1204(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this section), the amendments made by this Act shall apply to injuries sustained on or after June 1, 2009.

(B) HEART ATTACKS, STROKES, AND VASCULAR RUPTURES.—Section 1201(k) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this section, shall apply to heart attacks, strokes, and vascular ruptures sustained on or after December 15, 2003.

SEC. 1087. REMOVAL OF ACTION.

Section 1442 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

"(c) Solely for purposes of determining the propriety of removal under subsection (a), a law enforcement officer, who is the defendant in a criminal prosecution, shall be deemed to have been acting under the color of his office if the officer—

"(1) protected an individual in the presence of the officer from a crime of violence;

"(2) provided immediate assistance to an individual who suffered, or who was threatened with, bodily harm; or

"(3) prevented the escape of any individual who the officer reasonably believed to have committed, or was about to commit, in the presence of the officer, a crime of violence that resulted in, or was likely to result in, death or serious bodily injury.

Definitions.

"(d) In this section, the following definitions apply:

"(1) The terms 'civil action' and 'criminal prosecution' include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court.

"(2) The term 'crime of violence' has the meaning given that term in section 16 of title 18.

"(3) The term 'law enforcement officer' means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5 and any special agent in the Diplomatic Security Service of the Department of State.

"(4) The term 'serious bodily injury' has the meaning given that term in section 1365 of title 18.

"(5) The term 'State' includes the District of Columbia, United States territories and insular possessions, and Indian country (as defined in section 1151 of title 18).

"(6) The term 'State court' includes the Superior Court of the District of Columbia, a court of a United States territory or insular possession, and a tribal court.".

SEC. 1088. TRANSPORT FOR FEMALE GENITAL MUTILATION.

Section 116 of title 18, United States Code, is amended by adding at the end the following:

Penalty.

"(d) Whoever knowingly transports from the United States and its territories a person in foreign commerce for the purpose of conduct with regard to that person that would be a violation of subsection (a) if the conduct occurred within the United States, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.".

SEC. 1089. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

Chapter 44 of title 18, United States Code, is amended—

(1) in section 926B—

(A) in subsection (c)(1), by inserting "or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)" after "arrest";

(B) in subsection (d), by striking "as a law enforcement officer" and inserting "that identifies the employee as a police officer or law enforcement officer of the agency"; and

(C) in subsection (f), by inserting "or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)" after "arrest"; and

(2) in section 926C—

(A) in subsection (c)(2), by inserting "or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)" after "arrest"; and

(B) in subsection (d)—

(i) in paragraph (1), by striking "that indicates" and inserting "that identifies the person as having been employed as a police officer or law enforcement officer and indicates"; and

(ii) in paragraph (2)(A), by inserting "that identifies the person as having been employed as a police officer or law enforcement officer" after "officer".

SEC. 1090. REAUTHORIZATION OF SALE OF AIRCRAFT AND PARTS FOR WILDFIRE SUPPRESSION PURPOSES.

Section 2 of the Wildfire Suppression Aircraft Transfer Act of 1996 (10 U.S.C. 2576 note) is amended—

(1) in subsection (a), by striking "during the period beginning on October 1, 1996, and ending on September 30, 2005" and inserting "during a period specified in subsection (g)";

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

"(g) PERIODS FOR EXERCISE OF AUTHORITY.—The periods specified in this subsection are the following:

"(1) The period beginning on October 1, 1996, and ending on September 30, 2005.

"(2) The period beginning on October 1, 2012, and ending on September 30, 2017.".

SEC. 1091. TRANSFER OF EXCESS AIRCRAFT TO OTHER DEPARTMENTS OF THE FEDERAL GOVERNMENT.

10 USC 2576 note.

(a) TRANSFER.—The Secretary of Defense may transfer excess aircraft specified in subsection (b) to the Secretary of Agriculture and the Secretary of Homeland Security for use by the Forest Service and the United States Coast Guard. The transfer of any excess aircraft under this subsection shall be without reimbursement.

(b) AIRCRAFT.—The aircraft transferred under subsection (a) are aircraft of the Department of Defense that are—

(1) identified by the Forest Service or the United States Coast Guard as a suitable platform to carry out their respective missions;

(2) excess to the needs of the Department of Defense, as determined by the Secretary of Defense;

(3) in the case of aircraft to be transferred to the Secretary of Agriculture, acceptable for use by the Forest Service, as determined by the Secretary of Agriculture; and

(4) in the case of aircraft to be transferred to the Secretary of Homeland Security, acceptable for use by the United States Coast Guard, as determined by the Secretary of Homeland Security.

(c) LIMITATION ON NUMBER.—

(1) LIMITATION.—Except as provided in paragraph (2), the number of aircraft that may be transferred under subsection (a) to each of the Secretary of Agriculture and the Secretary of Homeland Security may not exceed seven aircraft for each agency.

(2) TERMINATION OF LIMITATION AFTER OFFICIAL NOTICE OF INTENT TO ACCEPT OR DECLINE SEVEN AIRCRAFT.—The limitation in paragraph (1) on the number of aircraft transferrable under subsection (a) shall cease upon official notice to the Secretary of Defense, from the Secretary of Agriculture, and the Secretary of Homeland Security that the Secretary's respective department will decline or accept seven aircraft.

(d) ORDER OF TRANSFERS.—

(1) RIGHTS OF REFUSAL.—In implementing the transfers authorized by subsection (a), the Secretary of Defense shall afford the Secretary of Agriculture the right of first refusal and the Secretary of Homeland Security the second right of refusal in the transfer to each department by the Secretary of Defense of up to seven excess aircraft specified in subsection (b) before the transfer of such excess aircraft is offered to any other department or agency of the Federal Government.

(2) EXPIRATION OF RIGHT OF FIRST REFUSAL.—The right of first refusal afforded the Secretary of Agriculture by paragraph (1) shall expire upon official notice of the Secretary to the Secretary of Defense under subsection (c)(2).

(e) CONDITIONS OF CERTAIN TRANSFERS.—Excess aircraft transferred to the Secretary of Agriculture under subsection (a)—

(1) may be used only for wildfire suppression purposes; and

(2) may not be flown or otherwise removed from the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes approved by the Secretary of Agriculture in writing in advance.

(f) ADDITIONAL LIMITATION.—Excess aircraft transferred under subsection (a) may not be sold by the Secretary of Agriculture or the Secretary of Homeland Security after transfer.

(g) COSTS AFTER TRANSFER.—Any costs of operation, maintenance, sustainment, and disposal of excess aircraft transferred under subsection (a) after the date of transfer shall be borne by the Secretary of Agriculture and the Secretary of Homeland Security, as applicable.

TITLE XI—CIVILIAN PERSONNEL MATTERS

Sec. 1101. One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas.
Sec. 1102. Expansion of experimental personnel program for scientific and technical personnel at the Defense Advanced Research Projects Agency.
Sec. 1103. Extension of authority to fill shortage category positions for certain Federal acquisition positions for civilian agencies.
Sec. 1104. One-year extension of discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone.
Sec. 1105. Policy on senior mentors.
Sec. 1106. Authority to pay for the transport of family household pets for Federal employees during certain evacuation operations.
Sec. 1107. Interagency personnel rotations.

SEC. 1101. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.

Effective January 1, 2013, section 1101(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4615), as most recently amended by section 1104 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1612), is further amended by striking "through 2012" and inserting "through 2013". Effective date.

SEC. 1102. EXPANSION OF EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL AT THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.

(a) EXPANSION.—Section 1101(b)(1)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note) is amended by striking "40" and inserting "60".

(b) CONSTRUCTION.—The amendment made by subsection (a) shall not be construed as affecting any applicable authorization or delimitation of the numbers of personnel that may be employed at the Defense Advanced Research Projects Agency. 5 USC 3104 note.

SEC. 1103. EXTENSION OF AUTHORITY TO FILL SHORTAGE CATEGORY POSITIONS FOR CERTAIN FEDERAL ACQUISITION POSITIONS FOR CIVILIAN AGENCIES.

Section 1703(j)(2) of title 41, United States Code, is amended by striking "September 30, 2012" and inserting "September 30, 2017".

SEC. 1104. ONE-YEAR EXTENSION OF DISCRETIONARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4616) and amended by section 1112 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1616), is further amended by striking "2013" and inserting "2014".

SEC. 1105. POLICY ON SENIOR MENTORS. 5 USC 9903 note.

(a) IN GENERAL.—The Secretary of Defense shall provide written notice to the congressional defense committees at least 60 days before implementing any change in the policy regarding senior mentors issued on or about April 1, 2010. Notice. Time period.

(b) APPLICABILITY.—Changes implemented before the date of the enactment of this Act shall not be affected by this section.

SEC. 1106. AUTHORITY TO PAY FOR THE TRANSPORT OF FAMILY HOUSEHOLD PETS FOR FEDERAL EMPLOYEES DURING CERTAIN EVACUATION OPERATIONS.

Section 5725 of title 5, United States Code, is amended—

(1) in subsection (a), in the matter following paragraph (2), by striking "and personal effects," and inserting ", personal effects, and family household pets,"; and

(2) by adding at the end the following:

"(c)(1) The expenses authorized under subsection (a) shall, with respect to the transport of family household pets, include the expenses for the shipment of and the payment of any quarantine costs for such pets.

"(2) Any payment or reimbursement under this section in connection with the transport of family household pets shall be subject to terms and conditions which—

"(A) the head of the agency shall by regulation prescribe; and

"(B) shall, to the extent practicable, be the same as would apply under regulations prescribed under section 476(b)(1)(H)(iii) of title 37 in connection with the transport of family household pets of members of the uniformed services, including regulations relating to the types, size, and number of pets for which such payment or reimbursement may be provided.".

5 USC prec. 101 note.

SEC. 1107. INTERAGENCY PERSONNEL ROTATIONS.

(a) FINDING AND PURPOSE.—

(1) FINDING.—Congress finds that the national security and homeland security challenges of the 21st century require that executive branch personnel use a whole-of-Government approach in order for the United States Government to operate in the most effective and efficient manner.

(2) PURPOSE.—The purpose of this section is to increase the efficiency and effectiveness of the Government by fostering greater interagency experience among executive branch personnel on national security and homeland security matters involving more than 1 agency.

(b) COMMITTEE ON NATIONAL SECURITY PERSONNEL.—

(1) ESTABLISHMENT.—There is established a Committee on National Security Personnel within the Executive Office of the President.

(2) MEMBERSHIP.—The members of the Committee shall include—

(A) designees of the Director of the Office of Management and Budget, the Director of the Office of Personnel Management, the Assistant to the President for National Security Affairs, the Secretary of Defense, the Secretary of State, and the Secretary of Homeland Security (1 member to be designated by each); and

(B) such other members as the President shall designate.

(c) PROGRAM ESTABLISHED.—

Deadline. Policies. Processes. Procedures.

(1) Not later than 270 days after the date of the enactment of this Act, the Committee on National Security Personnel, in consultation with representatives of such other agencies as the Committee determines to be appropriate, shall develop and issue a National Security Human Capital Strategy providing policies, processes, and procedures for a program for the interagency rotation of personnel among positions within National Security Interagency Communities of Interest.

(2) The strategy required by paragraph (1) shall, at a minimum—

(A) identify specific Interagency Communities of Interest for the purpose of carrying out the program;

(B) designate agencies to be included or excluded from the program;

(C) define categories of positions to be covered by the program;

(D) establish processes by which the heads of relevant agencies may identify—

(i) positions in Interagency Communities of Interest that are available for rotation under the program; and

(ii) individual employees who are available to participate in rotational assignments under the program; and

(E) promulgate procedures for the program, including—

(i) any minimum or maximum periods of service for participation in the program;

(ii) any training and education requirements associated with participation in the program;

(iii) any prerequisites or requirements for participation in the program; and

(iv) appropriate performance measures, reporting requirements, and other accountability devices for the evaluation of the program.

(d) PROGRAM REQUIREMENTS.—The policies, processes, and procedures established pursuant to subsection (c) shall, at a minimum, provide that—

(1) during each of the first 4 fiscal years after the fiscal year in which this Act is enacted—

(A) the interagency rotation program shall be carried out in at least 2 Interagency Communities of Interest, of which 1 shall be an Interagency Community of Interest for emergency management and 1 shall be an Interagency Community of Interest for stabilization and reconstruction; and

(B) not fewer than 20 employees in the executive branch of the Government shall be assigned to participate in the interagency personnel rotation program;

(2) an employee's participation in the interagency rotation program shall require the consent of the head of the agency and shall be voluntary on the part of the employee;

(3) employees selected to perform interagency rotational service are selected in a fully open and competitive manner that is consistent with the merit system principles set forth in paragraphs (1) and (2) of section 2301(b) of title 5, United States Code, unless the Interagency Community of Interest position is otherwise exempt under another provision of law;

(4) an employee performing service in a position in another agency pursuant to the program established under this section shall be entitled to return, within a reasonable period of time after the end of the period of service, to the position held by the employee, or a corresponding or higher position, in his or her employing agency;

(5) an employee performing interagency rotational service shall have all the rights that would be available to the employee if the employee were detailed or assigned under a provision of law other than this section from the agency employing the employee to the agency in which the position in which the employee is serving is located; and

(6) an employee participating in the program shall receive performance evaluations from officials in his or her employing agency that are based on input from the supervisors of the employee during his or her service in the program that are based primarily on the contribution of the employee to the work of the agency in which the employee performed such service, and these performance evaluations shall be provided the same weight in the receipt of promotions and other rewards by the employee from the employing agency as performance evaluations for service in the employing agency.

(e) SELECTION OF INDIVIDUALS TO FILL SENIOR POSITIONS.—The head of each agency participating in the program established pursuant to subsection (c) shall ensure that, in selecting individuals to fill senior positions within an Interagency Community of Interest, the agency gives a strong preference to individuals who have performed interagency rotational service within the Interagency Community of Interest pursuant to such program.

(f) INTERAGENCY COMMUNITY OF INTEREST DEFINED.—As used in this section, the term "National Security Interagency Community of Interest" or "Interagency Community of Interest" means the positions in the executive branch of the Government that, as determined by the Committee on National Security Personnel—

(1) as a group are positions within multiple agencies of the executive branch of the Government; and

(2) have significant responsibility for the same substantive, functional, or regional subject area related to national security or homeland security that requires integration of the positions and activities in that area across multiple agencies to ensure that the executive branch of the Government operates as a single, cohesive enterprise to maximize mission success and minimize cost.

(g) REPORT ON PERFORMANCE MEASURES.—Not later than the end of the 2nd fiscal year after the fiscal year in which this Act is enacted, the Committee on National Security Personnel shall assess the performance measures described in subsection (c)(2)(E)(iv) and issue a report to Congress on the assessment of those performance measures.

Deadline.

(h) GAO REVIEW.—Not later than the end of the 2nd fiscal year after the fiscal year in which this Act is enacted, the Comptroller General of the United States shall submit to Congress a report assessing the implementation and effectiveness of the interagency rotation program established pursuant to this section. The report required by this section shall address, at a minimum—

(1) the extent to which the requirements of this section have been implemented by the Committee on National Security Personnel and by national security agencies;

(2) the extent to which national security agencies have participated in the program established pursuant to this section, including whether the heads of such agencies have—

(A) identified positions within the agencies that are National Security Interagency Communities of Interest and had employees from other agencies serve in rotational assignments in such positions; and

(B) identified employees who are eligible for rotational assignments in National Security Interagency Communities of Interest and had such employees serve in rotational assignments in other agencies;

(3) the extent to which employees serving in rotational assignments under the program established pursuant to this section have benefitted from such assignments, including an assessment of—

(A) the period of service;

(B) the duties performed by the employees during such service;

(C) the value of the training and experience gained by participating employees through such service; and

(D) the positions (including grade level) held by employees before and after completing interagency rotational service under this section; and

(4) the extent to which interagency rotational service under this section has improved or is expected to improve interagency integration and coordination within National Security Interagency Communities of Interest.

(i) EXCLUSION.—This section shall not apply to any element of the intelligence community, as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Sec. 1201. Modification and extension of authorities relating to program to build the capacity of foreign military forces.
Sec. 1202. Extension of authority for non-reciprocal exchanges of defense personnel between the United States and foreign countries.
Sec. 1203. Authority to build the capacity of certain counterterrorism forces in Yemen and East Africa.
Sec. 1204. Limitation on activities under State Partnership Program pending compliance with certain program-related requirements.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

Sec. 1211. Authority to support operations and activities of the Office of Security Cooperation in Iraq.
Sec. 1212. Report on insider attacks in Afghanistan and their effect on the United States transition strategy for Afghanistan.
Sec. 1213. United States military support in Afghanistan.
Sec. 1214. Modification of report on progress toward security and stability in Afghanistan.
Sec. 1215. Independent assessment of the Afghan National Security Forces.
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Sec. 1217. Report on Afghanistan Peace and Reintegration Program.
Sec. 1218. One-year extension of authority to use funds for reintegration activities in Afghanistan.
Sec. 1219. One-year extension and modification of authority for program to develop and carry out infrastructure projects in Afghanistan.
Sec. 1220. Report on updates and modifications to campaign plan for Afghanistan.
Sec. 1221. Commanders' Emergency Response Program in Afghanistan.
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Sec. 1223. Report on efforts to promote the security of Afghan women and girls during the security transition process.
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Sec. 1225. Consultations with Congress on a bilateral security agreement with Afghanistan.
Sec. 1226. Completion of transition of United States combat and military and security operations to the Government of Afghanistan.
Sec. 1227. Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations.

Sec. 1228. Extension and modification of Pakistan Counterinsurgency Fund.

Subtitle C—Matters Relating to Iran

Sec. 1231. Report on United States capabilities in relation to China, North Korea, and Iran.
Sec. 1232. Report on military capabilities of Gulf Cooperation Council members.
Sec. 1233. Sense of Congress with respect to Iran.
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Subtitle D—Iran Sanctions

Sec. 1241. Short title.
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Sec. 1244. Imposition of sanctions with respect to the energy, shipping, and shipbuilding sectors of Iran.
Sec. 1245. Imposition of sanctions with respect to the sale, supply, or transfer of certain materials to or from Iran.
Sec. 1246. Imposition of sanctions with respect to the provision of underwriting services or insurance or reinsurance for activities or persons with respect to which sanctions have been imposed.
Sec. 1247. Imposition of sanctions with respect to foreign financial institutions that facilitate financial transactions on behalf of specially designated nationals.
Sec. 1248. Impositions of sanctions with respect to the Islamic Republic of Iran Broadcasting.
Sec. 1249. Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran.
Sec. 1250. Waiver requirement related to exceptional circumstances preventing significant reductions in crude oil purchases.
Sec. 1251. Statute of limitations for civil actions regarding terrorist acts.
Sec. 1252. Report on use of certain Iranian seaports by foreign vessels and use of foreign airports by sanctioned Iranian air carriers.
Sec. 1253. Implementation; penalties.
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Sec. 1255. Rule of construction.

Subtitle E—Satellites and Related Items

Sec. 1261. Removal of satellites and related items from the United States Munitions List.
Sec. 1262. Report on licenses and other authorizations to export certain satellites and related items.
Sec. 1263. Report on country exemptions for licensing of exports of certain satellites and related items.
Sec. 1264. End-use monitoring of certain satellites and related items.
Sec. 1265. Interagency review of modifications to Category XV of the United States Munitions List.
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Subtitle F—Other Matters

Sec. 1271. Additional elements in annual report on military and security developments involving the People's Republic of China.
Sec. 1272. NATO Special Operations Headquarters.
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Sec. 1274. Administration of the American, British, Canadian, and Australian Armies' Program.
Sec. 1275. United States participation in Headquarters Eurocorps.
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Sec. 1277. Prohibition on use of funds to enter into contracts or agreements with Rosoboronexport.
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Sec. 1280. United States Advisory Commission on Public Diplomacy.
Sec. 1281. Sense of Congress on sale of aircraft to Taiwan.
Sec. 1282. Briefings on dialogue between the United States and the Russian Federation on nuclear arms, missile defense systems, and long-range conventional strike systems.
Sec. 1283. Sense of Congress on efforts to remove or apprehend Joseph Kony from the battlefield and end the atrocities of the Lord's Resistance Army.

Sec. 1284. Imposition of sanctions with respect to support for the rebel group known as M23.
Sec. 1285. Pilot program on repair, overhaul, and refurbishment of defense articles for sale or transfer to eligible foreign countries and entities.
Sec. 1286. Sense of Congress on the situation in the Senkaku Islands.

Subtitle G—Reports

Sec. 1291. Review and reports on Department of Defense efforts to build the capacity of and partner with foreign security forces.
Sec. 1292. Additional report on military and security developments involving the Democratic People's Republic of Korea.
Sec. 1293. Report on host nation support for overseas United States military installations and United States Armed Forces deployed in country.
Sec. 1294. Report on military activities to deny or significantly degrade the use of air power against civilian and opposition groups in Syria.
Sec. 1295. Report on military assistance provided by Russia to Syria.

Subtitle A—Assistance and Training

SEC. 1201. MODIFICATION AND EXTENSION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) INCLUSION OF SMALL-SCALE MILITARY CONSTRUCTION ACTIVITIES AMONG AUTHORIZED ELEMENTS.—

(1) IN GENERAL.—Subsection (b)(1) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3457), as amended by section 1206(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418), is further amended by striking "equipment, supplies, and training" and inserting "equipment, supplies, training, and small-scale military construction activities".

(2) LIMITATION ON AVAILABILITY OF FUNDS.—Subsection (c) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006, as most recently amended by section 1204(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1621), is further amended by adding at the end the following new paragraph:

"(6) LIMITATION ON AVAILABILITY OF FUNDS FOR SMALL-SCALE MILITARY CONSTRUCTION ACTIVITIES.—Of amounts available under this subsection for the authority in subsection (a) for a fiscal year—

"(A) not more than $750,000 may be obligated or expended for small-scale military construction activities under a program authorized under subsection (a); and

"(B) not more than $25,000,000 may be obligated or expended for small-scale military construction activities under all programs authorized under subsection (a).".

(b) MODIFICATION OF NOTICE.—Subsection (e)(2) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006, as amended by section 1206(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007, is further amended by adding at the end the following new subparagraph:

"(D) Detailed information (including the amount and purpose) on the assistance provided the country during the three preceding fiscal years under each of the following programs, accounts, or activities:

"(i) A program under this section.

"(ii) The Foreign Military Financing program under the Arms Export Control Act.

"(iii) Peacekeeping Operations.

"(iv) The International Narcotics Control and Law Enforcement (INCLE) program under section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291).

"(v) Nonproliferation, Anti-Terrorism, Demining, and Related Programs (NADR).

"(vi) Counterdrug activities authorized by section 1004 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note) and section 1033 of the National Defense Authorization Act for Fiscal Year 1998.".

(c) EXTENSION.—

(1) IN GENERAL.—Subsection (g) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006, as most recently amended by section 1204(c) of the National Defense Authorization Act for Fiscal Year 2012 (125 Stat. 1622), is further amended—

(A) by striking "September 30, 2013" and inserting "September 30, 2014"; and

(B) by striking "fiscal years 2006 through 2013" and inserting "fiscal years 2006 through 2014".

(2) TEMPORARY LIMITATION ON AMOUNT FOR CAPACITY FOR PARTICIPATION IN OR SUPPORT OF MILITARY AND STABILITY OPERATIONS.—Subsection (c)(5) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006, as most recently amended by section 1204(a) of the National Defense Authorization Act for Fiscal Year 2012, is further amended by striking "fiscal years 2102 and 2013" and inserting "fiscal years 2012, 2013, and 2014".

Applicability.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to any country in which activities are initiated under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 on or after that date.

SEC. 1202. EXTENSION OF AUTHORITY FOR NON-RECIPROCAL EXCHANGES OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.

Section 1207(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2514; 10 U.S.C. 168 note) is amended by striking "September 30, 2012" and inserting "September 30, 2016".

SEC. 1203. AUTHORITY TO BUILD THE CAPACITY OF CERTAIN COUNTERTERRORISM FORCES IN YEMEN AND EAST AFRICA.

(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance as follows:

(1) To enhance the ability of the Yemen Ministry of Interior Counter Terrorism Forces to conduct counterterrorism operations against al Qaeda in the Arabian Peninsula and its affiliates.

(2) To enhance the capacity of the national military forces, security agencies serving a similar defense function, other counterterrorism forces, and border security forces of Djibouti, Ethiopia, and Kenya to conduct counterterrorism operations against al Qaeda, al Qaeda affiliates, and al Shabaab.

(3) To enhance the capacity of national military forces participating in the African Union Mission in Somalia to conduct counterterrorism operations against al Qaeda, al Qaeda affiliates, and al Shabaab.

(b) TYPES OF ASSISTANCE.—

(1) AUTHORIZED ELEMENTS.—Assistance under subsection (a) may include the provision of equipment, supplies, training, and minor military construction.

(2) REQUIRED ELEMENTS.—Assistance under subsection (a) shall be provided in a manner that promotes—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority in the country receiving such assistance.

(3) ASSISTANCE OTHERWISE PROHIBITED BY LAW.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in this subsection that is otherwise prohibited by any other provision of law.

(4) LIMITATIONS ON MINOR MILITARY CONSTRUCTION.—The total amount that may be obligated and expended on minor military construction under subsection (a) in any fiscal year may not exceed amounts as follows:

(A) In the case of minor military construction under paragraph (1) of subsection (a), $10,000,000.

(B) In the case of minor military construction under paragraphs (2) and (3) of subsection (a), $10,000,000.

(c) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to be appropriated for a fiscal year for the Department of Defense for operation and maintenance—

(A) not more than $75,000,000 may be used to provide assistance under paragraph (1) of subsection (a); and

(B) not more than $75,000,000 may used to provide assistance under paragraphs (2) and (3) of subsection (a).

(2) AVAILABILITY OF FUNDS FOR ASSISTANCE ACROSS FISCAL YEARS.—Amounts available under this subsection for the authority in subsection (a) for a fiscal year may be used for assistance under that authority that begins in such fiscal year but ends in the next fiscal year.

(d) NOTICE TO CONGRESS.—

(1) IN GENERAL.—Not later than 30 days before providing assistance under subsection (a), the Secretary of Defense shall submit to the committees of Congress specified in paragraph (2) a notice setting forth the assistance to be provided, including the types of such assistance, the budget for such assistance, and the completion date for the provision of such assistance. Deadline.

(2) COMMITTEES OF CONGRESS.—The committees of Congress specified in this paragraph are—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(e) EXPIRATION.—Except as provided in subsection (c)(2), the authority provided under subsection (a) may not be exercised after the earlier of—

(1) the date on which the Global Security Contingency Fund achieves full operational capability; or

(2) September 30, 2014.

SEC. 1204. LIMITATION ON ACTIVITIES UNDER STATE PARTNERSHIP PROGRAM PENDING COMPLIANCE WITH CERTAIN PROGRAM-RELATED REQUIREMENTS.

Deadline.
32 USC 107 note.

(a) LIMITATION.—If both requirements specified in subsection (b) are not met as of February 28, 2013, no activities may be carried out under the State Partnership Program after that date until both requirements are met.

(b) REQUIREMENTS.—The requirements specified in this subsection are the following:

Regulations.

(1) The requirement for the Secretary of Defense to submit to the appropriate congressional committees the final regulations required by subsection (a) of section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note).

Certification.

(2) A requirement for the Secretary of Defense to certify to the appropriate congressional committees that appropriate modifications have been made, and appropriate controls have been instituted, to ensure the compliance of the Program with section 1341 of title 31, United States Code (commonly referred to as the "Anti-Deficiency Act"), in the future.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" has the meaning given that term in subsection (d) of section 1210 of the National Defense Authorization Act for Fiscal Year 2010.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1211. AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

10 USC 113 note.

(a) LIMITATION ON AMOUNT.—Subsection (c) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1631) is amended by inserting at the end before the period the following: "and in fiscal year 2013 may not exceed $508,000,000".

(b) SOURCE OF FUNDS.—Subsection (d) of such section is amended—

(1) by inserting "or fiscal year 2013" after "fiscal year 2012"; and

(2) by striking "that fiscal year" and inserting "fiscal year 2012 or 2013, as the case may be,".

(c) ADDITIONAL AUTHORITY FOR THE ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.—Such section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection (f):

"(f) ADDITIONAL AUTHORITY FOR ACTIVITIES OF OSCI.—During fiscal year 2013, the Secretary of Defense, with the concurrence of the Secretary of State, may authorize the Office of Security Cooperation in Iraq to conduct non-operational training activities in support of Iraqi Ministry of Defense and Counter Terrorism

Service personnel in an institutional environment to address capability gaps, integrate processes relating to intelligence, air sovereignty, combined arms, logistics and maintenance, and to manage and integrate defense-related institutions.".

(d) REPORT.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report on the activities of the Office of Security Cooperation in Iraq.

(2) MATTERS TO BE INCLUDED.—The report shall include the following:

(A) A description, in unclassified form (but with a classified annex if appropriate), of any capability gaps in the security forces of Iraq, including capability gaps relating to intelligence matters, protection of Iraq airspace, and logistics and maintenance.

(B) A description of the extent, if any, to which the programs of the Office of Security Cooperation in Iraq, in conjunction with other United States programs such as the Foreign Military Financing program, the Foreign Military Sales program, and joint training exercises, will address the capability gaps described in subparagraph (A) if the Government of Iraq requests assistance in addressing such capability gaps.

(C) A detailed discussion of the current manpower, budget, and authorities of the Office of Security Cooperation in Iraq.

(D) A detailed plan for the transition of the costs of the activities of the Office of Security Cooperation in Iraq to Foreign Military Sales case funding by September 30, 2014, and a detailed description of the planned manpower, budget, and authorities of the Office to implement such a plan.

(E) A description of existing authorities available to be used to cover the costs of training the Iraqi Security Forces, including a list of specific training activities and number of associated personnel that the Secretary of Defense determines cannot be conducted under any existing authority not provided by this section.

(F) A description of those measures of effectiveness that will be used to evaluate the activities of the Office of Security Cooperation in Iraq and a discussion of the process that will use those measures of effectiveness to make determinations if specific activities of the Office should be expanded, altered, or terminated.

(3) UPDATE REQUIRED.—Not later than September 30, 2013, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees an update of the report required by paragraph (1), including a description of any changes to any specific element or process described in subparagraphs (A) through (F) of paragraph (2).

Deadline.
Consultation.

(4) DEFINITION.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1212. REPORT ON INSIDER ATTACKS IN AFGHANISTAN AND THEIR EFFECT ON THE UNITED STATES TRANSITION STRATEGY FOR AFGHANISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) to the maximum extent possible and consistent with the commander's professional judgment and the requirements of the mission, the United States military should conduct local force protection for its troops on bases where such troops are garrisoned or housed in Afghanistan;

(2) the increase in attacks and associated threats by Afghanistan National Security Forces personnel, Afghanistan National Security Forces impersonators, and private security contractors against United States, Afghanistan, and coalition military and civilian personnel raises concerns about the force protection for United States troops in Afghanistan and the procedures for screening, vetting, and monitoring Afghanistan National Security Forces personnel and Afghan Public Protection Force personnel;

(3) the Department of Defense and the Government of Afghanistan are making efforts to address the threat of such attacks and associated threats, but continued leadership will be required; and

(4) the North Atlantic Treaty Organization/International Security Assistance Force and the Government of Afghanistan should establish a program to continue to enhance vetting of Afghanistan National Security Forces and Afghan Public Protection Force recruits, to monitor the Afghanistan National Security Forces and the Afghan Public Protection Force personnel, and to re-assess Afghanistan National Security Forces and Afghan Public Protection Force personnel as required.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Commander of North Atlantic Treaty Organization/International Security Assistance Force forces in Afghanistan, submit to Congress a report on the attacks and associated threats by Afghanistan National Security Forces personnel, Afghanistan National Security Forces impersonators, Afghan Public Protection Force personnel, Afghan Public Protection Force impersonators, and private security contractors against United States, Afghanistan, and coalition military and civilian personnel ("insider attacks") in Afghanistan, and the effect of these attacks on the overall transition strategy in Afghanistan.

(c) ELEMENTS.—The report required by subsection (b) shall include the following:

(1) A description of the nature and proximate causes of the attacks described in subsection (b), including the following:

(A) An estimate of the number of such attacks on United States, Afghanistan, and coalition military personnel since January 1, 2007.

(B) An estimate of the number of United States, Afghanistan, and coalition personnel killed or wounded in such attacks.

(C) The circumstances or conditions that may have influenced such attacks.

(D) An assessment of the threat posed by infiltration, and a best assessment of the extent of infiltration by insurgents into the Afghanistan National Security Forces and the Afghan Public Protection Force.

(E) A description of trends in the prevalence of such attacks, including where such attacks occur, the political and ethnic affiliation of attackers, and the targets of attackers.

(2) A description of the restrictions and other actions taken by the United States and North Atlantic Treaty Organization/International Security Assistance Force forces to protect military and civilian personnel from future insider attacks, including measures in predeployment training.

(3) A description of the actions taken by the Government of Afghanistan to prevent and respond to insider attacks, including improved vetting practices.

(4) A description of the insider threat-related factors that will influence the size and scope of the post-2014 training mission for the Afghanistan National Security Forces.

(5) An assessment of the impact of the insider attacks in Afghanistan in 2012 on the overall transition strategy in Afghanistan and its prospects for success, including an assessment how such insider attacks impact—

(A) partner operations between North Atlantic Treaty Organization/International Security Assistance Force forces and Afghanistan National Security Forces;

(B) training programs for the Afghanistan National Security Forces, including proposed training plans to be executed during the post-2014 training mission for the Afghanistan National Security Forces;

(C) United States Special Forces training of the Afghan Local Police and its integration into the Afghanistan National Security Forces; and

(D) the willingness of North Atlantic Treaty Organization/International Security Assistance Force allies to maintain forces in Afghanistan or commit to the post-2014 training mission for the Afghanistan National Security Forces.

(6) An assessment of the impact that a reduction in training and partnering would have on the independent capabilities of the Afghanistan National Security Forces, and whether the training of the Afghanistan National Security Forces should remain a key component of the United States and North Atlantic Treaty Organization strategy in Afghanistan.

(d) ADDITIONAL REPORTS.—The Secretary of Defense shall submit to the congressional defense committees a semi-annual update to the report required under subsection (b) through December 31, 2014. The additional reports required by this subsection may be submitted in the report required by section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385), as most recently amended by section 1218(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1632).

(e) UNCLASSIFIED EXECUTIVE SUMMARY.—The report submitted under subsection (b) and the semi-annual update to the report

submitted under subsection (d) shall include an executive summary of the contents of the report in unclassified form.

SEC. 1213. UNITED STATES MILITARY SUPPORT IN AFGHANISTAN.

(a) NOTIFICATION.—The Secretary of Defense shall notify the congressional defense committees of any decision of the President to change force levels of United States Armed Forces deployed in Afghanistan.

Deadline. President. Assessment.

(b) SUBMITTAL REQUIRED.—Not later than 30 days after a decision by the President to change the force levels of United States Armed Forces deployed in Afghanistan, the Chairman of the Joint Chiefs of Staff shall, through the Secretary of Defense, submit to the congressional defense committees a detailed assessment of the risk to the United States mission and interests in Afghanistan as the change in levels is implemented.

(c) ELEMENTS.—The risk assessment under subsection (b) on a change in force levels of United States Armed Forces in Afghanistan shall include the following:

(1) A description of the current security situation in Afghanistan.

(2) A description of any anticipated changes to United States military operations and objectives in Afghanistan associated with such change in force levels.

(3) An identification and assessment of any changes in United States military capabilities, including manpower, logistics, intelligence, and mobility support, in Afghanistan associated with such change in force levels.

(4) An identification and assessment of the risk associated with any changes in United States mission, military capabilities, operations, and objectives in Afghanistan associated with such change in force levels.

(5) An identification and assessment of any capability gaps within the Afghanistan security forces that will impact their ability to conduct operations following such change in force levels.

(6) An identification and assessment of the risk associated with the transition of combat responsibilities to the Afghanistan security forces following such change in force levels.

(7) An assessment of the impact of such change in force levels on coalition military contributions to the mission in Afghanistan.

(8) A description of the assumptions to be in force regarding the security situation in Afghanistan following such change in force levels.

(9) Such other matters regarding such change in force levels as the Chairman considers appropriate.

(d) TERMINATION.—The requirement to notify the congressional defense committees under subsection (a) shall terminate on December 31, 2014.

SEC. 1214. MODIFICATION OF REPORT ON PROGRESS TOWARD SECURITY AND STABILITY IN AFGHANISTAN.

(a) IN GENERAL.—Section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385), as most recently amended by section 1218(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1632), is further amended—

(1) by redesignating subsections (e), (f), and (g) as subsections (f), (g), and (h), respectively; and

(2) by inserting after subsection (d) the following:

"(e) ADDITIONAL MATTERS TO BE INCLUDED ON AFGHANISTAN NATIONAL SECURITY FORCES.—In reporting on performance indicators and measures of progress required under subsection (d)(2)(D), the report required under subsection (a) shall assess the following:

"(1) For overall Afghanistan National Security Forces (ANSF):

"(A) A description of the professionalization of the Afghan National Army (ANA) and Afghan National Police (ANP), including literacy, training benchmarks, and vetting outcomes.

"(B) An assessment of the ANA and the ANP interaction with the Afghan civilian population and respect for human rights.

"(C) An outline of United States contributions for the current fiscal year and one-year projected fiscal year and pledges for contributions by other countries.

"(D) The percentage of officer corps and noncommissioned officer corps personnel as compared to end-strength requirements.

"(2) For logistics:

"(A) An assessment of the ANA and ANP logistics system, including a discussion of critical supply shortfalls and challenges associated with filling supply requests.

"(B) A description of the logistical capacity of the ANA and ANP and how operations are sustained in the areas in which the ANA and ANP are transitioned and in areas in which the ANA and the ANP are in pre-transition stages.

"(3) For transition:

"(A) An assessment, by province, of the security situation and capability of ANSF in those areas that have been transitioned to an Afghan security lead, to include a description of the transition stages for each such province and readiness ratings for the ANSF in each such province.

"(B) An assessment, by province, of the security situation and capability of ANSF in pre-transition areas, to include readiness ratings.

"(C) A description of how security force assistance teams and security force assistance brigades will be integrated into ANSF units.

"(4) For preparation for the 2014 elections: The steps taken by the United States, ISAF, and the Government of Afghanistan to carry out the following:

"(A) Identify and train a sufficient number of the ANSF, to include female members of the ANSF.

"(B) Provide for the security of the elections, including security of polling places, election workers, election materials, and such other locations and personnel as may be necessary to safely carry out the elections, including participation of women.

"(C) Assist with ensuring that election workers and materials can be safely and securely transported in Afghanistan as may be required.

"(5) For partnership and assistance activities:

"(A) A discussion of ongoing partnership activities in Afghanistan, including partnership activities as part of major operations and efforts, and including metrics used to measure the quantity of ongoing partnership activities and changes to how partnership activities are conducted that affect significant numbers of United States Armed Forces, ISAF, or Afghan units and the reasons for any such change.

"(B) A discussion of any transition from partnership activities conducted by United States Armed Forces or other international units with Afghan forces to the use of security force assistance teams or security force assistance brigades, including the reasons for such transition, advantages or drawbacks of such transition, and other information which may be pertinent.

"(C) The number of security force assistance teams and security force assistance brigades in Afghanistan, including the number of such teams and brigades provided by other members of ISAF, the number of such teams and brigades that are assisting each component of ANSF, and any unmet requirements for such teams and brigades.".

Applicability.

(b) EFFECTIVE DATE.—The amendments made this section apply with respect to any report required to be submitted under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385) on or after the date of the enactment of this Act.

SEC. 1215. INDEPENDENT ASSESSMENT OF THE AFGHAN NATIONAL SECURITY FORCES.

(a) INDEPENDENT ASSESSMENT REQUIRED.—The Secretary of Defense shall provide for the conduct of an independent assessment of the strength, force structure, force posture, and capabilities required to make the Afghan National Security Forces (ANSF) capable of providing security for their own country so as to prevent Afghanistan from ever again becoming a safe haven for terrorists that threaten Afghanistan, the region, and the world.

(b) CONDUCT OF ASSESSMENT.—The assessment required by subsection (a) may, at the election of the Secretary, be conducted by—

(1) a Federally-funded research and development center (FFRDC); or

(2) an independent, non-governmental institute described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code that has recognized credentials and expertise in national security and military affairs appropriate for the assessment.

(c) ELEMENTS.—The assessment required by subsection (a) shall include, but not be limited to, the following:

(1) An assessment of the likely internal and regional security environment for Afghanistan over the next decade, including challenges and threats to the security and sovereignty of Afghanistan from state and non-state actors.

(2) An assessment of the strength, force structure, force posture, and capabilities required to make the Afghan National Security Forces capable of providing security for their own country so as to prevent Afghanistan from ever again becoming

a safe haven for terrorists that threaten Afghanistan, the region, and the world.

(3) An assessment of any capability gaps in the Afghan National Security Forces that are likely to persist after 2014 and that will require continued support from the United States and its allies.

(4) An assessment whether current proposals for the resourcing of the Afghan National Security Forces after 2014 are adequate to establish and maintain long-term security for the Afghanistan people, and implications of the under-resourcing of the Afghan National Security Forces for United States national security interests.

(d) REPORT.—Not later than one year after the date of the enactment of this Act, the entity selected for the conduct of the assessment required by subsection (a) shall provide to the Secretary and the congressional defense committees a report containing its findings as a result of the assessment. The report shall be submitted in unclassified form, but may include a classified annex.

(e) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2013 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, up to $1,000,000 shall be made available for the assessment required by subsection (a).

(f) AFGHAN NATIONAL SECURITY FORCES.—For purposes of this section, the Afghan National Security Forces shall include all forces under the authority of the Afghan Ministry of Defense and Afghan Ministry of Interior, including the Afghan National Army, the Afghan National Police, the Afghan Border Police, the Afghan National Civil Order Police, and the Afghan Local Police.

SEC. 1216. EXTENSION AND MODIFICATION OF LOGISTICAL SUPPORT FOR COALITION FORCES SUPPORTING CERTAIN UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION.—Section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 394), as most recently amended by section 1211 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1629)), is further amended by striking "fiscal year 2012" each place it appears and inserting "fiscal year 2013".

(b) REPEAL OF AUTHORITY FOR USE OF FUNDS IN CONNECTION WITH IRAQ.—

(1) IN GENERAL.—Subsection (a) of such section 1234, as so amended, is further amended by striking "Iraq and".

(2) CONFORMING AMENDMENT.—The heading of such section 1234 is amended by striking "**IRAQ AND**".

SEC. 1217. REPORT ON AFGHANISTAN PEACE AND REINTEGRATION PROGRAM.

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the appropriate committees of Congress a report on the Afghanistan Peace and Reintegration Program (APRP).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the goals and objectives of the Afghanistan Peace and Reintegration Program.

(2) A description of the structure of the Program at the national and sub-national levels in Afghanistan, including the number and types of vocational training and other education programs.

(3) A description of the activities of the Program as of the date of the report.

(4) A description and assessment of the procedures for vetting individuals seeking to participate in the Program, including an assessment of the extent to which biometric identification systems are used and the role of provincial peace councils in such procedures.

(5) The amount of funding provided by the United States, and by the international community, to support the Program, and the amount of funds so provided that have been distributed as of the date of the report.

(6) An assessment of the individuals who have been reintegrated into the Program, set forth in terms as follows:

(A) By geographic distribution by province.

(B) By number of each of low-level insurgent fighters, mid-level commanders, and senior commanders.

(C) By number confirmed to have been part of the insurgency.

(D) By number who are currently members of the Afghan Local Police.

(E) By number who are participating in or have completed vocational training or other educational programs as part of the Program.

(7) A description and assessment of the procedures for monitoring the individuals participating in the Program.

(8) A description and assessment of the role of women and minority populations in the implementation of the Program.

(9) An assessment of the effectiveness of the activities of the Program described under paragraph (3) in achieving the goals and objectives of the Program.

(10) Such recommendations as the Secretary of Defense considers appropriate for improving the implementation, oversight, and effectiveness of the Program.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1218. ONE-YEAR EXTENSION OF AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.

Section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4392), as amended by section 1216 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1632), is further amended—

(1) in subsection (a)—

(A) by striking "$50,000,000" and inserting "$35,000,000"; and

(B) by striking "in each of fiscal years 2011 and 2012" and inserting "for fiscal year 2013"; and

(2) in subsection (e)—

(A) by striking "utilize funds" and inserting "obligate funds"; and

(B) by striking "December 31, 2012" and inserting "December 31, 2013".

SEC. 1219. ONE-YEAR EXTENSION AND MODIFICATION OF AUTHORITY FOR PROGRAM TO DEVELOP AND CARRY OUT INFRASTRUCTURE PROJECTS IN AFGHANISTAN.

Section 1217(f) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4393), as amended by section 1217(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1632), is further amended— 22 USC 7513 note.

(1) by striking paragraph (1) and inserting the following new paragraph (1):

"(1) IN GENERAL.—Subject to paragraph (2), to carry out the program authorized under subsection (a), the Secretary of Defense may use amounts as follows:

"(A) Up to $400,000,000 made available to the Department of Defense for operation and maintenance for fiscal year 2012.

"(B) Up to $350,000,000 made available to the Department of Defense for operation and maintenance for fiscal year 2013.";

(2) in paragraph (2)—

(A) by striking "85 percent" and inserting "50 percent";

(B) by inserting "for a fiscal year after fiscal year 2011" after "in paragraph (1)"; and

(C) by striking "fiscal year 2012." and inserting "such fiscal year, including for each project to be initiated during such fiscal year the following:

"(A) An estimate of the financial and other requirements necessary to sustain such project on an annual basis after the completion of such project. Estimate.

"(B) An assessment whether the Government of Afghanistan is committed to and has the capacity to maintain and use such project after its completion. Assessment.

"(C) A description of any arrangements for the sustainment of such project following its completion if the Government of Afghanistan lacks the capacity (in either financial or human resources) to maintain such project."; and

(3) in paragraph (3), by adding at the end the following new subparagraph:

"(C) In the case of funds for fiscal year 2013, until September 30, 2014.".

SEC. 1220. REPORT ON UPDATES AND MODIFICATIONS TO CAMPAIGN PLAN FOR AFGHANISTAN.

(a) REPORT REQUIRED.—Not later than 180 days after the date on which any substantial update or modification is made to the campaign plan for Afghanistan (including the supporting and implementing documents for such plan), the Comptroller General of

the United States shall submit to the congressional defense committees a report on the updated or modified plan, including an assessment of the updated or modified plan.

(b) EXCEPTION.—The requirement to submit a report under subsection (a) on any substantial update or modification to the campaign plan for Afghanistan shall not apply if the Comptroller General—

Determination.

(1) determines that a report submitted to Congress by the Comptroller General before the date of the enactment of this Act substantially meets the requirement to submit the report under subsection (a); and

Notification.

(2) notifies the congressional defense committees in writing of the determination under paragraph (1).

(c) TERMINATION.—The requirement to submit a report under subsection (a) on any substantial update or modification to the campaign plan for Afghanistan shall terminate on September 30, 2014.

(d) REPEAL OF SUPERSEDED REQUIREMENTS.—Section 1226 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2525) is repealed.

SEC. 1221. COMMANDERS' EMERGENCY RESPONSE PROGRAM IN AFGHANISTAN.

(a) ONE-YEAR EXTENSION.—

(1) IN GENERAL.—Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619) is amended by striking "fiscal year 2012" each place it appears and inserting "fiscal year 2013".

(2) CONFORMING AMENDMENT.—The heading of subsection (a) of such section is amended by striking "FISCAL YEAR 2012" and inserting "FISCAL YEAR 2013".

(b) AMOUNT OF FUNDS AVAILABLE DURING FISCAL YEAR 2013.—Subsection (a) of such section is further amended by striking "$400,000,000" and inserting "$200,000,000".

SEC. 1222. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN.

(a) NONEXCESS ARTICLES AND RELATED SERVICES.—The Secretary of Defense may, with the concurrence of the Secretary of State, transfer nonexcess defense articles from the stocks of the Department of Defense, without reimbursement from the Government of Afghanistan, and provide defense services in connection with the transfer of such defense articles, to the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(b) LIMITATIONS.—

(1) VALUE.—The aggregate replacement value of all defense articles transferred and defense services provided in connection with such defense articles under subsection (a) in any fiscal year may not exceed $250,000,000.

(2) SOURCE OF TRANSFERRED ARTICLES.—The authority under subsection (a) may only be used for defense articles that—

(A) were present in Afghanistan as of the date of the enactment of this Act;

(B) immediately before transfer were in use to support operations in Afghanistan; and

(C) are no longer required by United States forces in Afghanistan.

(c) APPLICABLE LAW.—Any defense articles transferred or defense services provided under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) REPORT REQUIRED BEFORE EXERCISE OF AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense may not exercise the authority under subsection (a) until 15 days after the Secretary submits to the appropriate committees of Congress a report on the equipment and other property of the Department of Defense in Afghanistan.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A description of the process for inventorying equipment and property, including defense articles, in Afghanistan owned by the Department of Defense, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(B) An estimate of the types and quantities of equipment and property of the Department of Defense, including defense articles, anticipated to be withdrawn from Afghanistan in connection with the drawdown of United States military forces from Afghanistan between the date of the enactment of this Act and December 31, 2014, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(e) NOTICE ON EXERCISE OF AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate committees of Congress notice of the proposed transfer of defense articles and provision of defense services. Time period.

(2) ELEMENTS.—A notice under paragraph (1) shall include the following:

(A) A description of the amount and types of defense articles to be transferred and defense services to be provided.

(B) A statement describing the current value of the defense articles to be transferred and the estimated replacement value of such articles.

(C) An identification of the element of the military or security force that is the proposed recipient of the defense articles to be transferred and defense service to be provided.

(D) An identification of the military department from which the defense articles to be transferred are to be drawn.

(E) An assessment of the impact, if any, of the transfer of defense articles on the readiness of units from which the defense articles are to be transferred, and the plan, if any, for mitigating such impact or reimbursing the military department of such units for such defense articles.

(F) An assessment of the ability of the Government of Afghanistan to sustain the costs associated with receiving, possessing, and using the defense articles to be transferred.

(G) A determination and certification by the Secretary of Defense, with the concurrence of the Secretary of State, that—

(i) the proposed transfer of the defense articles to be transferred and the provision of defense services to be provided in connection with such transfer is in the national interest of the United States; and

(ii) such defense articles are required by the military and security forces of Afghanistan to build their capacity to restore and maintain peace and security in that country.

(f) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the first transfer of defense articles and provision of defense services under the authority in subsection (a), and at the end of each calendar quarter, if any, thereafter through March 31, 2015, in which the authority in subsection (a) is exercised, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the implementation of the authority in subsection (a). Each report shall include the replacement value of the defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and defense services provided to the Government of Afghanistan, during the 90-day period ending on the date of such report.

(2) INCLUSION IN OTHER REPORT.—A report required under paragraph (1) may be included in the report required under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2410) or any follow on report to such other report.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) DEFENSE ARTICLES.—The term "defense articles" has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) DEFENSE SERVICES.—The term "defense services" has the meaning given the term in section 644(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(f)).

(4) MILITARY AND SECURITY FORCES.—The term "military and security forces" means national armies, national air forces, national navies, national guard forces, police forces, and border security forces, but does not include nongovernmental or irregular forces (such as private militias).

(h) EXPIRATION.—The authority provided in subsection (a) may not be exercised after December 31, 2014.

(i) EXCESS DEFENSE ARTICLES.—

(1) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by section 516 of the Foreign Assistance Act of 1961.

(2) EXEMPTIONS.—

(A) During fiscal years 2013 and 2014, the value of excess defense articles transferred from the stocks of the Department of Defense in Afghanistan pursuant to section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such section.

(B) During fiscal years 2013 and 2014, any excess defense articles specified in subparagraph (A) shall not be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 contained in subsections (b)(1)(B) and (e) of such section.

SEC. 1223. REPORT ON EFFORTS TO PROMOTE THE SECURITY OF AFGHAN WOMEN AND GIRLS DURING THE SECURITY TRANSITION PROCESS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate congressional committees a report on efforts by the United States Government to promote the security of Afghan women and girls during the security transition process.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A discussion of efforts to monitor changes in women's security conditions in areas undergoing transition, including the following:

(i) A description of the roles and responsibilities of the offices within the International Security Assistance Force, the United States Embassy, and the NATO Training Mission–Afghanistan that have lead responsibility for gender issues.

(ii) A description of the indicators against which sex-disaggregated data is collected and what, if any, additional indicators may enhance efforts to measure the security of women and girls during the transition process.

(iii) A discussion of how these indicators are or may be incorporated into ongoing efforts to assess overall security conditions during the transition period.

(iv) Recommendations, if any, on how assessments of women's security can be more fully integrated into current procedures used to determine an area's readiness to proceed through the transition process.

(B) A discussion of efforts that may increase gender awareness and responsiveness among Afghan National Army (ANA) and Afghan National Police (ANP) personnel, including the following:

(i) A description of the efforts, if any, to work with Afghan and coalition partners to promote training curricula and programming that address the human

rights and treatment of women and girls and that assess the quality and impact of such training.

(ii) A description of the efforts, if any, to work with ANA and ANP leaders to develop enforcement and accountability mechanisms for ANA and ANP personnel who violate codes of conduct related to the human rights of women and girls.

(iii) A description of the efforts, if any, to work with Afghan and coalition partners to promote the implementation of the above tools and develop uniform methods and standards for training and enforcement.

(iv) Recommendations, if any, for enhancing efforts to promote the objectives described in clauses (i) through (iii).

(C) A discussion of efforts to increase the number of female members of the ANA and ANP, including the following:

(i) A description of the efforts, if any, to assist ANA and ANP leaders in developing realistic and achievable objectives for the recruitment and retention of women to the ANA and ANP by the end of the security transition period in 2014.

(ii) A description of the efforts, if any, to assist ANA and ANP leaders and coalition partners in addressing physical and cultural challenges to the recruitment and retention of female ANA and ANP personnel.

(iii) A description of the efforts, if any, to assist ANA and ANP leaders in increasing awareness of how women members of the security forces may improve the overall effectiveness of the ANA and ANP.

(iv) A description of the efforts, if any, to assist ANA and ANP leaders in developing a plan for maintaining and increasing the recruitment and retention of women in the ANA and ANP following the completion of the security transition.

(v) Recommendations, if any, for enhancing efforts to promote the objectives described in clauses (i) through (iv).

(3) UPDATES.—The Secretary of Defense shall include in each report on progress toward security and stability in Afghanistan that is submitted to Congress under sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385, 390) updated information on efforts by the United States Government to promote the security of Afghan women and girls consistent with the requirements of this section.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1224. SENSE OF CONGRESS COMMENDING THE ENDURING STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE UNITED STATES AND AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States and Afghanistan have been allies in the conflict against al Qaeda and its affiliates for over a decade, with the shared goal of ensuring that Afghanistan is never again a sanctuary for al Qaeda.

(2) The United States and Afghanistan are committed to the framework agreed to at the North Atlantic Treaty Organization (NATO) Summit in Lisbon in 2010, and reaffirmed at the NATO Summit in Chicago in 2012, for the transition from coalition forces to the Afghan National Security Forces of lead responsibility for security throughout Afghanistan by the end of 2014.

(3) In June 2011, President Barack Obama said, "What we can do, and will do, is build a partnership with the Afghan people that endures—one that ensures that we will be able to continue targeting terrorists and supporting a sovereign Afghan government".

(4) In November 2011, a traditional loya jirga in Kabul declared that "strategic cooperation with the United States of America, which is a strategic ally of the people and government of Afghanistan, is considered important in order to ensure political, economic, and military security" and also stated, "Signing a strategic cooperation document with the United States conforms with the national interest of Afghanistan and is of significant importance".

(5) On May 2, 2012, President Obama and President Hamid Karzai signed the Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan.

(6) At the signing of the Enduring Strategic Partnership Agreement, President Obama said, "Today we're agreeing to be long-term partners in combating terrorism, and training Afghan security forces, strengthening democratic institutions and supporting development, and protecting human rights of all Afghans. With this agreement, the Afghan people, and the world, should know that Afghanistan has a friend and a partner in the United States".

(7) At a May 20, 2012, bilateral meeting with President Karzai at the NATO Summit in Chicago, President Obama said that the Enduring Strategic Partnership Agreement "reflects a future in which two sovereign nations—the United States and Afghanistan—are operating as partners, to the benefit of our countries' citizens, but also for the benefit of peace and security and stability in the region and around the world".

(8) President Karzai said at the May 20, 2012, bilateral meeting with President Obama, "Mr. President, the partnership that we signed a few weeks ago in Kabul has turned a new page in our relations. And the new page is a page of two sovereign countries working together for the mutual interests—peace and security and in all other areas".

(9) On May 26, 2012, the Wolesi Jirga, the lower house of the Afghan parliament, approved the Agreement by a vote of 191–7 with 2 abstentions.

(10) On June 3, 2012, the Meshrano Jirga, the upper house of the Afghan parliament, approved the Agreement by a vote of 67–13.

(11) On July 8, 2012, at the Tokyo Conference on Afghanistan, the international community and the Government of Afghanistan reaffirmed their partnership in the economic growth and development of Afghanistan through a process of mutual commitments and accountability.

(12) On July 4, 2012, the Enduring Strategic Partnership Agreement entered into force.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the members of the United States Armed Forces, intelligence community, and diplomatic and development community of the United States are to be commended for their dedicated efforts and sacrifices in support of military and stability operations in Afghanistan that have helped strengthen security in Afghanistan, laid the foundation for transition to a long-term partnership between the United States and a sovereign Afghanistan, and supported the Government and people of Afghanistan as they continue to build their capacity to effectively and justly govern;

(2) the United States negotiating team for the Enduring Strategic Partnership Agreement, including the United States Embassy personnel in Kabul under the leadership of Ambassador Ryan Crocker, is to be commended for its committed diplomatic efforts;

(3) the Governments of the United States and Afghanistan are to be commended for concluding the Enduring Strategic Partnership Agreement;

(4) Congress supports the objectives and principles of the Enduring Strategic Partnership Agreement, including protecting and promoting shared democratic values, advancing long-term security, reinforcing regional security and cooperation, fostering social and economic development, upholding the rights of women and minorities, and strengthening institutions and governance in Afghanistan;

(5) it is essential that the Government and people of Afghanistan fulfill Afghanistan's international commitments as agreed at the Tokyo Conference of July 2012, the Bonn Conference of December 2011, the Kabul Conference of July 2011, and other venues to combat corruption, protect the equal rights of all citizens of Afghanistan and enforce the rule of law, hold free and fair elections in 2014, and build inclusive and effective institutions of democratic governance;

(6) a key national security interest of the United States is to maintain a long-term political, economic, and military relationship with Afghanistan, including a limited presence of United States Armed Forces for the purpose of training, advising, and supporting Afghan National Security Forces and cooperating on shared counterterrorism objectives;

(7) the negotiation and conclusion of a Bilateral Security Agreement, as called for in the Enduring Strategic Partnership Agreement, will provide a fundamental framework for the long-term security relationship between the United States and Afghanistan; and

(8) Congress has a critical role in continuing to provide the support and assistance necessary to achieve the goals of the Enduring Strategic Partnership Agreement.

SEC. 1225. CONSULTATIONS WITH CONGRESS ON A BILATERAL SECURITY AGREEMENT WITH AFGHANISTAN.

22 USC 7511 note.

(a) CONSULTATIONS REQUIRED.—Commencing not later than 30 days after the date of the enactment of this Act, the President shall consult periodically with the appropriate committees of Congress on the status of the negotiations on a bilateral security agreement between the United States of America and the Islamic Republic of Afghanistan. Such consultations shall include a briefing summarizing the purpose, objectives, and key issues relating to the agreement.

(b) AVAILABILITY OF AGREEMENT TEXT.—Before entering into any bilateral security agreement with Afghanistan, the President shall make available to the appropriate committees of Congress the text of such agreement.

(c) TERMINATION OF CONSULTATIONS.—The requirements of this section shall terminate on the date on which the United States and Afghanistan enter into a bilateral security agreement or the President notifies Congress that negotiations on such an agreement have been terminated.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1226. COMPLETION OF TRANSITION OF UNITED STATES COMBAT AND MILITARY AND SECURITY OPERATIONS TO THE GOVERNMENT OF AFGHANISTAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the President should, in coordination with the Government of Afghanistan, North Atlantic Treaty Organization (NATO) member countries, and other allies in Afghanistan, seek to—

(A) undertake all appropriate activities to accomplish the President's stated goal of transitioning the lead responsibility for security to the Government of Afghanistan by mid-summer 2013;

(B) as part of accomplishing this transition of the lead responsibility for security to the Government of Afghanistan, draw down United States troops to a level sufficient to meet this goal;

(C) continue to draw down United States troop levels through the end of 2014; and

(D) end all regular combat operations by United States troops by not later than December 31, 2014, and take all possible steps to end such operations at the earliest date consistent with a safe and orderly draw down of United States troops in Afghanistan; and

(2) the recommendations of the commanders of the International Security Assistance Force on the overall strategy for Afghanistan, including the pace of the draw down, should be given serious consideration.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to recommend or support any limitation or prohibition on any authority of the President—

(1) to modify the military strategy, tactics, and operations of United States Armed Forces as such Armed Forces redeploy from Afghanistan;

(2) to authorize United States forces in Afghanistan to defend themselves whenever they may be threatened;

(3) to attack al-Qaeda forces wherever such forces are located;

(4) to provide financial support and equipment to the Government of Afghanistan for the training and supply of Afghanistan military and security forces; or

(5) to gather, provide, and share intelligence with United States allies operating in Afghanistan and Pakistan.

SEC. 1227. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1213 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1630), is further amended by striking "for fiscal year 2012" and inserting "for fiscal year 2013".

(b) LIMITATION ON AMOUNTS AVAILABLE.—Subsection (d) of such section 1233, as so amended, is further amended—

(1) in paragraph (1)—

(A) by striking "during fiscal year 2012 may not exceed $1,690,000,000" and inserting "during fiscal year 2013 may not exceed $1,650,000,000"; and

(B) by adding at the end the following new sentence: "Of the aggregate amount specified in the preceding sentence, the total amount of reimbursements made under subsection (a) and support provided under subsection (b) to Pakistan during fiscal year 2013 may not exceed $1,200,000,000."; and

(2) by adding at the end the following new paragraph:

"(3) PROHIBITION ON REIMBURSEMENT OF PAKISTAN FOR SUPPORT DURING PERIODS CLOSED TO TRANSSHIPMENT.—Effective as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, funds (including funds from a prior fiscal year that remain available for obligation) may not be used for reimbursements under the authority in subsection (a) for Pakistan for claims of support provided during any period when the ground lines of supply through Pakistan to Afghanistan were closed to the transshipment of equipment and supplies in support of United States military operations in Afghanistan.".

(c) SUPPORTED OPERATIONS.—Such section 1233 is further amended in subsections (a)(1) and (b) by striking "Operation Iraqi Freedom or".

(d) LIMITATION ON REIMBURSEMENT OF PAKISTAN IN FISCAL YEAR 2013 PENDING CERTIFICATION ON PAKISTAN.—

Effective date.

(1) IN GENERAL.—Effective as of the date of the enactment of this Act, no amounts authorized to be appropriated by this Act, and no amounts authorized to be appropriated for fiscal years before fiscal year 2013 that remain available for obligation, may be used for reimbursements of Pakistan under the authority in subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008, as amended by this section, until the Secretary of Defense certifies to the congressional defense committees each of the following:

(A) That Pakistan is maintaining security along the Ground Lines of Communications (GLOCs) through Pakistan to Afghanistan for the transshipment of equipment and supplies in support of United States military operations in Afghanistan and the retrograde of United States equipment out of Afghanistan.

(B) That Pakistan is taking demonstrable steps to—

(i) support counterterrorism operations against al Qaeda, Tehrik-i-Taliban Pakistan, and other militant extremists groups such as the Haqqani Network and the Quetta Shura Taliban located in Pakistan;

(ii) disrupt the conduct of cross-border attacks against United States, coalition, and Afghanistan security forces located in Afghanistan by such groups (including the Haqqani Network and the Quetta Shura Taliban) from bases in Pakistan; and

(iii) counter the threat of improvised explosive devices, including efforts to attack improvised explosive device networks, monitor known precursors used in improvised explosive devices, and systematically address the misuse of explosive materials (including calcium ammonium nitrate) and accessories and their supply to legitimate end-users in a manner that impedes the flow of improvised explosive devices and improvised explosive device components into Afghanistan.

(2) WAIVER AUTHORITY.—The Secretary may waive the limitation in paragraph (1) if the Secretary certifies to the congressional defense committees in writing that the waiver is in the national security interests of the United States and includes with such certification a justification for the waiver.

(3) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the congressional defense committees a report on the provision of reimbursements and support to Pakistan under this section and the amendments made by this section. The report shall include the following:

(A) A description of the process for reimbursing or providing support to Pakistan under section 1233 of the National Defense Authorization Act for Fiscal Year 2008, as so amended, including the process by which claims are proposed and adjudicated.

(B) Any conditions or caveats that the Government of Pakistan has placed on the use of the ground lines of supply through Pakistan in support of United States forces in Afghanistan or for the retrograde of United States equipment out of Afghanistan.

(C) An estimate of the costs for fiscal years 2011 through 2013 associated with the transshipment of equipment and supplies in support of United States forces in Afghanistan through—

(i) supply routes in Pakistan; and

(ii) supply routes along the Northern Distribution Network.

SEC. 1228. EXTENSION AND MODIFICATION OF PAKISTAN COUNTERINSURGENCY FUND.

(a) EXTENSION.—Section 1224(h) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2521), as most recently amended by section 1220(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1633), is further amended by striking "September 30, 2012" each place it appears and inserting "September 30, 2013".

(b) EXTENSION OF LIMITATION ON FUNDS PENDING REPORT.—Section 1220(b)(1)(A) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1633) is amended by striking "fiscal year 2012" and inserting "fiscal year 2013".

(c) LIMITATION ON USE OF FUNDS.—

Consultation.
Certification.

(1) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for the Pakistan Counterinsurgency Fund may be used to provide assistance to the Government of Pakistan until the Secretary of Defense, in consultation with the Secretary of State, certifies to the appropriate congressional committees that—

(A) the Government of Pakistan is demonstrating a continuing commitment to and is making significant efforts toward the implementation of a strategy to counter improvised explosive devices (IEDs), including—

(i) attacking IED networks;

(ii) monitoring known precursors used in IEDs; and

(iii) developing a strict protocol for the manufacture of explosive materials, including calcium ammonium nitrate, and accessories and their supply to legitimate end users; and

Shakil Afridi.

(B) the Government of Pakistan is cooperating with United States counterterrorism efforts, including by not detaining, prosecuting, or imprisoning citizens of Pakistan as a result of their cooperation with such efforts, including Dr. Shakil Afridi.

Consultation.

(2) WAIVER.—The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of paragraph (1) if the Secretary of Defense determines it is in the national security interest of the United States to do so.

(3) DEFINITION.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

Subtitle C—Matters Relating to Iran

SEC. 1231. REPORT ON UNITED STATES CAPABILITIES IN RELATION TO CHINA, NORTH KOREA, AND IRAN.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, and not later than March 31, 2014, the Chairman of the Joint Chiefs of Staff, in consultation with the commanders of the relevant geographical and functional combatant commands, shall submit to the congressional defense committees a report on United States capabilities in relation to the People's Republic of China, the Democratic People's Republic of Korea, and the Republic of Iran.

(b) ELEMENTS.—The report required by subsection (a) shall include the following elements:

(1) Any critical gaps in intelligence that limit the ability of the United States Armed Forces to counter challenges or threats emanating from each of the foreign countries described in subsection (a).

(2) Any gaps in the capabilities, capacity, and authorities of the United States Armed Forces to counter challenges or threats to United States personnel and United States interests in the respective regions of the foreign countries described in subsection (a).

(3) Any other matters the Chairman of the Joint Chiefs of Staff considers to be relevant.

(c) INFORMATION TO BE CONSIDERED.—In preparing the report required by subsection (a), the Chairman of the Joint Chiefs of Staff should consider the information contained in the most recent reports required by the following:

(1) Section 1236 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1641).

(2) Section 1245 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2542).

(3) Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 781; 10 U.S.C. 113 note).

SEC. 1232. REPORT ON MILITARY CAPABILITIES OF GULF COOPERATION COUNCIL MEMBERS.

(a) REPORT.—The Secretary of Defense, in consultation with the Secretary of State, shall evaluate the military capabilities of members of the Cooperation Council for the Arab States of the Gulf (in this section referred to as the "Gulf Cooperation Council") and submit to the appropriate congressional committees a report on the findings of such evaluation.

(b) MATTERS TO BE INCLUDED.—The report required under subsection (a) shall include the following:

(1) An assessment of the military capabilities of Gulf Cooperation Council members to defend collectively against Iran and contribute to international counter-terrorism and counter-piracy efforts.

(2) An assessment of gaps in the military capabilities of Gulf Cooperation Council members to defend collectively against Iran and a detailed description of military capabilities necessary to address those gaps.

(3) An evaluation of United States military capabilities and posture in the region and an analysis of the capacity of the United States Armed Forces to augment the military capabilities of Gulf Cooperation Council members.

(4) A description of the United States Government's ongoing efforts to foster regional cooperation through ongoing bilateral and multilateral strategic security dialogues.

(5) A summary of Gulf Cooperation Council operational and training requests to the United States Government and the associated actions taken by the United States Government.

(c) SUBMISSION TO CONGRESS.—The report required under subsection (a) shall be submitted to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1233. SENSE OF CONGRESS WITH RESPECT TO IRAN.

It is the sense of Congress that the United States should be prepared to take all necessary measures, including military action if required, to prevent Iran from threatening the United States, its allies, or Iran's neighbors with a nuclear weapon.

22 USC 8784 note.

SEC. 1234. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as authorizing the use of force against Iran.

Subtitle D—Iran Sanctions

Iran Freedom and Counter-Proliferation Act of 2012. President. 22 USC 8801 note.

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the "Iran Freedom and Counter-Proliferation Act of 2012".

22 USC 8801.

SEC. 1242. DEFINITIONS.

(a) IN GENERAL.—In this subtitle:

(1) AGRICULTURAL COMMODITY.—The term "agricultural commodity" has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the committees specified in section 14(2) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note); and

(B) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(3) COAL.—The term "coal" means metallurgical coal, coking coal, or fuel coke.

(4) CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms "correspondent account" and "payable-

through account" have the meanings given those terms in section 5318A of title 31, United States Code.

(5) FOREIGN FINANCIAL INSTITUTION.—The term "foreign financial institution" has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(6) GOOD.—The term "good" has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(7) IRANIAN FINANCIAL INSTITUTION.—The term "Iranian financial institution" has the meaning given that term in section 104A(d) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513b(d)).

(8) IRANIAN PERSON.—The term "Iranian person" means—

(A) an individual who is a citizen or national of Iran; and

(B) an entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran.

(9) KNOWINGLY.—The term "knowingly", with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(10) MEDICAL DEVICE.—The term "medical device" has the meaning given the term "device" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(11) MEDICINE.—The term "medicine" has the meaning given the term "drug" in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(12) SHIPPING.—The term "shipping" refers to the transportation of goods by a vessel and related activities.

(13) UNITED STATES PERSON.—The term "United States person" has the meaning given that term in section 101 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511).

(14) VESSEL.—The term "vessel" has the meaning given that term in section 3 of title 1, United States Code.

(b) DETERMINATIONS OF SIGNIFICANCE.—For purposes of this subtitle, in determining if financial transactions or financial services are significant, the President may consider the totality of the facts and circumstances, including factors similar to the factors set forth in section 561.404 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

SEC. 1243. SENSE OF CONGRESS RELATING TO VIOLATIONS OF HUMAN RIGHTS BY IRAN. 22 USC 8802.

(a) FINDING.—Congress finds that the interests of the United States and international peace are threatened by the ongoing and destabilizing actions of the Government of Iran, including its massive, systematic, and extraordinary violations of the human rights of its own citizens.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should—

(1) deny the Government of Iran the ability to continue to oppress the people of Iran and to use violence and executions against pro-democracy protestors and regime opponents;

(2) fully and publicly support efforts made by the people of Iran to promote the establishment of basic freedoms that build the foundation for the emergence of a freely elected, open, and democratic political system;

(3) help the people of Iran produce, access, and share information freely and safely via the Internet and through other media; and

(4) defeat all attempts by the Government of Iran to jam or otherwise obstruct international satellite broadcast signals.

22 USC 8803.

SEC. 1244. IMPOSITION OF SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.

(a) FINDINGS.—Congress makes the following findings:

(1) Iran's energy, shipping, and shipbuilding sectors and Iran's ports are facilitating the Government of Iran's nuclear proliferation activities by providing revenue to support proliferation activities.

(2) The United Nations Security Council and the United States Government have expressed concern about the proliferation risks presented by the Iranian nuclear program.

(3) The Director General of the International Atomic Energy Agency (in this section referred to as the "IAEA") has in successive reports (GOV/2012/37 and GOV/2011/65) identified possible military dimensions of Iran's nuclear program.

(4) The Government of Iran continues to defy the requirements and obligations contained in relevant IAEA Board of Governors and United Nations Security Council resolutions, including by continuing and expanding uranium enrichment activities in Iran, as reported in IAEA Report GOV/2012/37.

(5) United Nations Security Council Resolution 1929 (2010) recognizes the "potential connection between Iran's revenues derived from its energy sector and the funding of Iran's proliferation sensitive nuclear activities".

(6) The National Iranian Tanker Company is the main carrier for the Iranian Revolutionary Guard Corps-designated National Iranian Oil Company and a key element in the petroleum supply chain responsible for generating energy revenues that support the illicit nuclear proliferation activities of the Government of Iran.

(b) DESIGNATION OF PORTS AND ENTITIES IN THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN AS ENTITIES OF PROLIFERATION CONCERN.—Entities that operate ports in Iran and entities in the energy, shipping, and shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, the Islamic Republic of Iran Shipping Lines, and their affiliates, play an important role in Iran's nuclear proliferation efforts and all such entities are hereby designated as entities of proliferation concern.

Effective date.
Time period.

(c) BLOCKING OF PROPERTY OF ENTITIES IN ENERGY, SHIPPING, AND SHIPBUILDING SECTORS.—

(1) BLOCKING OF PROPERTY.—

(A) IN GENERAL.—On and after the date that is 180 days after the date of the enactment of this Act, the President shall block and prohibit all transactions in all property and interests in property of any person described in paragraph (2) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) EXCEPTION.—The requirement to block and prohibit all transactions in all property and interests in property under subparagraph (A) shall not include the authority to impose sanctions on the importation of goods.

(2) PERSONS DESCRIBED.—A person is described in this paragraph if the President determines that the person, on or after the date that is 180 days after the date of the enactment of this Act— Determination.

(A) is part of the energy, shipping, or shipbuilding sectors of Iran;

(B) operates a port in Iran; or

(C) knowingly provides significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of—

(i) a person determined under subparagraph (A) to be a part of the energy, shipping, or shipbuilding sectors of Iran;

(ii) a person determined under subparagraph (B) to operate a port in Iran; or

(iii) an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in paragraph (3)).

(3) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this paragraph is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(A) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(B) Iran's support for international terrorism; or

(C) Iran's abuses of human rights.

(d) ADDITIONAL SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.—

(1) SALE, SUPPLY, OR TRANSFER OF CERTAIN GOODS AND SERVICES.—

(A) IN GENERAL.—Except as provided in this section, the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 180 days after the date of the enactment of this Act, sells, supplies, or transfers to or from Iran goods or services described in paragraph (3). Determination.

(B) EXCEPTION.—The requirement to impose sanctions under subparagraph (A) shall not include the authority to impose sanctions relating to the importation of goods

under paragraph (8)(A) or (12) of section 6(a) of the Iran Sanctions Act of 1996, and any sanction relating to the importation of goods shall not count for purposes of the requirement to impose sanctions under subparagraph (A).

Effective date.
Time period.

(2) FACILITATION OF CERTAIN TRANSACTIONS.—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 180 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of goods or services described in paragraph (3).

(3) GOODS AND SERVICES DESCRIBED.—Goods or services described in this paragraph are significant goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, and the Islamic Republic of Iran Shipping Lines.

(e) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(f) EXCEPTION FOR AFGHANISTAN RECONSTRUCTION.—The President may provide for an exception from the imposition of sanctions under this section for reconstruction assistance or economic development for Afghanistan—

Determination.

(1) to the extent that the President determines that such an exception is in the national interest of the United States; and

Notification.
Deadline.

(2) if the President submits to the appropriate congressional committees a notification of and justification for the exception not later than 15 days before issuing the exception.

(g) APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall apply with respect to the purchase of petroleum or petroleum products from Iran only if, at the time of the purchase, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) EXCEPTION FOR CERTAIN COUNTRIES.—

(A) EXPORTATION.—This section shall not apply with respect to the exportation of petroleum or petroleum products from Iran to a country to which the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies at the time of the exportation of the petroleum or petroleum products.

(B) FINANCIAL TRANSACTIONS.—

(i) IN GENERAL.—This section shall not apply with respect to a financial transaction described in clause (ii) conducted or facilitated by a foreign financial institution if, at the time of the transaction, the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(ii) FINANCIAL TRANSACTIONS DESCRIBED.—A financial transaction conducted or facilitated by a foreign financial institution is described in this clause if—

(I) the financial transaction is only for trade in goods or services—

(aa) not otherwise subject to sanctions under the law of the United States; and

(bb) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(II) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(h) APPLICABILITY OF SANCTIONS TO NATURAL GAS.—

(1) SALE, SUPPLY, OR TRANSFER.—Except as provided in paragraph (2), this section shall not apply to the sale, supply, or transfer to or from Iran of natural gas.

(2) FINANCIAL TRANSACTIONS.—This section shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(A) the financial transaction is only for trade in goods or services—

(i) not otherwise subject to sanctions under the law of the United States; and

(ii) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(B) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(i) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under this section for a period of not more than 180 days, and may renew that waiver for additional periods of not more than 180 days, if the President— Time periods.

(A) determines that such a waiver is vital to the national security of the United States; and Determination.

(B) submits to the appropriate congressional committees a report providing a justification for the waiver. Reports.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1245. IMPOSITION OF SANCTIONS WITH RESPECT TO THE SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS TO OR FROM IRAN. 22 USC 8804.

(a) SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS.—

(1) IN GENERAL.—The President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 180 days after the date of the enactment of this Act, sells, supplies, or transfers, directly or indirectly, to or from Iran—

(A) a precious metal;

(B) a material described in subsection (d) determined pursuant to subsection (e)(1) to be used by Iran as described in that subsection;

(C) any other material described in subsection (d) if—

(i) the material is—

(I) to be used in connection with the energy, shipping, or shipbuilding sectors of Iran or any sector of the economy of Iran determined pursuant to subsection (e)(2) to be controlled directly or indirectly by Iran's Revolutionary Guard Corps;

(II) sold, supplied, or transferred to or from an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)); or

(III) determined pursuant to subsection (e)(3) to be used in connection with the nuclear, military, or ballistic missile programs of Iran; or

(ii) the material is resold, retransferred, or otherwise supplied—

(I) to an end-user in a sector described in subclause (I) of clause (i);

(II) to a person described in subclause (II) of that clause; or

(III) for a program described in subclause (III) of that clause.

(2) EXCEPTION.—The requirement to impose sanctions under paragraph (1) shall not include the authority to impose sanctions relating to the importation of goods under paragraph (8)(A) or (12) of section 6(a) of the Iran Sanctions Act of 1996, and any sanction relating to the importation of goods shall not count for purposes of the requirement to impose sanctions under paragraph (1).

(b) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) FACILITATION OF CERTAIN TRANSACTIONS.—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 180 days after the date of the enactment of this Act,

conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a).

(d) MATERIALS DESCRIBED.—Materials described in this subsection are graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes.

(e) DETERMINATION WITH RESPECT TO USE OF MATERIALS.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees and publish in the Federal Register a report that contains the determination of the President with respect to— Deadlines. Federal Register, publication. Reports.

(1) whether Iran is—

(A) using any of the materials described in subsection (d) as a medium for barter, swap, or any other exchange or transaction; or

(B) listing any of such materials as assets of the Government of Iran for purposes of the national balance sheet of Iran;

(2) which sectors of the economy of Iran are controlled directly or indirectly by Iran's Revolutionary Guard Corps; and

(3) which of the materials described in subsection (d) are used in connection with the nuclear, military, or ballistic missile programs of Iran.

(f) EXCEPTION FOR PERSONS EXERCISING DUE DILIGENCE.—The President may not impose sanctions under subsection (a) or (c) with respect to a person if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not sell, supply, or transfer to or from Iran materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a) or conduct or facilitate a financial transaction for such a sale, supply, or transfer. Determination.

(g) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under this section for a period of not more than 180 days, and may renew that waiver for additional periods of not more than 180 days, if the President— Time periods.

(A) determines that such a waiver is vital to the national security of the United States; and Determination.

(B) submits to the appropriate congressional committees a report providing a justification for the waiver. Reports.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(h) NATIONAL BALANCE SHEET OF IRAN DEFINED.—For purposes of this section, the term "national balance sheet of Iran" refers to the ratio of the assets of the Government of Iran to the liabilities of that Government.

SEC. 1246. IMPOSITION OF SANCTIONS WITH RESPECT TO THE PROVISION OF UNDERWRITING SERVICES OR INSURANCE OR REINSURANCE FOR ACTIVITIES OR PERSONS WITH RESPECT TO WHICH SANCTIONS HAVE BEEN IMPOSED. 22 USC 8805.

(a) IMPOSITION OF SANCTIONS.—

Determination.
Effective date.
Time period.

(1) IN GENERAL.—Except as provided in this section, the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 180 days after the date of the enactment of this Act, provides underwriting services or insurance or reinsurance—

(A) for any activity with respect to Iran for which sanctions have been imposed under this subtitle, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Iran Sanctions Act of 1996, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8701 et seq.), the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note), or any other provision of law relating to the imposition of sanctions with respect to Iran;

(B) to or for any person—

(i) with respect to, or for the benefit of any activity in the energy, shipping, or shipbuilding sectors of Iran for which sanctions are imposed under this subtitle;

(ii) for the sale, supply, or transfer to or from Iran of materials described in section 1245(d) for which sanctions are imposed under this subtitle; or

(iii) designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) in connection with—

(I) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

(II) Iran's support for international terrorism; or

(C) to or for any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(2) EXCEPTION.—The requirement to impose sanctions under paragraph (1) shall not include the authority to impose sanctions relating to the importation of goods under paragraph (8)(A) or (12) of section 6(a) of the Iran Sanctions Act of 1996, and any sanction relating to the importation of goods shall not count for purposes of the requirement to impose sanctions under paragraph (1).

(b) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under subsection (a) for the provision of underwriting

services or insurance or reinsurance for a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.—The President may not impose sanctions under subparagraph (A) or (C) or clause (i) or (ii) of subparagraph (B) of subsection (a)(1) with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for an activity described in subparagraph (A) of that subsection or to or for any person described in subparagraph (C) or clause (i) or (ii) of subparagraph (B) of that subsection. Determination.

(e) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 180 days, and may renew that waiver for additional periods of not more than 180 days, if the President— Time periods.

(A) determines that such a waiver is vital to the national security of the United States; and Determination.

(B) submits to the appropriate congressional committees a report providing a justification for the waiver. Reports.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1247. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT FACILITATE FINANCIAL TRANSACTIONS ON BEHALF OF SPECIALLY DESIGNATED NATIONALS. 22 USC 8806.

(a) IN GENERAL.—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has, on or after the date that is 180 days after the date of the enactment of this Act, knowingly facilitated a significant financial transaction on behalf of any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)). Determination. Effective date. Time period.

(b) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under subsection (a) with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), subsection (a) shall apply with respect to a financial transaction for the purchase of petroleum or petroleum products from Iran only if, at the time of the transaction, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) EXCEPTION FOR CERTAIN COUNTRIES.—

(A) IN GENERAL.—Subsection (a) shall not apply with respect to a financial transaction described in subparagraph (B) conducted or facilitated by a foreign financial institution if, at the time of the transaction, the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(B) FINANCIAL TRANSACTIONS DESCRIBED.—A financial transaction conducted or facilitated by a foreign financial institution is described in this subparagraph if—

(i) the financial transaction is only for trade in goods or services—

(I) not otherwise subject to sanctions under the law of the United States; and

(II) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(ii) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(e) APPLICABILITY OF SANCTIONS TO NATURAL GAS.—Subsection (a) shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(1) the financial transaction is only for trade in goods or services—

(A) not otherwise subject to sanctions under the law of the United States; and

(B) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(2) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(f) WAIVER.—

Time periods.

(1) IN GENERAL.—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 180 days, and may renew that waiver for additional periods of not more than 180 days, if the President—

Determination.

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver. Reports.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1248. IMPOSITIONS OF SANCTIONS WITH RESPECT TO THE ISLAMIC REPUBLIC OF IRAN BROADCASTING. 22 USC 8807.

(a) FINDINGS.—Congress makes the following findings:

(1) The Islamic Republic of Iran Broadcasting has contributed to the infringement of individuals' human rights by broadcasting forced televised confession and show trials.

(2) In March 2012, the European Council imposed sanctions on the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, for broadcasting forced confessions of detainees and a series of "show trials" in August 2009 and December 2011 that constituted a clear violation of international law with respect to the right to a fair trial and due process.

(b) IMPOSITION OF SANCTIONS.—

(1) IN GENERAL.—The President shall, after the date of the enactment of this Act—

(A) impose sanctions described in section 105(c) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8514(c)) with respect to the Islamic Republic of Iran Broadcasting and the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami; and Ezzatollah Zargami.

(B) include the Islamic Republic of Iran Broadcasting and the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury.

(2) EXCEPTION.—The requirement to impose sanctions under paragraph (1)(A) shall not include the authority to impose sanctions on the importation of goods.

(3) APPLICATION OF CERTAIN PROVISIONS.—Sections 105(d) and 401(b) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8514(d) and 8551(b)) shall apply with respect to sanctions imposed under paragraph (1)(A) to the same extent that such sections apply with respect to the imposition of sanctions under section 105(a) of that Act (22 U.S.C. 8514(a)).

SEC. 1249. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.

(a) IN GENERAL.—Title I of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511 et seq.) is amended by inserting after section 105B the following:

"SEC. 105C. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN. 22 USC 8514c.

"(a) IMPOSITION OF SANCTIONS.—

"(1) IN GENERAL.—The President shall impose sanctions described in section 105(c) with respect to each person on the list required by subsection (b).

"(2) EXCEPTION.—The requirement to impose sanctions under paragraph (1) shall not include the authority to impose sanctions on the importation of goods.

"(b) LIST OF PERSONS WHO ENGAGE IN DIVERSION.—

Determination.
Effective date.

"(1) IN GENERAL.—As relevant information becomes available, the President shall submit to the appropriate congressional committees a list of persons that the President determines have, on or after the date of the enactment of the Iran Freedom and Counter-Proliferation Act of 2012, engaged in corruption or other activities relating to—

"(A) the diversion of goods, including agricultural commodities, food, medicine, and medical devices, intended for the people of Iran; or

"(B) the misappropriation of proceeds from the sale or resale of such goods.

"(2) FORM OF REPORT; PUBLIC AVAILABILITY.—

"(A) FORM.—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

Web posting.

"(B) PUBLIC AVAILABILITY.—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.

"(c) GOOD DEFINED.—In this section, the term 'good' has the meaning given that term in section 1242(a) of the Iran Freedom and Counter-Proliferation Act of 2012.".

(b) WAIVER.—Section 401(b)(1) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(b)(1)) is amended—

(1) by striking "or 105B(a)" and inserting "105B(a), or 105C(a)"; and

(2) by striking "or 105B(b)" and inserting "105B(b), or 105C(b)".

(c) CLERICAL AMENDMENT.—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 is amended by inserting after the item relating to section 105B the following:

"Sec. 105C. Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran.".

SEC. 1250. WAIVER REQUIREMENT RELATED TO EXCEPTIONAL CIRCUMSTANCES PREVENTING SIGNIFICANT REDUCTIONS IN CRUDE OIL PURCHASES.

Section 1245(d)(5)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(5)(B)) is amended—

(1) in clause (i), by striking "; and" and inserting a semicolon;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following new clause:

"(ii) certifying that the country with primary jurisdiction over the foreign financial institution otherwise subject to the sanctions faced exceptional circumstances that prevented the country from being able

to reduce significantly its purchases of petroleum and petroleum products from Iran; and".

SEC. 1251. STATUTE OF LIMITATIONS FOR CIVIL ACTIONS REGARDING TERRORIST ACTS.

(a) IN GENERAL.—Section 2335 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "4 years" and inserting "10 years"; and

(2) in subsection (b), by striking "4-year period" and inserting "10-year period".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any civil action arising under section 2333 of title 18, United States Code, that is pending on, or commenced on or after, the date of the enactment of this Act.

Applicability. 18 USC 2335 note.

(c) SPECIAL RULE RELATING TO CERTAIN ACTS OF INTERNATIONAL TERRORISM.—Notwithstanding section 2335 of title 18, United States Code, as amended by subsection (a), a civil action under section 2333 of such title resulting from an act of international terrorism that occurred on or after September 11, 2001, and before the date that is 4 years before the date of the enactment of this Act, may be maintained if the civil action is commenced during the 6-year period beginning on such date of enactment.

Time period. 18 USC 2335 note.

SEC. 1252. REPORT ON USE OF CERTAIN IRANIAN SEAPORTS BY FOREIGN VESSELS AND USE OF FOREIGN AIRPORTS BY SANCTIONED IRANIAN AIR CARRIERS.

22 USC 8808.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through 2016, the President shall submit to the appropriate congressional committees a report that contains—

(1) a list of large or otherwise significant vessels that have entered seaports in Iran controlled by the Tidewater Middle East Company during the period specified in subsection (b) and the owners and operators of those vessels; and

(2) a list of all airports at which aircraft owned or controlled by an Iranian air carrier on which sanctions have been imposed by the United States have landed during the period specified in subsection (b).

(b) PERIOD SPECIFIED.—The period specified in this subsection is—

(1) in the case of the first report submitted under subsection (a), the 180-day period preceding the submission of the report; and

(2) in the case of any subsequent report submitted under that subsection, the year preceding the submission of the report.

(c) FORM OF REPORT.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1253. IMPLEMENTATION; PENALTIES.

22 USC 8809.

(a) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subtitle.

(b) PENALTIES.—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S. C. 1705) shall apply to a person that violates,

Applicability.

attempts to violate, conspires to violate, or causes a violation of this subtitle or regulations prescribed under this subtitle to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

(c) APPLICATION OF CERTAIN PROVISIONS OF IRAN SANCTIONS ACT OF 1996.—The following provisions of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) shall apply with respect to the imposition of sanctions under sections 1244(d), 1245(a), and 1246(a) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of the Iran Sanctions Act of 1996, and, as appropriate, instead of sections 1244(i), 1245(g), and 1246(e) of this Act:

(1) Paragraphs (1)(A), (2)(A), and (2)(B)(i) of section 4(c).
(2) Subsections (c), (d), and (f) of section 5.
(3) Section 8.
(4) Section 11.
(5) Section 12.
(6) Section 13(b).

22 USC 8810.

SEC. 1254. APPLICABILITY TO CERTAIN NATURAL GAS PROJECTS.

Nothing in this subtitle or the amendments made by this subtitle shall apply with respect to any activity relating to a project described in subsection (a) of section 603 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8783) to which the exception under that section applies at the time of the activity.

22 USC 8811.

SEC. 1255. RULE OF CONSTRUCTION.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to limit sanctions imposed with respect to Iran under any other provision of law or to limit the authority of the President to impose additional sanctions with respect to Iran.

Subtitle E—Satellites and Related Items

SEC. 1261. REMOVAL OF SATELLITES AND RELATED ITEMS FROM THE UNITED STATES MUNITIONS LIST.

(a) REPEAL.—

(1) IN GENERAL.—Section 1513 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2174; 22 U.S.C. 2778 note) is amended by striking subsection (a).

(2) CONFORMING AMENDMENT.—Subsection (c) of such section is amended by striking "(1) Subsection (a)" and all that follows through "(2) The amendments" and inserting "The amendments".

President.

(b) ADDITIONAL DETERMINATION AND REPORT.—Accompanying but separate from the submission to Congress of the first notification after the date of the enactment of this Act under section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)) relating to the removal of satellites and related items from the United States Munitions List, the President shall also submit to Congress—

(1) a determination by the President that the removal of such satellites and items from the United States Munitions List is in the national security interests of the United States; and

(2) a report identifying and analyzing any differences between—

(A) the recommendations and draft regulations for controlling the export, re-export, and transfer of such satellites and related items that were submitted in the report to Congress required by section 1248 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2546); and

(B) the final regulations under which the export, re-export, and transfer of such satellites and related items would continue to be controlled.

(c) PROHIBITION.—

(1) IN GENERAL.—Subject to paragraph (3), no satellites or related items that are made subject to the Export Administration Regulations (15 CFR part 730 et seq.) as a result of the enactment of subsection (a) of this section, whether or not enumerated on the Commerce Control List—

(A) may be exported, re-exported, or transferred, directly or indirectly, to—

(i) any government of a country described in paragraph (2); or

(ii) any entity or person in or acting for or on behalf of such government, entity, or person; or

(B) may be launched in a country described in paragraph (2) or as part of a launch vehicle owned, operated, or manufactured by the government of such country or any entity or person in or acting for or on behalf of such government, entity, or person.

(2) COUNTRIES DESCRIBED.—The countries referred to in paragraph (1) are the following:

(A) The People's Republic of China.

(B) North Korea.

(C) Any country that is a state sponsor of terrorism.

(3) WAIVER.—The President may waive the prohibition in paragraph (1) on a case-by-case basis if not later than 30 days before doing so the President— President. Deadline.

(A) determines that it is in the national interest of the United States to do so; and Determination.

(B) notifies the appropriate congressional committees of such determination. Notification.

(d) PRESUMPTION OF DENIAL.—Any license or other authorization to export satellites and related items to a country with respect to which the United States maintains a comprehensive arms embargo shall be subject to a presumption of denial.

(e) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report on efforts of state sponsors of terrorism, other foreign countries, or entities to illicitly acquire satellites and related items. Consultation.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

22 USC 2778 note.

SEC. 1262. REPORT ON LICENSES AND OTHER AUTHORIZATIONS TO EXPORT CERTAIN SATELLITES AND RELATED ITEMS.

President.

(a) IN GENERAL.—Not later than 60 days after the end of each calendar year through 2020, the President shall submit to the committees of Congress specified in subsection (b) a report summarizing all licenses and other authorizations to export satellites and related items that are subject to the Export Administration Regulations (15 CFR part 730 et seq.) as a result of the enactment of section 1261(a).

(b) COMMITTEES OF CONGRESS SPECIFIED.—The committees of Congress specified in this subsection are—

(1) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

22 USC 2778 note.

SEC. 1263. REPORT ON COUNTRY EXEMPTIONS FOR LICENSING OF EXPORTS OF CERTAIN SATELLITES AND RELATED ITEMS.

Consultation.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Attorney General, the Secretary of Homeland Security, and the heads of other Federal departments and agencies as appropriate, shall submit to the appropriate congressional committees a report that contains an assessment of the extent to which the terms and conditions of exemptions for foreign countries to the licensing requirements and other authorizations to export satellites and related items that are subject to the Export Administration Regulations (15 CFR part 730 et seq.) as a result of the enactment of section 1261(a) contain strong safeguards.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include a description of the extent to which the terms and conditions of exemptions described in subsection (a), including other relevant laws, regulations, and practices, support law enforcement efforts to detect, prevent, and prosecute criminal, administrative, and other violations of any provision of the Export Administration Regulations (15 CFR part 730 et seq.), including efforts on the part of state sponsors of terrorism, organizations determined by the Secretary of State to have provided support for international terrorism, or other foreign countries, to acquire illicitly satellites and related items from the United States.

22 USC 2778 note.

SEC. 1264. END-USE MONITORING OF CERTAIN SATELLITES AND RELATED ITEMS.

President.

(a) IN GENERAL.—In order to ensure accountability with respect to the export of satellites and related items that become subject to the Export Administration Regulations (15 CFR part 730 et seq.) as a result of the enactment of section 1261(a), the President shall provide for the end-use monitoring of such satellites and related items.

Consultation.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the heads of other Federal departments and agencies as appropriate, shall submit to Congress a report describing the actions taken to implement this section, including identification of resource

shortfalls or other constraints on effective end-use monitoring of satellites and related items described in subsection (a).

SEC. 1265. INTERAGENCY REVIEW OF MODIFICATIONS TO CATEGORY XV OF THE UNITED STATES MUNITIONS LIST.

22 USC 2778 note.

(a) IN GENERAL.—Subject to section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)), the President shall ensure that the Secretary of State, the Secretary of Defense, the Secretary of Commerce and, as appropriate, the Director of National Intelligence and the heads of other appropriate Federal departments and agencies, will review any removal or addition of an item to Category XV of the United States Munitions List (relating to spacecraft systems and associated equipment).

President.

(b) EFFECTIVE DATE.—The requirement of subsection (a) shall apply with respect to any item described in subsection (a) that is proposed to be removed or added to Category XV of the United States Munitions List on or after the date of the enactment of this Act.

Applicability.

SEC. 1266. RULES OF CONSTRUCTION.

22 USC 2778 note.

(a) IN GENERAL.—Subtitle B of title XV of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2173; 22 U.S.C. 2778 note) shall continue to apply to satellites and related items that are subject to the Export Administration Regulations (15 CFR part 730 et seq.) as a result of the enactment of section 1261(a).

Applicability.

(b) ADDITIONAL RULE.—Nothing in this subtitle or any amendment made by this subtitle shall be construed as removing or limiting the authorities of the President under subsection (a) or (b) of section 1514 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2175; 22 U.S.C. 2778 note) with respect to defense articles and defense services that remain subject to the jurisdiction of the International Traffic in Arms Regulations.

SEC. 1267. DEFINITIONS.

22 USC 2778 note.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) STATE SPONSOR OF TERRORISM.—The term "state sponsor of terrorism" means any country the government of which the Secretary of State has determined has repeatedly provided support for international terrorism pursuant to—

(A) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405) (as continued in effect under the International Emergency Economic Powers Act);

(B) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(C) section 40 of the Arms Export Control Act (22 U.S.C. 2780); or

(D) any other provision of law.

(3) UNITED STATES MUNITIONS LIST.—The term "United States Munitions List" means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

Subtitle F—Other Matters

SEC. 1271. ADDITIONAL ELEMENTS IN ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

Section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 10 U.S.C. 113 note) is amended—

(1) by amending paragraph (9) to read as follows:

"(9) Developments in China's asymmetric capabilities, including its strategy and efforts to develop and deploy cyberwarfare and electronic warfare capabilities, details on the number of malicious cyber incidents originating from China against Department of Defense infrastructure, and associated activities originating or suspected of originating from China.";

(2) by redesignating paragraphs (10), (11),and (12) as paragraphs (15), (16), and (17) respectively;

(3) by inserting after paragraph (9) the following new paragraphs:

"(10) The strategy and capabilities of Chinese space and counterspace programs, including trends, global and regional activities, the involvement of military and civilian organizations, including state-owned enterprises, academic institutions, and commercial entities, and efforts to develop, acquire, or gain access to advanced technologies that would enhance Chinese military capabilities.

"(11) Developments in China's nuclear program, including the size and state of China's stockpile, its nuclear strategy and associated doctrines, its civil and military production capacities, and projections of its future arsenals.

"(12) A description of China's anti-access and area denial capabilities.

"(13) A description of China's command, control, communications, computers, intelligence, surveillance, and reconnaissance modernization program and its applications for China's precision guided weapons.

"(14) A description of the roles and activities of the People's Liberation Army Navy and those of China's paramilitary and maritime law enforcement vessels, including their response to United States naval activities."; and

(4) by adding after paragraph (17), as redesignated by paragraph (2) of this section, the following new paragraphs:

"(18) A description of Chinese military-to-military relationships with other countries, including the size and activity of military attache offices around the world and military education programs conducted in China for other countries or in other countries for the Chinese.

"(19) A description of any significant sale or transfer of military hardware, expertise, and technology to or from the People's Republic of China, including a forecast of possible future sales and transfers, a description of the implications of those sales and transfers for the security of the United

States and its partners and allies in Asia, and a description of any significant assistance to and from any selling state with military-related research and development programs in China.".

SEC. 1272. NATO SPECIAL OPERATIONS HEADQUARTERS.

(a) IN GENERAL.—Subsection (a) of section 1244 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2541), as amended by section 1242 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4405), is further amended—

(1) by striking "fiscal year 2011" and inserting "each of fiscal years 2013, 2014, and 2015";

(2) by striking "section 301(1)" and inserting "section 301"; and

(3) by inserting "for such fiscal year" after "$50,000,000".

(b) ANNUAL REPORT.—Such section, as so amended, is further amended by adding at the end the following: 22 USC 1928 note.

"(d) ANNUAL REPORT.—Not later than March 1 of each year, the Secretary of Defense shall submit to the congressional defense committees a report regarding support for the NSHQ. Each report shall include the following:

"(1) The total amount of funding provided by the United States and other NATO nations to the NSHQ for operating costs of the NSHQ.

"(2) A description of the activities carried out with such funding, including—

"(A) the amount of funding allocated for each such activity;

"(B) the extent to which other NATO nations participate in each such activity;

"(C) the extent to which each such activity is designed to meet the purposes set forth in paragraphs (1) through (5) of subsection (b); and

"(D) an assessment of the extent to which each such activity will promote the mission of the NSHQ.

"(3) Other contributions, financial or in kind, provided by the United States and other NATO nations in support of the NSHQ.

"(4) Any other matters that the Secretary of Defense considers appropriate.".

SEC. 1273. SUSTAINABILITY REQUIREMENTS FOR CERTAIN CAPITAL PROJECTS IN CONNECTION WITH OVERSEAS CONTINGENCY OPERATIONS. 22 USC 2421f.

(a) LIMITATION.—

(1) IN GENERAL.—Commencing 60 days after the date of the enactment of this Act— Effective date. Consultation. Assessment.

(A) amounts authorized to be appropriated for the Department of Defense may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of Defense, in consultation with the United States commander of military operations in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project;

(B) amounts authorized to be appropriated for the Department of State may not be obligated or expended for a capital project described in subsection (b) unless the

Secretary of State, in consultation with the Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project; and

(C) amounts authorized to be appropriated for the United States Agency for International Development may not be obligated or expended for a capital project described in subsection (b) unless the Administrator of the United States Agency for International Development, in consultation with the Mission Director and the Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project.

(2) ELEMENTS.—Each assessment on a capital project under this subsection shall include, but not be limited to, the following:

(A) An estimate of the total cost of the completed project to the United States.

(B) An estimate of the financial and other requirements necessary for the host government to sustain the project on an annual basis after completion of the project.

(C) An assessment whether the host government has the capacity (in both financial and human resources) to maintain and use the project after completion.

(D) A description of any arrangements for the sustainment of the project following its completion if the host government lacks the capacity (in financial or human resources) to maintain the project.

(E) An assessment whether the host government has requested or expressed its need for the project, and an explanation of the decision to proceed with the project absent such request or need.

(F) An assessment by the Secretary of Defense, where applicable, of the effect of the project on the military mission of the United States in the country concerned.

(b) COVERED CAPITAL PROJECTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a capital project described in this subsection is any capital project overseas for an overseas contingency operation for the benefit of a host country and funded by the Department of Defense, the Department of State, or the United States Agency for International Development, as applicable, if the capital project—

(A) in the case of a project that directly supports building the capacity of indigenous security forces in the host country, has an estimated value in excess of $10,000,000;

(B) in the case of any project not covered by subparagraph (A) that is to be funded by the Department of State or the United States Agency for International Development, has an estimated value in excess of $5,000,000; or

(C) in the case of any other project, has an estimated value in excess of $2,000,000.

(2) EXCLUSION.—A capital project described in this subsection does not include any project for military construction (as that term is defined in section 114(b) of title 10, United

States Code) or a military family housing project under section 2821 of such title.

(c) WAIVER.—The Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development, as applicable, may waive the limitation in subsection (a) in order to initiate a capital project if such Secretary or the Administrator, as the case may be, determines that the project is in the national security, diplomatic, or humanitarian interests of the United States. In the first report submitted under subsection (d) after any waiver under this subsection, such Secretary or the Administrator shall include a detailed justification of such waiver. Not later than 90 days after issuing a waiver under this subsection, such Secretary or the Administrator shall submit to the appropriate committees of Congress the assessment described in subsection (a) with respect to the capital project concerned.

Determination.

(d) SEMI-ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of any fiscal-year half-year in which the Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development conducts an assessment under subsection (a), such Secretary or the Administrator, as the case may be, shall submit to the appropriate committees of Congress a report setting forth each assessment so conducted during such fiscal-year half-year, including the elements of each capital project so assessed specified in subsection (a)(2).

(2) ADDITIONAL ELEMENTS.—In addition to the matters provided for in paragraph (1), each report under that paragraph shall include the following:

(A) For each capital project covered by such report, an evaluation (other than by amount of funds expended) of the effectiveness of such project, including, at a minimum, the following:

(i) The stated goals of the project.

(ii) The actions taken to assess and verify whether the project has met the stated goals of the project or is on track to meet such goals when completed.

(iii) The current and anticipated levels of involvement of local governments, communities, and individuals in the project.

(B) For each country or region in which a capital project covered by such report is being carried out, an assessment of the current and anticipated risks of corruption or fraud in connection with such project.

(3) FORM.—Each report shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term "capital project" has the meaning given that term in section 308 of the Aid, Trade, and Competitiveness Act of 1992 (22 U.S.C. 2421e).

(3) The term "overseas contingency operation" means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

10 USC 2350a note.

SEC. 1274. ADMINISTRATION OF THE AMERICAN, BRITISH, CANADIAN, AND AUSTRALIAN ARMIES' PROGRAM.

(a) AUTHORITY.—As part of the participation by the United States in the land-force program known as the American, British, Canadian, and Australian Armies' Program (in this section referred to as the "Program"), the Secretary of Defense may, with the concurrence of the Secretary of State, enter into agreements with the other participating countries in accordance with this section, and the Program shall be managed pursuant to a joint agreement among the participating countries.

(b) PARTICIPATING COUNTRIES.—In addition to the United States, the countries participating in the Program are the following:

(1) Australia.

(2) Canada.

(3) New Zealand.

(4) The United Kingdom.

(c) CONTRIBUTIONS BY PARTICIPANTS.—

(1) IN GENERAL.—An agreement under subsection (a) shall provide that each participating country shall contribute to the Program—

(A) its equitable share of the full cost for the Program, including the full cost of overhead and administrative costs related to the Program; and

(B) any amount allocated to it in accordance with the agreement for the cost for monetary claims asserted against any participating country as a result of participation in the Program.

(2) ADDITIONAL AUTHORIZED CONTRIBUTION.—Such an agreement shall also provide that each participating country (including the United States) may provide its contribution for its equitable share under the agreement in funds, in personal property, or in services required for the Program (or in any combination thereof).

(3) FUNDING FOR UNITED STATES CONTRIBUTION.—Any contribution by the United States to the Program that is provided in funds shall be made from funds available to the Department of Defense for operation and maintenance.

(4) TREATMENT OF CONTRIBUTIONS RECEIVED FROM OTHER COUNTRIES.—Any contribution received by the United States from another participating country to meet that country's share of the costs of the Program shall be credited to appropriations available to the Department of Defense, as determined by the Secretary of Defense. The amount of a contribution credited to an appropriation account in connection with the Program shall be available only for payment of the share of the Program expenses allocated to the participating country making the contribution. Amounts so credited shall be available for the following purposes:

(A) Payments to contractors and other suppliers (including the Department of Defense and participating countries acting as suppliers) for necessary goods and services of the Program.

(B) Payments for any damages and costs resulting from the performance or cancellation of any contract or other obligation in support of the Program.

(C) Payments for any monetary claim against a participating country as a result of the participation of that country in the Program.

(D) Payments or reimbursements of other Program expenses, including overhead and administrative costs for any administrative office for the Program.

(E) Refunds to other participating countries.

(5) COSTS OF OPERATION OF OFFICES ESTABLISHED FOR PROGRAM.—Costs for the operation of any office established to carry out the Program shall be borne jointly by the participating countries as provided for in an agreement referred to in subsection (a).

(d) AUTHORITY TO CONTRACT FOR PROGRAM ACTIVITIES.—As part of the participation by the United States in the Program, the Secretary of Defense may enter into contracts or incur other obligations on behalf of the other participating countries for activities under the Program. Any payment for such a contract or other obligation under this subsection may be paid only from contributions credited to an appropriation under subsection (c)(4).

(e) DISPOSAL OF PROPERTY.—As part of the participation by the United States in the Program, the Secretary of Defense may, with respect to any property that is jointly acquired by the countries participating in the Program, agree to the disposal of the property without regard to any law of the United States that is otherwise applicable to the disposal of property owned by the United States. Such disposal may include the transfer of the interest of the United States in the property to one or more of the other participating countries or the sale of the property. Reimbursement for the value of the property disposed of (including the value of the interest of the United States in the property) shall be made in accordance with an agreement under subsection (a).

(f) REPORTS.—Not later than 60 days before the expiration date of any agreement under subsection (a), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities, costs, and accomplishments of the Program during the five-year period ending on the date of such report.

(g) SUNSET.—Any agreement entered into by the United States with another country under subsection (a), and United States participation in the joint agreement described in that subsection, shall expire not later than five years after the date of the enactment of this Act.

SEC. 1275. UNITED STATES PARTICIPATION IN HEADQUARTERS EUROCORPS. 10 USC 113 note.

(a) PARTICIPATION AUTHORIZED.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the Armed Forces as members of the staff of Headquarters Eurocorps for the purpose of supporting the North

Atlantic Treaty Organization (NATO) activities of the NATO Rapid Deployable Corps Eurocorps.

(b) MEMORANDUM OF UNDERSTANDING.—

(1) REQUIREMENT.—The participation of members of the Armed Forces as members of the staff of Headquarters Eurocorps shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and Headquarters Eurocorps.

(2) COST-SHARING ARRANGEMENTS.—If Department of Defense facilities, equipment, or funds are used to support Headquarters Eurocorps, the memoranda of understanding under paragraph (1) shall provide details of any cost-sharing arrangement or other funding arrangement.

Reports.

(c) LIMITATION ON NUMBER OF MEMBERS PARTICIPATING AS STAFF.—Not more than two members of the Armed Forces may participate as members of the staff of Headquarters Eurocorps, until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

Certification.

(1) A certification by the Secretary of Defense that the participation of more than two members of the Armed Forces in Headquarters Eurocorps is in the national interests of the United States.

(2) A description of the benefits of the participation of the additional members proposed by the Secretary.

(3) A description of the plans for the participation of the additional members proposed by the Secretary, including the grades and posts to be filled.

(4) A description of the costs associated with the participation of the additional members proposed by the Secretary.

(d) NOTICE ON PARTICIPATION OF NUMBER OF MEMBERS ABOVE CERTAIN CEILING.—Not more than 10 members of the Armed Forces may participate as members of the staff of Headquarters Eurocorps unless the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a notice that the number of members so participating will exceed 10 members.

(e) AVAILABILITY OF APPROPRIATED FUNDS.—

(1) AVAILABILITY.—Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

(A) To pay the United States' share of the operating expenses of Headquarters Eurocorps.

(B) To pay the costs of the participation of members of the Armed Forces participating as members of the staff of Headquarters Eurocorps, including the costs of expenses of such participants.

(2) LIMITATION.—No funds may be used under this section to fund the pay or salaries of members of the Armed Forces who participate as members of the staff of the Headquarters, North Atlantic Treaty Organization (NATO) Rapid Deployable Corps under this section.

(f) HEADQUARTERS EUROCORPS DEFINED.—In this section, the term "Headquarters Eurocorps" refers to the multinational military headquarters, established on October 1, 1993, which is one of the

High Readiness Forces (Land) associated with the Allied Rapid Reaction Corps of NATO.

SEC. 1276. DEPARTMENT OF DEFENSE PARTICIPATION IN EUROPEAN PROGRAM ON MULTILATERAL EXCHANGE OF AIR TRANSPORTATION AND AIR REFUELING SERVICES.

10 USC 2350c note.

(a) PARTICIPATION AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of the United States in the Air Transport, Air-to-Air Refueling and other Exchanges of Services program (in this section referred to as the "ATARES program") of the Movement Coordination Centre Europe.

(2) SCOPE OF PARTICIPATION.—Participation in the ATARES program under paragraph (1) shall be limited to the reciprocal exchange or transfer of air transportation and air refueling services on a reimbursable basis or by replacement-in-kind or the exchange of air transportation or air refueling services of an equal value.

(3) LIMITATIONS.—The United States' balance of executed flight hours, whether as credits or debits, in participation in the ATARES program under paragraph (1) may not exceed 500 hours. The United States' balance of executed flight hours for air refueling in the ATARES program under paragraph (1) may not exceed 200 hours.

(b) WRITTEN ARRANGEMENT OR AGREEMENT.—

(1) ARRANGEMENT OR AGREEMENT REQUIRED.—The participation of the United States in the ATARES program under subsection (a) shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the Movement Coordination Centre Europe.

(2) FUNDING ARRANGEMENTS.—If Department of Defense facilities, equipment, or funds are used to support the ATARES program, the written arrangement or agreement under paragraph (1) shall specify the details of any equitable cost sharing or other funding arrangement.

(3) OTHER ELEMENTS.—Any written arrangement or agreement entered into under paragraph (1) shall require that any accrued credits and liabilities resulting from an unequal exchange or transfer of air transportation or air refueling services shall be liquidated, not less than once every five years, through the ATARES program.

(c) IMPLEMENTATION.—In carrying out any written arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

(1) pay the United States' equitable share of the operating expenses of the Movement Coordination Centre Europe and the ATARES consortium from funds available to the Department of Defense for operation and maintenance; and

(2) assign members of the Armed Forces or Department of Defense civilian personnel, from among members and personnel within billets authorized for the United States European Command, to duty at the Movement Coordination Centre Europe as necessary to fulfill the United States' obligations under that arrangement or agreement.

(d) CREDITING OF RECEIPTS.—Any amount received by the United States in carrying out a written arrangement or agreement entered into under subsection (b) shall be credited, as elected by the Secretary of Defense, to the following:

(1) The appropriation, fund, or account used in incurring the obligation for which such amount is received.

(2) An appropriation, fund, or account currently available for the purposes for which such obligation was made.

(e) ANNUAL SECRETARY OF DEFENSE REPORTS.—Not later than 30 days after the end of each fiscal year in which the authority provided by this section is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on United States participation in the ATARES program during such fiscal year. Each report shall include the following:

(1) The United States balance of executed flight hours at the end of the fiscal year covered by such report.

(2) The types of services exchanged or transferred during the fiscal year covered by such report.

(3) A description of any United States costs under the written arrangement or agreement under subsection (b)(1) in connection with the use of Department of Defense facilities, equipment, or funds to support the ATARES program under that subsection as provided by subsection (b)(2).

(4) A description of the United States' equitable share of the operating expenses of the Movement Coordination Centre Europe and the ATARES consortium paid under subsection (c)(1).

(5) A description of any amounts received by the United States in carrying out a written arrangement or agreement entered into under subsection (b).

(f) COMPTROLLER GENERAL OF UNITED STATES REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the ATARES program. The report shall set forth the assessment of the Comptroller General of the program, including the types of services available under the program, whether the program is achieving its intended purposes, and, on the basis of actual cost data from the performance of the program, the cost-effectiveness of the program.

(g) EXPIRATION.—The authority provided by this section to participate in the ATARES program shall expire five years after the date on which the Secretary of Defense first enters into a written arrangement or agreement under subsection (b). The Secretary shall publish notice of such date on a public website of the Department of Defense.

Publication.
Web posting.

SEC. 1277. PROHIBITION ON USE OF FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSOBORONEXPORT.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport.

Determination.

(b) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the applicability of subsection (a) if the Secretary determines that such a waiver is in the national security interests of the United States.

SEC. 1278. SENSE OF CONGRESS ON IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.

Congress—

(1) reaffirms its commitment to the security of our ally and strategic partner, Israel;

(2) fully supports Israel's right to defend itself against acts of terrorism;

(3) sympathizes with the families of Israelis who have come under the indiscriminate rocket fire from Hamas-controlled Gaza;

(4) recognizes the exceptional success of the Iron Dome short-range rocket defense system in defending the population of Israel;

(5) desires to help ensure that Israel has the means to defend itself against terrorist attacks, including through the procurement of additional Iron Dome batteries and interceptors; and

(6) urges the Department of Defense and the Department of State to explore with their Israeli counterparts and alert Congress of any requirements the Israeli Defense Force may have for additional Iron Dome batteries, interceptors, or other equipment depleted during the recent conflict with Hamas-controlled Gaza.

SEC. 1279. BILATERAL DEFENSE TRADE RELATIONSHIP WITH INDIA.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the appropriate committees of Congress a report on the prospects for expanding defense trade between the United States and India within the context of their bilateral defense relationship.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An assessment of the policies of the United States for enhancing cooperation and coordination between the Government of the United States and the Government of India on matters of shared security interests.

(B) A description of the policies of the United States for expanding defense trade with India.

(C) An assessment of the opportunities and challenges for expanding security ties between the United States and India, including those opportunities and challenges associated with defense trade relations.

(D) The findings and conclusions of the comprehensive policy review required by subsection (b).

(b) COMPREHENSIVE POLICY REVIEW.—The Secretary of Defense shall, in coordination with the Secretary of State, conduct a comprehensive policy review—

(1) to examine the feasibility of engaging in co-production and co-development defense projects with India; and

(2) to consider potential areas of cooperation to engage in co-production and co-development defense projects with India that are aligned with United States national security objectives.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1280. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) TECHNICAL AMENDMENT.—Section 604(a)(1) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(a)(1)) is amended by inserting "(referred to in this section as the 'Commission')" before the period at the end.

(b) DUTIES AND RESPONSIBILITIES.—Section 604(c) of such Act is amended to read as follows:

"(c) DUTIES AND RESPONSIBILITIES.—The Commission shall appraise United States Government activities intended to understand, inform, and influence foreign publics. The activities described in this subsection shall be referred to in this section as 'public diplomacy activities'.".

(c) REPORTS.—Section 604(d) of such Act is amended to read as follows:

"(d) REPORTS.—

"(1) COMPREHENSIVE ANNUAL REPORT.—

"(A) IN GENERAL.—Not less frequently than annually, the Commission shall submit a comprehensive report on public diplomacy and international broadcasting activities to Congress, the President, and the Secretary of State. This report shall include—

"(i) a detailed list of all public diplomacy activities funded by the United States Government;

"(ii) a description of—

"(I) the purpose, means, and geographic scope of each activity;

"(II) when each activity was started;

"(III) the amount of Federal funding expended on each activity;

"(IV) any significant outside sources of funding; and

"(V) the Federal department or agency to which the activity belongs;

"(iii) the international broadcasting activities under the direction of the Broadcasting Board of Governors;

"(iv) an assessment of potentially duplicative public diplomacy and international broadcasting activities; and

"(v) for any activities determined to be ineffective or results not demonstrated under subparagraph (B), recommendations on existing effective or moderately effective public diplomacy activities that could be augmented to carry out the objectives of the ineffective activities.

"(B) EFFECTIVENESS ASSESSMENT.—In evaluating the public diplomacy and international broadcasting activities described in subparagraph (A), the Commission shall conduct an assessment that considers the public diplomacy target impact, the achieved impact, and the cost of public diplomacy activities and international broadcasting. The

assessment shall include, if practicable, an appropriate metric such as 'cost-per-audience' or 'cost-per-student' for each activity. Upon the completion of the assessment, the Commission shall assign a rating of—

"(i) 'effective' for activities that—

"(I) set appropriate goals and achieve all or most of the desired results;

"(II) are well-managed; and

"(III) are cost efficient;

"(ii) 'moderately effective' for activities that—

"(I) set appropriate goals and achieve some desired results;

"(II) are generally well-managed; and

"(III) need to improve their cost efficiency, including reducing overhead;

"(iii) 'ineffective' for activities that—

"(I) lack appropriate goals or fail to achieve stated goals or desired results;

"(II) are not well-managed; or

"(III) are not cost efficient, such as through insufficient use of available resources to achieve stated goals or desired results, or have excessive overhead; and

"(iv) 'results not demonstrated' for activities that—

"(I) do not have acceptable performance public diplomacy metrics for measuring results; or

"(II) are unable or failed to collect data to determine if they are effective.

"(2) OTHER REPORTS.—

"(A) IN GENERAL.—The Commission shall submit other reports, including working papers, to Congress, the President, and the Secretary of State at least semi-annually on other activities and policies related to United States public diplomacy.

"(B) AVAILABILITY.—The Commission shall make the reports submitted pursuant to subparagraph (A) publicly available on the website of the Commission to develop a better understanding of, and support for, public diplomacy activities.

Public information. Web posting.

"(3) ACCESS TO INFORMATION.—The Secretary of State shall ensure that the Commission has access to all appropriate information to carry out its duties and responsibilities under this subsection.".

(d) REAUTHORIZATION.—

(1) IN GENERAL.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking "October 1, 2010" and inserting "October 1, 2015".

(2) RETROACTIVITY OF EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2010.

22 USC 6553 note.

(e) FUNDING.—There is authorized to be appropriated such sums as may be necessary for the United States Advisory Commission on Public Diplomacy to carry out section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469), as amended by this section.

SEC. 1281. SENSE OF CONGRESS ON SALE OF AIRCRAFT TO TAIWAN.

It is the sense of Congress that—

(1) the Taiwan Relations Act (Public Law 96–8) codified the basis for commercial, cultural, and other relations between the people of the United States and the people of Taiwan;

(2) the Taiwan Relations Act states that "the United States will make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability", and that "both the President and the Congress shall determine the nature and quantity of such defense articles and services based solely upon their judgment on the needs of Taiwan, in accordance with procedures established by law";

(3) the United States, in accordance with the Taiwan Relations Act, should continue to make available to Taiwan such defense articles and services as may be necessary for Taiwan to maintain a sufficient self-defense capability;

(4) notwithstanding the upgrade of Taiwan's F–16 A/B aircraft, Taiwan will experience a growing shortfall in fighter aircraft, particularly as its F–5 aircraft are retired from service; and

(5) the President should take steps to address Taiwan's shortfall in fighter aircraft, whether through the sale of F–16 C/D aircraft or other aircraft of similar capability, as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.

22 USC 5951 note.

SEC. 1282. BRIEFINGS ON DIALOGUE BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON NUCLEAR ARMS, MISSILE DEFENSE SYSTEMS, AND LONG-RANGE CONVENTIONAL STRIKE SYSTEMS.

Deadline. President.

(a) BRIEFINGS.—Not later than 60 days after the date of the enactment of this Act, and not less than twice each year thereafter, the President, or the President's designee, shall brief the Committee on Foreign Relations and the Committee on Armed Services of the Senate on the dialogue between the United States and the Russian Federation on issues related to limits or controls on nuclear arms, missile defense systems, or long-range conventional strike systems.

(b) SENSE OF CONGRESS ON CERTAIN AGREEMENTS.—It is the sense of Congress that any agreement between the United States and the Russian Federation related to nuclear arms, missile defense systems, or long-range conventional strike systems obligating the United States to reduce or limit the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to be inconsistent with or to interfere with the practices, precedents, or oversight of the House of Representatives.

SEC. 1283. SENSE OF CONGRESS ON EFFORTS TO REMOVE OR APPREHEND JOSEPH KONY FROM THE BATTLEFIELD AND END THE ATROCITIES OF THE LORD'S RESISTANCE ARMY.

Consistent with the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111–172), it is the sense of the Congress that—

(1) the ongoing United States advise and assist operation to support the regional governments in Africa in their ongoing efforts to remove or apprehend Joseph Kony and his top commanders from the battlefield and end atrocities perpetuated by his Lord's Resistance Army should continue as appropriate to achieve the goals of the operation;

(2) the Secretary of Defense should provide intelligence, surveillance, and reconnaissance assets, as authorized to be appropriated by other provisions of this Act, to support the ongoing efforts of United States Special Operations Forces to advise and assist regional partners as they conduct operations against the Lord's Resistance Army in Central Africa;

(3) United States and regional African forces should increase their operational coordination on efforts to remove or apprehend Joseph Kony from the battlefield and end the atrocities of the Lord's Resistance Army; and

(4) the regional governments should recommit themselves to the Regional Cooperation Initiative for the Elimination of the Lord's Resistance Army authorized by the African Union.

SEC. 1284. IMPOSITION OF SANCTIONS WITH RESPECT TO SUPPORT FOR THE REBEL GROUP KNOWN AS M23.

President. Congo. 50 USC 1701 note.

(a) BLOCKING OF ASSETS.—

(1) IN GENERAL.—The Secretary of the Treasury shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or Executive Order 13413 (74 Fed. Reg. 64105; relating to blocking property of certain persons contributing to the conflict in the Democratic Republic of the Congo), block and prohibit all transactions in all property and interests in property of a person described in subsection (c) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) EXCEPTION.—

(A) IN GENERAL.—The requirement to block and prohibit all transactions in all property and interests in property under paragraph (1) shall not include the authority to impose sanctions on the importation of goods.

(B) GOOD DEFINED.—In this paragraph, the term "good" has the meaning given that term in section 16 of the Export Administration Act of 1979 (50 U.S.C. App. 2415) (as continued in effect pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.)).

(b) VISA BAN.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a person described in subsection (c).

(c) PERSONS DESCRIBED.—A person described in this subsection is a person that the President determines provides, on or after the date of the enactment of this Act, significant financial, material, or technological support to M23.

President. Determination.

(d) WAIVER.—The President may waive the application of this section with respect to a person if the President determines and reports to the appropriate congressional committees that the waiver is in the national interest of the United States.

Determination. Reports.

(e) TERMINATION OF SANCTIONS.—Sanctions imposed under this section may terminate 15 days after the date on which the President determines and reports to the appropriate congressional committees that the person covered by such determination has terminated the provision of significant financial, material, and technological support to M23.

Determination. Reports.

(f) TERMINATION OF SECTION.—This section shall terminate on the date that is 15 days after the date on which the President determines and reports to the appropriate congressional committees that M23 is no longer a significant threat to peace and security in the Democratic Republic of the Congo.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives.

(2) M23.—The term "M23" refers to the rebel group known as M23 operating in the Democratic Republic of the Congo that derives its name from the March 23, 2009, agreement between the Government of the Democratic Republic of the Congo and the National Congress for the Defense of the People (or any successor group).

(3) UNITED STATES PERSON.—The term "United States person" means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

22 USC 2753 note.

SEC. 1285. PILOT PROGRAM ON REPAIR, OVERHAUL, AND REFURBISHMENT OF DEFENSE ARTICLES FOR SALE OR TRANSFER TO ELIGIBLE FOREIGN COUNTRIES AND ENTITIES.

(a) PILOT PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a pilot program to repair, overhaul, or refurbish in-stock defense articles in anticipation of the sale or transfer of such defense articles to eligible foreign countries or international organizations under law.

(b) FUND FOR SUPPORT OF PROGRAM AUTHORIZED.—The Secretary of Defense may establish and administer a fund to be known as the "Special Defense Repair Fund" (in this section referred to as the "Fund") to support the program authorized by subsection (a).

(c) CREDITS TO FUND.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the following shall be credited to the Fund:

(A) Such amounts, not to exceed $50,000,000, from amounts authorized to be appropriated for overseas contingency operations for fiscal year 2013 as the Secretary of

Defense considers appropriate, and reprogrammed under a reprogramming authority provided by another provision of this Act or by other law.

(B) Notwithstanding section 114(c) of title 10, United States Code, any collection from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are not intended to be replaced which sale or transfer is made pursuant to section 21(a)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(a)(1)(A)), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or another provision of law.

(C) Notwithstanding section 37(a) of the Arms Export Control Act (22 U.S.C. 2777(a)), any cash payment from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are intended to be replaced.

(2) LIMITATION ON AMOUNTS CREDITABLE FROM SALE OR TRANSFER OF ARTICLES.—

(A) CREDITS IN CONNECTION WITH ARTICLES NOT TO BE REPLACED.—The amount credited to the Fund under paragraph (1)(B) in connection with a collection from the sale or transfer of defense articles may not exceed the cost incurred by the Department of Defense in repairing, overhauling, or refurbishing such defense articles under the program authorized by subsection (a).

(B) CREDITS IN CONNECTION WITH ARTICLES TO BE REPLACED.—The amount credited to the Fund under paragraph (1)(C) in connection with a sale or transfer of defense articles may not exceed the amounts from the Fund used to repair, overhaul, or refurbish such defense articles.

(3) LIMITATION ON SIZE OF FUND.—The total amount in the Fund at any time may not exceed $50,000,000.

(4) TREATMENT OF AMOUNTS CREDITED.—Amounts credited to the Fund under this subsection shall be merged with amounts in the Fund, and shall remain available until expended.

(5) AUTHORIZATION TO PURCHASE SERVICES FROM DOD WORKING CAPITAL FUND ACTIVITIES.—The Fund shall be considered an authorized customer of Department of Defense Working Capital Fund activities. Prices of goods and services sold by Working Capital Fund activities to the Fund shall reflect Foreign Military Sales pricing guidelines, as promulgated by the Department of Defense Financial Management Regulation, and other applicable guidelines.

(d) NONAVAILABILITY OF AMOUNTS IN FUND FOR STORAGE, MAINTENANCE, AND RELATED COSTS.—Following the repair, overhaul, or refurbishment of defense articles under the program authorized by subsection (a), amounts in the Fund may not be used to pay costs of storage and maintenance of such defense articles or any other costs associated with the preservation or preparation for sale or transfer of such defense articles.

(e) SALES OR TRANSFERS OF DEFENSE ARTICLES.—

(1) IN GENERAL.—Any sale or transfer of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a) shall be in accordance with—

(A) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(B) the Foreign Assistance Act of 1961; or

(C) another provision of law authorizing such sale or transfer.

(2) SECRETARY OF STATE CONCURRENCE REQUIRED FOR CERTAIN SALES OR TRANSFERS TO FOREIGN COUNTRIES.—If the sale or transfer of defense articles occurs in accordance with a provision of law referred to in paragraph (1)(C) that does not otherwise require the concurrence of the Secretary of State for the sale or transfer, the sale or transfer may be made only with the concurrence of the Secretary of State.

(f) TRANSFERS OF AMOUNTS.—

(1) TRANSFER TO OTHER DEPARTMENT OF DEFENSE ACCOUNTS.—Amounts in the Fund may be transferred to any Department of Defense account for use in carrying out the program authorized by subsection (a). Any amount so transferred shall be merged with amounts in the account to which transferred, and shall be available for the same purposes and the same time period as amounts in the account to which transferred.

(2) TRANSFER FROM OTHER DEPARTMENT OF DEFENSE ACCOUNTS.—Upon a determination by the Secretary of Defense with respect to an amount transferred under paragraph (1) that all or part of such transfer is not necessary for the purposes transferred, such amount may be transferred back to the Fund. Any amount so transferred shall be merged with amounts in the Fund, and shall remain available until expended.

(g) CERTAIN EXCESS PROCEEDS TO BE CREDITED TO SPECIAL DEFENSE ACQUISITION FUND.—Any collection from the sale or transfer of defense articles that are not intended to be replaced in excess of the amount creditable to the Fund under subsection (c)(2)(A) shall be credited to the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.).

(h) MATERIEL EFFICIENCIES AND DUPLICATION.—In administering the program authorized by subsection (a), the Secretary of Defense shall ensure to the maximum extent possible that purchases made utilizing the Fund utilize existing Defense Logistics Agency contracts. The Secretary shall also ensure that none of the activities carried out under the program authorized by subsection (a) are duplicative in nature to those performed by other military departments or Defense Agencies.

(i) CONDUCT BY PUBLIC OR PRIVATE SECTOR FACILITIES OR ENTITIES.—The repair, overhaul, and refurbishment of defense articles under the program authorized by subsection (a) may be conducted by a facility or entity in the public sector or the private sector, consistent with the requirements of chapter 146 of title 10, United States Code.

(j) REPORTS.—

(1) ANNUAL REPORT.—Not later than 45 days after the end of each fiscal year through the date of expiration specified in subsection (l), the Secretary of Defense shall submit to the appropriate congressional committees a report on the authorities under this section during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(A) The types and quantities of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a).

(B) The value of the repair, overhaul, or refurbishment performed under the program.

(C) The amount of operation and maintenance funds credited to the Fund under subsection (c)(1)(A).

(D) The amount of any collections from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(B).

(E) The amount of any cash payments from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(C).

(2) ASSESSMENT REPORT.—Not later than February 1, 2015, the Secretary of Defense shall submit to the appropriate congressional committees a report on the operation of the authorities in this section. The report shall include an assessment of the effectiveness of the authorities in meeting the objectives of the program authorized by subsection (a). At a minimum, the assessment shall address the following:

(A) Cost efficiencies generated by utilization of the Fund.

(B) Time efficiencies gained in the delivery of defense articles under the program.

(C) An explanation of all amounts transferred to and from the Fund pursuant to subsection (f).

(D) A detailed account of excess proceeds credited to the Special Defense Acquisition Fund pursuant to section (g).

(E) A list of defense articles, by quantity and type, repaired under the program and an identification of the foreign countries or international organizations to which the repaired defense articles were sold or transferred.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(k) DEFENSE ARTICLE DEFINED.—In this section, the term "defense article" has the meaning given that term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794(3)).

(l) EXPIRATION OF AUTHORITY.—The authority to carry out the program authorized by subsection (a), and to use amounts in the Fund in support of the program, shall expire on September 30, 2015.

SEC. 1286. SENSE OF CONGRESS ON THE SITUATION IN THE SENKAKU ISLANDS.

It is the sense of Congress that—

(1) the East China Sea is a vital part of the maritime commons of Asia, including critical sea lanes of communication and commerce that benefit all nations of the Asia-Pacific region;

(2) the peaceful settlement of territorial and jurisdictional disputes in the East China Sea requires the exercise of self-restraint by all parties in the conduct of activities that would complicate or escalate disputes and destabilize the region, and differences should be handled in a constructive manner consistent with universally recognized principles of customary international law;

(3) while the United States takes no position on the ultimate sovereignty of the Senkaku Islands, the United States acknowledges the administration of Japan over the Senkaku Islands;

(4) the unilateral action of a third party will not affect the United States' acknowledgment of the administration of Japan over the Senkaku Islands;

(5) the United States has national interests in freedom of navigation, the maintenance of peace and stability, respect for international law, and unimpeded lawful commerce;

(6) the United States supports a collaborative diplomatic process by claimants to resolve territorial disputes without coercion, and opposes efforts at coercion, the threat of use of force, or use of force by any claimant in seeking to resolve sovereignty and territorial issues in the East China Sea; and

(7) the United States reaffirms its commitment to the Government of Japan under Article V of the Treaty of Mutual Cooperation and Security that "[e]ach Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes".

Subtitle G—Reports

SEC. 1291. REVIEW AND REPORTS ON DEPARTMENT OF DEFENSE EFFORTS TO BUILD THE CAPACITY OF AND PARTNER WITH FOREIGN SECURITY FORCES.

(a) REVIEW.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Defense Policy Board shall conduct a review of the efforts of the Department of Defense to build the capacity of, or partner with, foreign security forces in support of United States national defense and security strategies.

(2) ELEMENTS.—The review required by this subsection shall include the following:

(A) An examination of the ways in which the efforts of the Department to build the capacity of, or partner with, foreign security forces directly support implementation of current national defense and security strategies.

(B) An assessment of the range of effects that efforts of the Department to build the capacity of, or partner with, foreign security forces are designed to achieve in support of current national defense and security strategies.

(C) An assessment of the criteria used for prioritizing such efforts in support of national defense and security strategies.

(D) An identification of the authorities the Department currently uses to implement such efforts, together with an assessment of the adequacy of such authorities.

(E) An assessment of the capabilities and resources required by the Department to implement such efforts.

(F) An assessment of the most effective distribution of the roles and responsibilities for such efforts within the Department, together with an assessment whether the Department military and civilian workforce is appropriately sized and shaped to meet the requirements of such efforts.

(G) An evaluation of current measures of the Department for assessing activities of the Department designed to build the capacity of, or partner with, foreign security forces, including an assessment whether such measures address the extent to which such activities directly support the priorities of national defense and security strategies.

(H) An identification of recommendations for clarifying or improving the guidance and assessment measures of the Department relating to its efforts to build the capacity of, or partner with, foreign security forces in support of national defense and security strategies.

(3) REPORT.—Not later than 90 days after the completion of the review required by this subsection, the Secretary of Defense shall submit to the congressional defense committees a report containing the result of the review.

(b) STRATEGIC GUIDANCE ON DEPARTMENT OF DEFENSE EFFORTS TO BUILD PARTNER CAPACITY AND OTHER PARTNERSHIP INITIATIVES.—Not later than 120 days after the completion of the review required by subsection (a), the Secretary of Defense shall, with the advice and assistance of the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report setting forth the following:

(1) An assessment, taking into account the recommendations of the Defense Policy Board in the review required by subsection (a), of the efforts of the Department of Defense to build the capacity of, and partner with, foreign military forces in support of national defense and security strategies.

(2) Strategic guidance for the Department for its efforts to build the capacity of, and partner with, foreign military forces in support of national defense and security strategies, which guidance shall address—

(A) the ways such efforts directly support the goals and objectives of national defense and security strategies;

(B) the criteria to be used for prioritizing activities to implement such efforts in support of national defense and security strategies;

(C) the measures to be used to assess the effects achieved by such efforts and the extent to which such effects support the objectives of national defense and security strategies;

(D) the appropriate roles and responsibilities of the Armed Forces, the combatant commands, the Defense Agencies, and other components of the Department in conducting such efforts; and

(E) the relationship of Department workforce planning with the requirements for such efforts.

SEC. 1292. ADDITIONAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

Section 1236(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1641) is amended by inserting after "November 1, 2012," the following: "and November 1, 2013,".

SEC. 1293. REPORT ON HOST NATION SUPPORT FOR OVERSEAS UNITED STATES MILITARY INSTALLATIONS AND UNITED STATES ARMED FORCES DEPLOYED IN COUNTRY.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1 of each year from 2013 through 2015, the Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report on the direct, indirect, and burden-sharing contributions made by host nations to support overseas United States military installations and United States Armed Forces deployed in country.

(2) ELEMENTS.—The report required by paragraph (1) shall include at least the following:

(A) A description of all costs associated with stationing United States Armed Forces in the host nation, including military personnel costs, operation and maintenance costs, and military construction costs.

(B) A description of direct, indirect, and burden-sharing contributions made by the host nation, including the following:

(i) Contributions accepted for the following costs:

(I) Compensation for local national employees of the Department of Defense.

(II) Military construction projects of the Department of Defense, including design, procurement, construction management costs, rents on privately-owned land, facilities, labor, utilities, and vicinity improvements.

(III) Other costs such as loan guarantees on public-private venture housing and payment-in-kind for facilities returned to the host nation.

(ii) Contributions accepted for any other purpose.

(C) The methodology and accounting procedures used to measure and track direct, indirect, and burden-sharing contributions made by host nations.

(3) DESCRIPTION OF CONTRIBUTIONS IN UNITED STATES DOLLARS.—The report required by paragraph (1) shall describe the direct, indirect, and burden-sharing contributions made by host nations in United States dollars and shall specify the exchange rates used to determine the United States dollar value of such host nation contributions.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex if necessary.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) HOST NATION.—The term "host nation" means any country that hosts a permanent or temporary United States military installation or a permanent or rotational deployment of United States Armed Forces located outside of the borders of the United States.

(3) CONTRIBUTIONS.—The term "contributions" means cash and in-kind contributions made by a host nation that replace expenditures that would otherwise be made by the Secretary of Defense using funds appropriated or otherwise made available in defense appropriations Acts.

SEC. 1294. REPORT ON MILITARY ACTIVITIES TO DENY OR SIGNIFICANTLY DEGRADE THE USE OF AIR POWER AGAINST CIVILIAN AND OPPOSITION GROUPS IN SYRIA.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report identifying the limited military activities that could deny or significantly degrade the ability of President Bashar al-Assad of Syria, and forces loyal to him, to use air power against civilians and opposition groups in Syria.

(b) NATURE OF MILITARY ACTIVITIES.—

(1) PRINCIPAL PURPOSE.—The principal purpose of the military activities identified for purposes of the report required by subsection (a) shall be to advance the goals of President Obama of stopping the killing of civilians in Syria and creating conditions for a transition to a democratic, pluralistic political system in Syria.

(2) ADDITIONAL GOALS.—The military activities identified for purposes of the report shall also meet the goals as follows:

(A) That the United States Armed Forces conduct such activities with foreign allies or partners.

(B) That United States ground troops not be deployed onto Syrian territory.

(C) That the risk to civilians on the ground in Syria be limited.

(D) That the risks to United States military personnel be limited.

(E) That the financial costs to the United States be limited.

(c) ELEMENTS ON POTENTIAL MILITARY ACTIVITIES.—The report required by subsection (a) shall include a comprehensive description, evaluation, and assessment of the potential effectiveness of the following military activities, as required by subsection (a):

(1) The deployment of air defense systems, such as Patriot missile batteries, to neighboring countries for the purpose of denying or significantly degrading the operational capability of Syria aircraft.

(2) The establishment of one or more no-fly zones over key population centers in Syria.

(3) Limited air strikes to destroy or significantly degrade Syria aircraft.

(4) Such other military activities as the Secretary considers appropriate to achieve the goals stated in subsection (b).

(d) ELEMENTS IN DESCRIPTION OF POTENTIAL MILITARY ACTIVITIES.—For each military activity that the Secretary identifies in subsection (c), the comprehensive description of such activities under that subsection shall include, but not be limited to, the type and the number of United States military personnel and assets to be involved in such activities, the anticipated duration of such activities, and the anticipated cost of such activities. The report shall also identify what elements would be required to maximize the effectiveness of such military activities.

(e) NO AUTHORIZATION FOR USE OF MILITARY FORCE.—Nothing in this section shall be construed as a declaration of war or an authorization for the use of force.

(f) FORM.—The report required by subsection (a) shall be submitted in classified form.

SEC. 1295. REPORT ON MILITARY ASSISTANCE PROVIDED BY RUSSIA TO SYRIA.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall provide to the appropriate congressional committees a report on military assistance provided by the Russian Federation to Syria.

(b) MATTERS TO BE INCLUDED.—The report required by subsection (a) shall include the following:

(1) An analysis of whether Russia is providing direct or indirect military support for the Government of Syria's actions to forcefully act against groups opposing the Government of Syria, including a description of the types of support.

(2) A description and analysis of Russia's military interests in Syria.

(3) A description and analysis of Russia's military presence in Syria.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

TITLE XIII—COOPERATIVE THREAT REDUCTION

Sec. 1301. Specification of cooperative threat reduction programs and funds.
Sec. 1302. Funding allocations.
Sec. 1303. Report on Cooperative Threat Reduction Programs in Russia.

SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.

(a) SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs

specified in section 1501 of the National Defense Authorization Act for Fiscal Year 1997 (50 U.S.C. 2362 note).

(b) FISCAL YEAR 2013 COOPERATIVE THREAT REDUCTION FUNDS DEFINED.—As used in this title, the term "fiscal year 2013 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs.

(c) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs shall be available for obligation for fiscal years 2013, 2014, and 2015.

SEC. 1302. FUNDING ALLOCATIONS.

(a) FUNDING FOR SPECIFIC PURPOSES.—Of the $519,111,000 authorized to be appropriated to the Department of Defense for fiscal year 2013 in section 301 and made available by the funding table in section 4301 for Cooperative Threat Reduction programs, the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, $68,271,000.

(2) For chemical weapons destruction, $14,630,000.

(3) For global nuclear security, $99,789,000.

(4) For cooperative biological engagement, $276,399,000.

(5) For proliferation prevention, $32,402,000.

(6) For threat reduction engagement, $2,375,000.

(7) For activities designated as Other Assessments/Administrative Costs, $25,245,000.

(b) REPORT ON OBLIGATION OR EXPENDITURE OF FUNDS FOR OTHER PURPOSES.—No fiscal year 2013 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (7) of subsection (a) until 15 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2013 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2013 for a purpose listed in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and

(B) 15 days have elapsed following the date of the notification. Time period.

SEC. 1303. REPORT ON COOPERATIVE THREAT REDUCTION PROGRAMS IN RUSSIA.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, the Secretary of Energy, and the Director of National Intelligence, shall submit to the appropriate congressional committees a report on Cooperative Threat Reduction Programs in the Russian Federation.

(b) MATTERS INCLUDED.—The report under subsection (a) shall include the following:

(1) Identification of nonproliferation programs in Russia that—

(A) have accomplished their long-term objectives in reducing the threat of proliferation of weapons of mass destruction; and

(B) will be phased out during the five-year period beginning on the date of the enactment of this Act.

(2) Identification of—

(A) nonproliferation programs in Russia that—

(i) reduce the threat of the proliferation of weapons of mass destruction; and

(ii) will not be phased out during such five-year period; and

(B) the metrics to evaluate the success of such programs.

(3) Identification of—

(A) the nature of the threat of the proliferation of weapons of mass destruction that underpin the programs described in paragraphs (1) and (2); and

(B) the current and foreseeable threats that are addressed by such programs.

(4) The impact on nonproliferation programs in Russia and the risks and benefits to national security if the current agreement regarding such programs (commonly referred to as the "umbrella agreement") is amended or not renewed.

(5) What steps, if any, will be taken to continue or terminate ongoing nonproliferation programs if the umbrella agreement is not renewed.

(c) FORM.—The report under subsection (a) shall be in unclassified form, but may contain a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Sec. 1401. Working capital funds.
Sec. 1402. National Defense Sealift Fund.
Sec. 1403. Chemical Agents and Munitions Destruction, Defense.
Sec. 1404. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1405. Defense Inspector General.
Sec. 1406. Defense Health Program.

Subtitle B—National Defense Stockpile

Sec. 1411. Authorized uses of National Defense Stockpile funds.
Sec. 1412. Additional security of strategic materials supply chains.
Sec. 1413. Release of materials needed for national defense purposes from the Strategic and Critical Materials Stockpile.

Subtitle C—Chemical Demilitarization Matters

Sec. 1421. Supplemental chemical agent and munitions destruction technologies at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky.

Subtitle D—Other Matters

Sec. 1431. Reduction of unobligated balances within the Pentagon Reservation Maintenance Revolving Fund.
Sec. 1432. Authority for transfer of funds to Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund for Captain James A. Lovell Health Care Center, Illinois.
Sec. 1433. Authorization of appropriations for Armed Forces Retirement Home.
Sec. 1434. Cemeterial expenses.
Sec. 1435. Additional Weapons of Mass Destruction Civil Support Teams.

Subtitle A—Military Programs

SEC. 1401. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

SEC. 1402. NATIONAL DEFENSE SEALIFT FUND.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the National Defense Sealift Fund, as specified in the funding table in section 4501.

SEC. 1403. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

SEC. 1404. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

SEC. 1405. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise

provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

SEC. 1406. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of the Department of Defense in providing for the health of eligible beneficiaries.

Subtitle B—National Defense Stockpile

SEC. 1411. AUTHORIZED USES OF NATIONAL DEFENSE STOCKPILE FUNDS.

(a) OBLIGATION OF STOCKPILE FUNDS.—During fiscal year 2013, the National Defense Stockpile Manager may obligate up to $44,899,227 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.

(b) ADDITIONAL OBLIGATIONS.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.

Time period.

(c) LIMITATIONS.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.

SEC. 1412. ADDITIONAL SECURITY OF STRATEGIC MATERIALS SUPPLY CHAINS.

Section 2(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a(b)) is amended by inserting "or a single point of failure" after "foreign sources".

SEC. 1413. RELEASE OF MATERIALS NEEDED FOR NATIONAL DEFENSE PURPOSES FROM THE STRATEGIC AND CRITICAL MATERIALS STOCKPILE.

(a) AUTHORITY FOR PRESIDENT TO DELEGATE SPECIAL DISPOSAL AUTHORITY OF PRESIDENT FOR RELEASE FOR NATIONAL DEFENSE PURPOSES.—Section 7(a) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98f(a)) is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(3) on the order of the Under Secretary of Defense for Acquisition, Technology, and Logistics, if the President has designated the Under Secretary to have authority to issue release orders under this subsection and, in the case of any such order, if the Under Secretary determines that the release

of such materials is required for use, manufacture, or production for purposes of national defense.".

(b) EXCLUSION FROM DELEGATION LIMITATION.—Section 16 of such Act (50 U.S.C. 98h-7) is amended by striking "sections 7 and 13" each place it appears and inserting "sections 7(a)(1) and 13".

Subtitle C—Chemical Demilitarization Matters

SEC. 1421. SUPPLEMENTAL CHEMICAL AGENT AND MUNITIONS DESTRUCTION TECHNOLOGIES AT PUEBLO CHEMICAL DEPOT, COLORADO, AND BLUE GRASS ARMY DEPOT, KENTUCKY.

(a) SUPPLEMENTAL DESTRUCTION TECHNOLOGIES.—Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) is amended—

(1) in subsection (i)(2), by adding at the end the following new subparagraph:

"(E) A description of any supplemental chemical agent and munitions destruction technologies used at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky, during the period covered by the report, including explosive destruction technologies and any technologies developed for the treatment and disposal of energetic or agent hydrolystates.";

(2) in subsection (j)(2), by adding at the end the following new subparagraph:

"(E) A description and justification for the use of any supplemental chemical agent and munitions destruction technologies used at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky, during the period covered by the report, including explosive destruction technologies and any technologies developed for the treatment and disposal of energetic or agent hydrolysates. Such description and justification shall outline—

"(i) the need for the use of supplemental destruction technologies and technologies developed for the treatment and disposal of energetic or agent hydrolystates;

"(ii) site-by-site descriptions of the problematic aspects of the stockpile requiring the use of supplemental technologies;

"(iii) the type of supplemental destruction technologies used at each site; and

"(iv) any planned future use of other supplemental destruction technologies for each site.";

(3) by redesignating subsection (o) as subsection (p); and

(4) by inserting after subsection (n) the following new subsection (o):

"(o) SUPPLEMENTAL DESTRUCTION TECHNOLOGIES.—In determining the technologies to supplement the neutralization destruction of the stockpile of lethal chemical agents and munitions at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky, the Secretary of Defense may consider the following:

"(1) Explosive Destruction Technologies.

"(2) Any technologies developed for the treatment and disposal of energetic or agent hydrolysates, if problems with the current on-site treatment of hydrolysates are encountered.".

(b) REPEAL OF SUPERSEDED PROVISION.—Section 151 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1645A–30) is repealed.

Subtitle D—Other Matters

SEC. 1431. REDUCTION OF UNOBLIGATED BALANCES WITHIN THE PENTAGON RESERVATION MAINTENANCE REVOLVING FUND.

Deadline.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall transfer $5,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

SEC. 1432. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated for section 1406 and available for the Defense Health Program for operation and maintenance, $139,204,000 may be transferred by the Secretary of Defense to the Joint Department of Defense–Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4500).

SEC. 1433. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.

There is hereby authorized to be appropriated for fiscal year 2013 from the Armed Forces Retirement Home Trust Fund the sum of $67,590,000 for the operation of the Armed Forces Retirement Home.

SEC. 1434. CEMETERIAL EXPENSES.

Funds are hereby authorized to be appropriated for the Department of the Army for fiscal year 2013 for cemeterial expenses, not otherwise provided for, in the amount of $173,800,000.

SEC. 1435. ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

(a) IN GENERAL.—Section 1403 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 116 Stat. 2676; 10 U.S.C. 12310 note) is amended—

(1) by striking subsection (b);

(2) by redesignating subsection (c) as subsection (e); and

(3) by inserting after subsection (a) the following new subsections (b), (c), and (d):

"(b) ESTABLISHMENT OF FURTHER ADDITIONAL TEAMS.—The Secretary of Defense is authorized to have established two additional teams designated as Weapons of Mass Destruction Civil Support Teams, beyond the 55 teams required in subsection (a), if—

"(1) the Secretary of Defense has made the certification provided for in section 12310(c)(5) of title 10, United States Code, with respect to each of such additional teams before December 31, 2011; and

Certification. Deadline.

"(2) the establishment of such additional teams does not require an increase in authorized personnel levels above the numbers authorized as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.

"(c) LIMITATION OF ESTABLISHMENT OF FURTHER TEAMS.—No Weapons of Mass Destruction Civil Support Team may be established beyond the number authorized by subsections (a) and (b) unless—

"(1) the Secretary submits to Congress a request for authority to establish such team, including a detailed justification for its establishment; and

Request.

"(2) the establishment of such team is specifically authorized by a law enacted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.

"(d) NOTIFICATION OF DISESTABLISHMENT OF TEAMS.—No Weapons of Mass Destruction Civil Support Team established pursuant to this section may be disestablished unless, by not later than 90 days before the date on which such team is disestablished, the Secretary submits to the congressional defense committees notice of the proposed disestablishment of the team and the date on which the disestablishment is proposed to take place.".

Deadline.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the Weapons of Mass Destruction Civil Support Teams. The report shall include the following:

(1) A detailed description of risk management criteria and considerations to be used in determining the optimal number and location of Weapons of Mass Destruction Civil Support Teams.

(2) A description of the operational and training activities conducted by the Weapons of Mass Destruction Civil Support Teams during each of fiscal years 2010, 2011, and 2012, and of such activities planned for fiscal year 2013.

(3) An assessment of the optimal number and location of Weapons of Mass Destruction Civil Support Teams in light of the information under paragraphs (1) and (2).

(4) A comparative analysis of the cost of establishing Weapons of Mass Destruction Civil Support Teams in the reserve components of the Armed Forces (other than the

National Guard) with the cost of establishing Weapons of Mass Destruction Civil Support Teams in the National Guard.

(5) A description of the portion of the costs of Weapons of Mass Destruction Civil Support Teams that is currently borne by the States.

(6) Any other matter that the Secretary determines is appropriate.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Additional Appropriations

Sec. 1501. Purpose.
Sec. 1502. Procurement.
Sec. 1503. Research, development, test, and evaluation.
Sec. 1504. Operation and maintenance.
Sec. 1505. Military personnel.
Sec. 1506. Working capital funds.
Sec. 1507. Defense Health Program.
Sec. 1508. Drug Interdiction and Counter-Drug Activities, Defense-wide.
Sec. 1509. Defense Inspector General.

Subtitle B—Financial Matters

Sec. 1521. Treatment as additional authorizations.
Sec. 1522. Special transfer authority.

Subtitle C—Limitations and Other Matters

Sec. 1531. Afghanistan Security Forces Fund.
Sec. 1532. Joint Improvised Explosive Device Defeat Fund.
Sec. 1533. One-year extension of project authority and related requirements of Task Force for Business and Stability Operations in Afghanistan.
Sec. 1534. Plan for transition in funding of United States Special Operations Command from supplemental funding for overseas contingency operations to recurring funding under the future-years defense program.
Sec. 1535. Assessment of counter-improvised explosive device training and intelligence activities of the Joint Improvised Explosive Device Defeat Organization and national and military intelligence Organizations.

Subtitle A—Authorization of Additional Appropriations

SEC. 1501. PURPOSE.

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2013 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

SEC. 1502. PROCUREMENT.

Funds are hereby authorized to be appropriated for fiscal year 2013 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

SEC. 1503. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

SEC. 1504. OPERATION AND MAINTENANCE.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

SEC. 1505. MILITARY PERSONNEL.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

SEC. 1506. WORKING CAPITAL FUNDS.

Funds are hereby authorized to be appropriated for fiscal year 2013 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

SEC. 1507. DEFENSE HEALTH PROGRAM.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

SEC. 1509. DEFENSE INSPECTOR GENERAL.

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2013 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

Subtitle B—Financial Matters

SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

SEC. 1522. SPECIAL TRANSFER AUTHORITY.

(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—

(1) AUTHORITY.—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2013 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) LIMITATION.—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed $3,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Limitations and Other Matters

SEC. 1531. AFGHANISTAN SECURITY FORCES FUND.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is the responsibility of the Commander, International Security Assistance Force/Commander, United States Forces—Afghanistan to ensure the security of members of the Armed Forces deployed to Afghanistan and to mitigate internal threats to such forces to the greatest extent possible, while continuing to meet the objectives of the International Security Assistance Force mission in Afghanistan, including the training and equipping of the Afghan National Security Forces so that they may provide for their own security;

(2) the Afghan Public Protection Force must meet and maintain key standards to provide force protection for members of the Armed Forces; and

(3) if the Secretary of Defense determines that the Afghan Public Protection Force is not meeting such standards, the Secretary should take all appropriate actions to provide force protection for members of the Armed Forces, including, if necessary, having the Armed Forces provide for their own force protection.

(b) CONTINUATION OF EXISTING LIMITATIONS ON USE OF FUNDS IN FUND.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2013 shall be subject to the conditions contained in subsections (b) through (g) of section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 428), as amended by section 1531(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4424).

(c) AFGHAN PUBLIC PROTECTION FORCE.—

Deadline.

(1) SEMI-ANNUAL CERTIFICATIONS.—Not later than 90 days after the date of the enactment of this Act, and semiannually thereafter through December 31, 2014, the Secretary of Defense shall certify in writing to the congressional defense committees the elements specified in paragraph (3).

(2) REPORT FOLLOWING INABILITY TO CERTIFY ANY ELEMENT.—If the Secretary determines that an element specified in paragraph (3) cannot be certified in a report required by paragraph (1), the Secretary shall submit to the congressional defense committees a report setting forth the following:

(A) An explanation why such element cannot be certified.

(B) A description of the actions, if any, that are being taken to mitigate the risk associated with such element.

(C) A description of the specific actions being taken to achieve the certification of such element, to the extent practicable.

(3) CERTIFICATION ELEMENTS.—The elements of each certification specified in this paragraph are the following:

(A) That each agreement between the United States and the Government of Afghanistan, or any contract between the Department of Defense and a contractor that subcontracts to the Afghan Public Protection Force, contains—

(i) uniform standards that ensure a consistent level of security;

(ii) standard procedures and institutional mechanisms for dispute resolution;

(iii) requirements for the Afghan Public Protection Force to adhere to the Afghan Public Protection Force Code of Conduct and applicable international standards, such as the Montreux Document, and the International Code of Conduct for private security service providers; and

(iv) provisions for the United States, or the contractor, to take actions to address the failure of the Afghan Public Protection Force to perform in a manner consistent with the Afghan Public Protection Force Code of Conduct and applicable international standards.

(B) That all Afghan Public Protection Force recruits and personnel are vetted under procedures consistent with the vetting standards of the United States for the Afghan National Security Forces as of the date of the enactment of this Act.

(C) That all Afghan Public Protection Force recruits and personnel are biometrically screened in an independent fashion by the United States or contractors.

(D) In the case of contracts to provide force protection at installations in Afghanistan where the Armed Forces are garrisoned or housed, that the Commander, International Security and Assistance Force/Commander, United States Forces—Afghanistan, or designees, are provided the ability to—

(i) approve or disapprove arming authorization for Afghan Public Protection Force personnel performing activities at such installations; and

(ii) account for and maintain records of Afghan Public Protection Force personnel authorized to perform activities at such installations.

(E) That the International Security and Assistance Force Command has designated a centralized entity within that Command authorized to provide oversight of coalition activities relating to the Afghan Public Protection Force, including consultations with the Afghanistan Ministry of Interior regarding rules on the use of force, violations of contract, and other performance issues.

(F) That there is a mechanism in place sufficient to—

(i) account for the transfer of any United States Government-owned, contractor-acquired defense articles to the Afghan Public Protection Force; and

(ii) conduct end-use monitoring, of such defense articles, including an inventory of the existence and completeness of any such defense articles.

(d) REPORTS.—

(1) INITIAL ASSESSMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the Afghan Public Protection Force.

(2) SUBSEQUENT ASSESSMENTS.—On a semiannual basis following the submittal of the report required by paragraph (1) through September 30, 2014, the Secretary shall submit to the congressional defense committees an assessment of the progress in the development of the Afghan Public Protection Force during the preceding six months.

(3) ELEMENTS.—Each report under this subsection shall include the following:

(A) A description of the size and composition of the Afghan Public Protection Force.

(B) An assessment of the recruiting and training for the Afghan Public Protection Force.

(C) An assessment of the ability of the Afghan Public Protection Force to perform its tasks and missions.

(D) A description of measures of effectiveness for evaluating the Afghan Public Protection Force.

(E) Any recommendations provided by the United States to the Afghanistan Ministry of Interior to improve the performance of the Afghan Public Protection Force.

(F) A description of any instances of termination of contracts with the Afghan Public Protection Force.

(G) An assessment of the ability of the United States, or contractors, to hold the Afghan Public Protection Force accountable for gross or repeated violations.

(H) A description of the status of United States Government-owned, contractor-acquired defense articles provided to the Afghan Public Protection Force.

(4) ADDITIONAL ELEMENTS DURING FISCAL YEAR 2014 REPORTS.—Each report under paragraph (2) submitted during fiscal year 2014 shall include a plan, and any updates, on the post-2014 disposition of the Afghan Public Protection Force.

(5) SUBMITTAL WITH OTHER REPORTS.—Each report under paragraph (2) may be submitted as part of the report on progress toward security and stability in Afghanistan that is submitted under sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385, 390).

Deadline.
Time period.

(e) PLAN FOR USE OF AFGHANISTAN SECURITY FORCES FUND THROUGH FISCAL YEAR 2017.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for using funds available to the Department of Defense to provide assistance to the security forces of Afghanistan through the Afghanistan Security Forces Fund through September 30, 2017.

Records.
Deadline.

(f) AGREEMENTS.—The Secretary of Defense shall submit to the congressional committees a copy of each agreement entered into by the United States and Afghanistan for services of the

Afghan Public Protection Force for the Department of Defense not later than 30 days after entry into such agreement.

SEC. 1532. JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND.

(a) USE AND TRANSFER OF FUNDS.—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2013. In providing prior notice to the congressional defense committees of the obligation of funds from the Joint Improvised Explosive Device Defeat Fund for such fiscal year, as required by paragraph (4) of such subsection (c), the Secretary of Defense shall include the associated analysis of alternatives conducted in the process of taking action to initiate any project for which the total obligation of funds from the Fund will exceed $10,000,000.

Applicability.

Analysis.

(b) MONTHLY OBLIGATIONS AND EXPENDITURE REPORTS.—Not later than 15 days after the end of each month of fiscal year 2013, the Secretary of Defense shall provide to the congressional defense committees a report on the Joint Improvised Explosive Device Defeat Fund explaining monthly commitments, obligations, and expenditures by line of operation.

(c) INTERDICTION OF IMPROVISED EXPLOSIVE DEVICE PRECURSOR CHEMICALS.—

Pakistan.
Afghanistan.

(1) AVAILABILITY OF CERTAIN FISCAL YEAR 2013 FUNDS.—Of the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2013, $15,000,000 may be available to the Secretary of Defense to provide training, equipment, supplies, and services to ministries and other entities of the Government of Pakistan that the Secretary has identified as critical for countering the flow of improvised explosive device precursor chemicals from Pakistan to locations in Afghanistan.

(2) PROVISION THROUGH OTHER US AGENCIES.—If jointly agreed upon by the Secretary of Defense and the head of another department or agency of the United States Government, the Secretary of Defense may transfer funds available under paragraph (1) to such department or agency for the provision by such department or agency of training, equipment, supplies, and services to ministries and other entities of the Government of Pakistan as described in that paragraph.

(3) NOTICE TO CONGRESS.—Funds may not be used under the authority in paragraph (1) until 15 days after the date on which the Secretary of Defense submits to the congressional defense committees a notice—

Time period.

(A) describing the training, equipment, supplies, and services to be provided using such funds; and

(B) evaluating the effectiveness of the efforts by the Government of Pakistan to counter the flow of improvised explosive device precursor chemicals from Pakistan to locations in Afghanistan.

(4) EXPIRATION.—The authority provided by this subsection expires on December 31, 2013.

SEC. 1533. ONE-YEAR EXTENSION OF PROJECT AUTHORITY AND RELATED REQUIREMENTS OF TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN.

(a) EXTENSION.—Subsection (a) of section 1535 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4426), as amended by section 1534 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1658), is further amended—

(1) in paragraph (6), by striking "October 31, 2011, and October 31, 2012" and inserting "October 31, 2011, October 31, 2012, and October 31, 2013"; and

(2) in paragraph (7)—

(A) by striking "provided in" and inserting "to obligate funds for projects under"; and

(B) by striking "September 30, 2012" and inserting "September 30, 2013".

(b) SCOPE OF PROJECTS.—Paragraph (3) of such subsection, as so amended, is further amended by striking "focus on improving the commercial viability of" and inserting "complement".

(c) FUNDING.—Paragraph (4) of such subsection, as so amended, is further amended—

(1) by striking "The Secretary" and inserting the following: "(A) IN GENERAL.—The Secretary";

(2) by striking "The amount" and all that follows through "appropriate congressional committees." and inserting the following:

"(B) LIMITATION.—The amount of funds obligated under the authority of subparagraph (A)—

"(i) may not exceed $150,000,000 for fiscal year 2012, except that not more than 50 percent of such amount of funds may be obligated until the Secretary of Defense submits to the appropriate congressional committees the plan required by subsection (b); and

"(ii) may not exceed $93,000,000 for fiscal year 2013, except that not more than $50,000,000 of such amount of funds may be obligated until the Secretary of Defense submits to the appropriate congressional committees the report required by paragraph (7) of this subsection."; and

(3) by striking "The funds" and inserting the following: "(C) AVAILABILITY.—The funds".

(d) REPORT ON IMPLEMENTATION OF TRANSITION ACTION PLAN.—Subsection (a) of section 1535 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, as amended by section 1534 of the National Defense Authorization Act for Fiscal Year 2012 and as amended by this section, is further amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

Consultation.

"(7) REPORT ON IMPLEMENTATION OF TRANSITION ACTION PLAN.—

"(A) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees a report on the progress in implementing the Transition Action Plan of the Task Force for Business and Stability Operations in Afghanistan.

"(B) UPDATES.—The Secretary of Defense, in consultation with the Secretary of State, shall submit to the appropriate congressional committees an update of the report required by subparagraph (A) every 90 days after the submission of such report.".

SEC. 1534. PLAN FOR TRANSITION IN FUNDING OF UNITED STATES SPECIAL OPERATIONS COMMAND FROM SUPPLEMENTAL FUNDING FOR OVERSEAS CONTINGENCY OPERATIONS TO RECURRING FUNDING UNDER THE FUTURE-YEARS DEFENSE PROGRAM.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for the transition of funding of the United States Special Operations Command from funds authorized to be appropriated for overseas contingency operations (commonly referred to as the "overseas contingency operations budget") to funds authorized to be appropriated for recurring operations of the Department of Defense in accordance with applicable future-years defense programs under section 221 of title 10, United States Code (commonly referred to as the "base budget"). Deadline.

SEC. 1535. ASSESSMENT OF COUNTER-IMPROVISED EXPLOSIVE DEVICE TRAINING AND INTELLIGENCE ACTIVITIES OF THE JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT ORGANIZATION AND NATIONAL AND MILITARY INTELLIGENCE ORGANIZATIONS.

(a) ASSESSMENT OF TRAINING ACTIVITIES.—

(1) ASSESSMENT REQUIRED.—The Secretary of Defense shall prepare an assessment of the training-related activities of the Joint Improvised Explosive Device Defeat Organization (JIEDDO).

(2) ELEMENTS.—The assessment required by paragraph (1) shall—

(A) include all training programs and functions, both enduring and non-enduring, executed by the Joint Improvised Explosive Device Defeat Organization in support of the United States Armed Forces;

(B) identify any program or function that is similar to or duplicates other training activities conducted elsewhere within the Department of Defense; and

(C) assess the value of maintaining such similarity or duplication.

(3) CONSULTATION.—The Secretary of Defense shall prepare the assessment required by paragraph (1) in consultation with the Chairman of the Joint Chiefs of Staff and the other chiefs of staff of the Armed Forces.

(4) SUBMISSION AND FORM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report containing the results of the assessment required by paragraph (1) to the congressional defense committees. The report shall be submitted in unclassified form, but may include a classified annex. Deadline. Reports.

(b) ASSESSMENT OF INTELLIGENCE ACTIVITIES.—

(1) ASSESSMENT REQUIRED.—The Secretary of Defense shall prepare an assessment of the intelligence activities carried out in support of the counter-improvised explosive device mission of the Department of Defense.

(2) ELEMENTS.—The assessment required by paragraph (1) shall—

(A) consider the activities of the Counter-Improved Explosive Devise Operations Integration Center of the Joint Improvised Explosive Device Defeat Organization, including—

(i) identification of all intelligence analysis programs and functions executed by the Counter-Improvised Explosive Device Operations Integration Center in support of United States combatant commands and United States military activities in Afghanistan;

(ii) identification of any program or function which is duplicated elsewhere in the intelligence components of the Department of Defense or the intelligence community of the United States;

(iii) an assessment of the value of maintaining such duplication; and

(iv) identification of any opportunities to eliminate unnecessary duplication;

(B) consider the activities of the national and military intelligence communities to counter improvised explosive devices, including an assessment of—

(i) the sufficiency, adequacy, and effectiveness of these efforts in support of the commanders of combatant commands;

(ii) the prioritization of collection efforts and resource allocation within the intelligence components of the Department of Defense toward countering improvised explosive devices; and

(iii) opportunities for improvement of these efforts, including how these components would support a broader counter improvised explosive device effort beyond operations in Afghanistan; and

(C) consider the enduring need for a Counter-Improvised Explosive Device Operations Integration Center and, if determined to be necessary, how this center could be most efficiently and effectively integrated into the broader Department of Defense intelligence community.

(3) CONSULTATION.—The Secretary of Defense shall prepare the assessment required by paragraph (1) in consultation with the Director of National Intelligence and the Chairman of the Joint Chiefs of Staff.

Deadline.
Reports.

(4) SUBMISSION AND FORM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit a report containing the results of the assessment required by paragraph (1) to the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate. The report shall be submitted in unclassified form, but may include a classified annex.

TITLE XVI—INDUSTRIAL BASE MATTERS

Subtitle A—Defense Industrial Base Matters

Sec. 1601. Disestablishment of Defense Materiel Readiness Board.

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Subtitle A—Defense Industrial Base Matters

SEC. 1601. DISESTABLISHMENT OF DEFENSE MATERIEL READINESS BOARD.

(a) DISESTABLISHMENT OF BOARD.—The Defense Materiel Readiness Board established pursuant to section 871 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 117 note) is hereby disestablished.

(b) TERMINATION OF DEFENSE STRATEGIC READINESS FUND.—The Department of Defense Strategic Readiness Fund established by section 872(d) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 117 note) is hereby closed.

(c) REPEAL.—Subtitle G of title VIII of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 117 note) is repealed.

SEC. 1602. ASSESSMENT OF EFFECTS OF FOREIGN BOYCOTTS.

Section 2505 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

"(d) ASSESSMENT OF EXTENT OF EFFECTS OF FOREIGN BOYCOTTS.—Each assessment under subsection (a) shall include an examination of the extent to which the national technology and industrial base is affected by foreign boycotts. If it is determined that a foreign boycott (other than a boycott addressed in a previous assessment) is subjecting the national technology and industrial base to significant harm, the assessment shall include a separate discussion and presentation regarding that foreign boycott that shall, at a minimum—

"(1) identify the sectors that are subject to such harm;

"(2) describe the harm resulting from such boycott; and

"(3) identify actions necessary to minimize the effects of such boycott on the national technology and industrial base.".

SEC. 1603. NATIONAL SECURITY STRATEGY FOR NATIONAL TECHNOLOGY AND INDUSTRIAL BASE.

(a) REQUIREMENT FOR STRATEGY.—

(1) IN GENERAL.—Section 2501 of title 10, United States Code, is amended as follows:

(A) The section heading is amended by striking "**objectives concerning**" and inserting "**strategy for**".

(B) Subsection (a) is amended—

(i) in the subsection heading, by striking "OBJECTIVES" and inserting "STRATEGY";

(ii) by striking "It is the policy of" and all that follows through "objectives:" and inserting the following: "The Secretary of Defense shall develop a national security strategy for the national technology and industrial base. Such strategy shall be based on a prioritized assessment of risks and challenges to the defense supply chain and shall ensure that the national technology and industrial base is capable of

achieving the following national security objectives:"; and

(iii) by adding at the end the following new paragraphs:

"(9) Ensuring reliable sources of materials that are critical to national security, such as specialty metals, essential minerals, armor plate, and rare earth elements.

"(10) Reducing, to the maximum extent practicable, the presence of counterfeit parts in the supply chain and the risk associated with such parts.".

(2) CLERICAL AMENDMENT.—The item relating to section 2501 in the table of sections at the beginning of subchapter II of chapter 148 of such title is amended to read as follows: 10 USC prec. 2501.

"2501. National security strategy for national technology and industrial base.".

(b) AMENDMENT TO ANNUAL REPORT RELATING TO DEFENSE INDUSTRIAL BASE.—Section 2504 of such title is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraph (3) as paragraph (2); and

(3) by inserting after paragraph (2) (as so redesignated) the following new paragraph (3):

"(3) Based on the strategy required by section 2501 of this title and on the assessments prepared pursuant to section 2505 of this title—

"(A) a description of any mitigation strategies necessary to address any gaps or vulnerabilities in the national technology and industrial base; and

"(B) any other steps necessary to foster and safeguard the national technology and industrial base.".

(c) REQUIREMENT FOR CONSIDERATION OF STRATEGY IN ACQUISITION PLANS.—Section 2440 of such title is amended by inserting after "base" the following: ", in accordance with the strategy required by section 2501 of this title,".

(d) CONFORMING AMENDMENTS.—Section 852 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1517; 10 U.S.C. 2504 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c), and in that subsection by striking "subsection (c)." in the first sentence and inserting "section 2501 of title 10, United States Code.".

Subtitle B—Department of Defense Activities Related to Small Business Matters

SEC. 1611. ROLE OF THE DIRECTORS OF SMALL BUSINESS PROGRAMS IN ACQUISITION PROCESSES OF THE DEPARTMENT OF DEFENSE. 10 USC 144 note.

(a) GUIDANCE REQUIRED.—The Secretary of Defense shall develop and issue guidance to ensure that the head of each Office of Small Business Programs of the Department of Defense is a participant as early as practicable in the acquisition processes—

(1) of the Department, in the case of the Director of Small Business Programs in the Department of Defense; and

(2) of the military department concerned, in the case of the Director of Small Business Programs in the Department

of the Army, in the Department of the Navy, and in the Department of the Air Force.

(b) MATTERS TO BE INCLUDED.—Such guidance shall, at a minimum—

(1) require the Director of Small Business Programs in the Department of Defense—

(A) to provide advice to the Defense Acquisition Board; and

(B) to provide advice to the Information Technology Acquisition Board; and

(2) require coordination between the chiefs of staff of the Armed Forces and the service acquisition executives, as appropriate (or their designees), and the Director of Small Business Programs in each military department as early as practical in the relevant acquisition processes.

SEC. 1612. SMALL BUSINESS OMBUDSMAN FOR DEFENSE AUDIT AGENCIES.

(a) SMALL BUSINESS OMBUDSMAN.—Subchapter II of chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

10 USC 204.

"§ 204. Small Business Ombudsman for defense audit agencies

Designation.

"(a) SMALL BUSINESS OMBUDSMAN.—The Secretary of Defense shall designate within each defense audit agency an official as the Small Business Ombudsman to have the duties described in subsection (b) and such other responsibilities as may be determined by the Secretary.

"(b) DUTIES.—The Small Business Ombudsman of a defense audit agency shall—

"(1) advise the Director of the defense audit agency on policy issues related to small business concerns;

"(2) serve as the defense audit agency's primary point of contact and source of information for small business concerns;

"(3) collect and monitor relevant data regarding the defense audit agency's conduct of audits of small business concerns, including—

"(A) data regarding the timeliness of audit closeouts for small business concerns; and

"(B) data regarding the responsiveness of the defense audit agency to issues or other matters raised by small business concerns; and

"(4) make recommendations to the Director regarding policies, processes, and procedures related to the timeliness of audits of small business concerns and the responsiveness of the defense audit agency to issues or other matters raised by small business concerns.

"(c) AUDIT INDEPENDENCE.—The Small Business Ombudsman of a defense audit agency shall be segregated from ongoing audits in the field and shall not engage in activities with regard to particular audits that could compromise the independence of the defense audit agency or undermine compliance with applicable audit standards.

"(d) DEFENSE AUDIT AGENCY DEFINED.—In this section, the term 'defense audit agency' means the Defense Contract Audit Agency and the Defense Contract Management Agency.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 8 of such title is amended by inserting after the item relating to section 203 the following new item:

10 USC prec. 201.

"204. Small Business Ombudsman for defense audit agencies.".

SEC. 1613. INDEPENDENT ASSESSMENT OF FEDERAL PROCUREMENT CONTRACTING PERFORMANCE OF THE DEPARTMENT OF DEFENSE.

(a) ASSESSMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall select an appropriate entity to conduct an independent assessment of the procurement performance of the Department of Defense related to small business concerns.

Deadline.

(b) MATTERS COVERED.—The assessment under subsection (a) shall, at a minimum, include an examination of—

(1) the industrial composition of companies receiving subcontracts pursuant to the test program for the negotiation of comprehensive small business subcontracting plans pursuant to section 834 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 15 U.S.C. 637 note), compared to the industrial composition of other contractors in the defense industrial base;

(2) the quality and reliability of data on small business prime contracting and subcontracting by the Department, and the reliability of the information technology systems that the Department uses to track such data;

(3) the negotiation and execution of small business subcontracting plans, and the degree to which proposed teaming agreements are or are not maintained through the performance of contracts;

(4) the extent to which the Department adheres to current policies and guidelines relating to small business prime contracting and subcontracting goals;

(5) the extent to which the Department bundles, consolidates, or otherwise groups requirements into contracts that are unsuitable for award to small business concerns, the extent to which such bundling, consolidation, or grouping of requirements is justified, and the effects that such practices have on small business participation in contracting opportunities with the Department;

(6) the degree to which abuses of small business contracting and subcontracting programs result in contracts and subcontracts intended for small business concerns not being awarded to small business concerns; and

(7) an examination of the transition challenges faced by businesses that graduate from small business programs or grow to exceed the size standards for participation in such programs, along with specific recommendations on steps that should be taken to help ensure the continued health and growth of such businesses.

(c) REPORT.—Not later than January 1, 2014, the Secretary of Defense shall submit to the congressional defense committees a report on the independent assessment conducted under this section. The report shall include the findings and recommendations of the assessment, together with any recommendations that the Secretary may have for improving the Department's small business

contracting practices and addressing any shortcomings identified by the assessment.

SEC. 1614. ADDITIONAL RESPONSIBILITIES OF INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

5 USC app. 8.

(a) REQUIREMENT FOR EXTERNAL PEER REVIEWS.—Section 8(c) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period and inserting "; and" at the end of paragraph (9); and

(3) by adding at the end the following new paragraph:

"(10) conduct, or approve arrangements for the conduct of, external peer reviews of Department of Defense audit agencies in accordance with and in such frequency as provided by Government auditing standards as established by the Comptroller General of the United States.".

(b) REQUIREMENT FOR ADDITIONAL INFORMATION IN SEMIANNUAL REPORTS.—Section 8(f) of such Act is amended by striking paragraph (1) and inserting the following:

"(1) Each semiannual report prepared by the Inspector General of the Department of Defense under section 5(a) shall be transmitted by the Secretary of Defense to the Committees on Armed Services and on Homeland Security and Governmental Affairs of the Senate and the Committees on Armed Services and on Oversight and Government Reform of the House of Representatives and to other appropriate committees or subcommittees of Congress. Each such report shall include—

"(A) information concerning the numbers and types of contract audits conducted by the Department during the reporting period; and

"(B) information concerning any Department of Defense audit agency that, during the reporting period, has either received a failed opinion from an external peer review or is overdue for an external peer review required to be conducted in accordance with subsection (c)(10).".

SEC. 1615. RESTORATION OF 1 PERCENT FUNDING FOR ADMINISTRATIVE EXPENSES OF COMMERCIALIZATION READINESS PROGRAM OF DEPARTMENT OF DEFENSE.

(a) RESTORATION.—Section 9(y) of the Small Business Act (15 U.S.C. 638(y)), as amended by section 5141(b)(1)(B) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1853) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):

"(4) FUNDING.—For payment of expenses incurred to administer the Commercialization Readiness Program under this subsection, the Secretary of Defense and each Secretary of a military department is authorized to use not more than an amount equal to 1 percent of the funds available to the Department of Defense or the military department pursuant to the Small Business Innovation Research Program. Such funds shall not be used to make Phase III awards.".

(b) TECHNICAL AMENDMENT.—Section 5141(b)(3)(B) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1854) is amended by striking "subsection

(y)—" and all that follows through "the following:" and inserting "subsection (y), by amending paragraph (4) to read as follows:".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as of January 1, 2012. 15 USC 638 note.

Subtitle C—Matters Relating to Small Business Concerns

PART I—PROCUREMENT CENTER REPRESENTATIVES

SEC. 1621. PROCUREMENT CENTER REPRESENTATIVES.

(a) IN GENERAL.—Section 15(l) of the Small Business Act (15 U.S.C. 644(l)) is amended by striking the subsection enumerator and inserting the following:

"(l) PROCUREMENT CENTER REPRESENTATIVES.—".

(b) ASSIGNMENT AND ROLE.—Paragraph (1) of section 15(l) of such Act (15 U.S.C. 644(l)) is amended to read as follows:

"(1) ASSIGNMENT AND ROLE.—The Administrator shall assign to each major procurement center a procurement center representative with such assistance as may be appropriate.".

(c) ACTIVITIES.—Section 15(l)(2) of such Act (15 U.S.C. 644(l)(2)) is amended—

(1) in the matter preceding subparagraph (A), by striking "(2) In addition to carrying out the responsibilities assigned by the Administration, a breakout" and inserting the following:

"(2) ACTIVITIES.—A";

(2) in subparagraph (B)—

(A) by striking "(B) review, at any time, restrictions on competition" and inserting the following:

"(B) review, at any time, barriers to small business participation in Federal contracting";

(B) by striking "items" and inserting "goods and services"; and

(C) by striking "limitations" and inserting "barriers";

(3) in subparagraph (C), by striking "(C) review restrictions on competition" and inserting the following:

"(C) review barriers to small business participation in Federal contracting";

(4) by striking subparagraph (D) and inserting the following:

"(D) review any bundled or consolidated solicitation or contract in accordance with this Act;";

(5) by striking subparagraph (E) and inserting the following:

"(E) have access to procurement records and other data of the procurement center commensurate with the level of such representative's approved security clearance classification, with such data provided upon request in electronic format, when available;"; and

(6) by striking subparagraphs (F) and (G) and inserting the following:

"(F) receive unsolicited proposals from small business concerns and transmit such proposals to personnel of the activity responsible for reviewing such proposals, who shall

furnish the procurement center representative with information regarding the disposition of any such proposal;

"(G) consult with the Director the Office of Small and Disadvantaged Business Utilization of that agency and the agency personnel described in paragraph (7) and (8) of subsection (k) with regard to agency insourcing decisions covered by subsection (k)(11);

"(H) be an advocate for the maximum practicable utilization of small business concerns in Federal contracting, including by advocating against the consolidation or bundling of contract requirements when not justified; and

"(I) carry out any other responsibility assigned by the Administrator.".

(d) APPEALS.—Section 15(l)(3) of such Act (15 U.S.C. 644(l)(3)) is amended by striking "(3) A breakout procurement center representative" and inserting the following:

"(3) APPEALS.—A procurement center representative".

(e) ASSIGNMENT TO MAJOR PROCUREMENT CENTERS.—Paragraph (4) of section 15(l) of such Act (15 U.S.C. 644(l)) is amended by striking "breakout procurement center representative" and inserting "procurement center representative".

(f) POSITION REQUIREMENTS.—Section 15(l)(5) of such Act (15 U.S.C. 644(l)(5)) is amended—

(1) by striking the paragraph enumerator and inserting the following:

"(5) POSITION REQUIREMENTS.—";

(2) by striking subparagraphs (A) and (B) and inserting the following:

"(A) IN GENERAL.—A procurement center representative assigned under this subsection shall—

"(i) be a full-time employee of the Administration;

"(ii) be fully qualified, technically trained, and familiar with the goods and services procured by the major procurement center to which that representative is assigned; and

"(iii) have a Level III Federal Acquisition Certification in Contracting (or any successor certification) or the equivalent Department of Defense certification, except that any person serving in such a position on the date of enactment of this clause may continue to serve in that position for a period of 5 years without the required certification."; and

(3) in subparagraph (C) by striking "(C) The Administration shall establish personnel positions for breakout procurement representatives and advisers assigned pursuant to" and inserting the following:

"(B) COMPENSATION.—The Administrator shall establish personnel positions for procurement center representatives assigned under".

(g) MAJOR PROCUREMENT CENTER DEFINED.—Section 15(l)(6) of such Act (15 U.S.C. 644(l)(6)) is amended—

(1) by striking "(6) For purposes" and inserting the following:

"(6) MAJOR PROCUREMENT CENTER DEFINED.—For purposes"; and

(2) by striking "other than commercial items and which has the potential to incur significant savings as the result

of the placement of a breakout procurement center representative" and inserting "goods or services, including goods or services that are commercially available".

(h) TRAINING.—Section 15(l)(7) of such Act (15 U.S.C. 644(l)(7)) is amended—

(1) by striking the paragraph enumerator and inserting the following:

"(7) TRAINING.—";

(2) in subparagraph (A) by striking "(A) At such times" and inserting the following:

"(A) AUTHORIZATION.—At such times".

(3) in subparagraph (B)—

(A) by striking "(B) The breakout procurement center representative" and inserting the following:

"(8) ANNUAL BRIEFING AND REPORT.—A procurement center representative"; and

(B) by striking "sixty" and inserting "60"; and

(4) by inserting after subparagraph (A) the following:

"(B) LIMITATION.—A procurement center representative may provide training under subparagraph (A) only to the extent that the training does not interfere with the representative carrying out other activities under this subsection.".

SEC. 1622. SMALL BUSINESS ACT CONTRACTING REQUIREMENTS TRAINING.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this part, the Defense Acquisition University and the Federal Acquisition Institute shall each provide a course on contracting requirements under the Small Business Act, including the requirements for small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women. Deadline. 15 USC 631 note.

(b) COURSE REQUIRED.—To have a Federal Acquisition Certification in Contracting (or any successor certification) or the equivalent Department of Defense certification an individual shall be required to complete the course established under subsection (a). 15 USC 631 note.

(c) REQUIREMENT THAT BUSINESS OPPORTUNITY SPECIALISTS BE CERTIFIED.—Section 7(j)(10)(D)(i) of the Small Business Act (15 U.S.C. 636(j)(10)(D)(i)) is amended by inserting after "to assist such Program Participant." the following: "The Business Opportunity Specialist shall have a Level I Federal Acquisition Certification in Contracting (or any successor certification) or the equivalent Department of Defense certification, except that a Business Opportunity Specialist serving at the time of the date of enactment of the National Defense Authorization Act for Fiscal Year 2013 may continue to serve as a Business Opportunity Specialist for a period of 5 years beginning on that date of enactment without such a certification.". Time period.

SEC. 1623. ACQUISITION PLANNING.

Section 15(e)(1) of the Small Business Act (15 U.S.C. 644(e)(1)) is amended—

(1) by striking "the various agencies" and inserting "a Federal department or agency"; and

(2) by striking the period and inserting ", and each such Federal department or agency shall—

"(A) provide opportunities for the participation of small business concerns during acquisition planning processes and in acquisition plans; and

"(B) invite the participation of the appropriate Director of Small and Disadvantaged Business Utilization in acquisition planning processes and provide that Director access to acquisition plans.".

PART II—GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS

SEC. 1631. GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS.

(a) GOVERNMENTWIDE GOALS.—Paragraph (1) of section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended to read as follows:

"(1) GOVERNMENTWIDE GOALS.—

President. Deadline.

"(A) ESTABLISHMENT.—The President shall annually establish Governmentwide goals for procurement contracts awarded to small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women in accordance with the following:

"(i) The Governmentwide goal for participation by small business concerns shall be established at not less than 23 percent of the total value of all prime contract awards for each fiscal year.

"(ii) The Governmentwide goal for participation by small business concerns owned and controlled by service-disabled veterans shall be established at not less than 3 percent of the total value of all prime contract and subcontract awards for each fiscal year.

"(iii) The Governmentwide goal for participation by qualified HUBZone small business concerns shall be established at not less than 3 percent of the total value of all prime contract and subcontract awards for each fiscal year.

"(iv) The Governmentwide goal for participation by small business concerns owned and controlled by socially and economically disadvantaged individuals shall be established at not less than 5 percent of the total value of all prime contract and subcontract awards for each fiscal year.

"(v) The Governmentwide goal for participation by small business concerns owned and controlled by women shall be established at not less than 5 percent of the total value of all prime contract and subcontract awards for each fiscal year.

"(B) ACHIEVEMENT OF GOVERNMENTWIDE GOALS.—Each agency shall have an annual goal that presents, for that

agency, the maximum practicable opportunity for small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women to participate in the performance of contracts let by such agency. The Small Business Administration and the Administrator for Federal Procurement Policy shall, when exercising their authority pursuant to paragraph (2), insure that the cumulative annual prime contract goals for all agencies meet or exceed the annual Governmentwide prime contract goal established by the President pursuant to this paragraph.".

(b) AMENDMENTS TO THE SMALL BUSINESS ACT.—Paragraph (2) of section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended—

(1) in subparagraph (A), by adding at the end the following: "Such goals shall separately address prime contract awards and subcontract awards for each category of small business covered.";

Plans.

(2) in subparagraph (D), by striking "For the purpose of establishing goals under this subsection" and all that follows through the end of that subparagraph, and inserting the following: "After establishing goals under this paragraph for a fiscal year, the head of each Federal agency shall develop a plan for achieving such goals at both the prime contract and the subcontract level, which shall apportion responsibilities among the agency's acquisition executives and officials. In establishing goals under this paragraph, the head of each Federal agency shall make a consistent effort to annually expand participation by small business concerns from each industry category in procurement contracts and subcontracts of such agency, including participation by small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women."; and

(3) by striking subparagraphs (E) and (F) and inserting the following:

"(E) The head of each Federal agency, in attempting to attain expanded participation under subparagraph (D), shall consider—

"(i) contracts awarded as the result of unrestricted competition; and

"(ii) contracts awarded after competition restricted to eligible small business concerns under this section and under the program established under section 8(a).

"(F)(i) Each procurement employee or program manager described in clause (ii) shall communicate to the subordinates of the procurement employee or program manager the importance of achieving goals established under subparagraph (A).

"(ii) A procurement employee or program manager described in this clause is a senior procurement executive,

senior program manager, or Director of Small and Disadvantaged Business Utilization of a Federal agency having contracting authority.".

Deadline. Review. Revision. 15 USC 644 note.

(c) ADDITIONAL REQUIREMENTS.—Not later than 180 days after the date of the enactment of this part, the Administrator of the Small Business Administration shall review and revise the Goaling Guidelines for the Small Business Preference Programs for Prime and Subcontract Federal Procurement Goals and Achievements to the extent necessary to ensure that—

(1) agency subcontracting goals are established on the basis of realistically achievable improvements to levels of subcontracting rather than on the basis of an average of previous years' subcontracting performance;

(2) agency contracting and subcontracting goals are established in a manner that does not exclude categories of contracts on the basis of—

(A) the type of goods or services for which the agency contracts;

(B) in the case of contracts subject to competitive procedures under chapter 33 of title 41, United States Code—

(i) whether or not funding for the contracts is made directly available to the agency by an Appropriations Act or is made available by reimbursement from another agency or account; or

(ii) whether or not the contract is subject to the Federal Acquisition Regulation; and

(3) whenever an agency contracting or subcontracting goal is established at a level lower than the Governmentwide goal for small business concerns or the relevant category of small business concerns, the Administration is required to document the basis for the decision to establish such lower goal.

Deadline.

(d) ASSESSMENT REQUIRED.—Not later than 60 days after the date of the enactment of this part, the Chief Counsel for Advocacy of the Small Business Administration shall enter into a contract with an appropriate entity to conduct an independent assessment of the small business procurement goals established in section 15(g) of the Small Business Act.

(1) COORDINATION WITH DEPARTMENT OF DEFENSE.—To the extent practicable, the Administrator shall coordinate this assessment with the Secretary of Defense, to avoid unnecessary duplication with the assessment required by section 1613 of this title.

(2) MATTERS COVERED.—The assessment under this subsection shall, at a minimum, include—

(A) a description of the industrial composition of companies receiving prime contracts and subcontracts with the Federal Government;

(B) a description of the industrial composition of domestic small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women;

(C) a comparison of the industrial composition of prime contractors and subcontractors participating in Federal contracting and the industrial composition of domestic small

business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women;

(D) a determination of barriers to accurately capturing data on small business prime contracting and subcontracting, including an examination of the reliability of information technology systems used by more than one Federal agency to track such data;

(E) recommendations for improving the quality and availability of data regarding small business prime contracting and subcontracting performance;

(F) recommendations to improve and inform the establishment of the goals in section 15(g) of the Small Business Act, including:

(i) alternate methodologies for establishing the goals;

(ii) determining which contracts should be subject to the goals;

(iii) methods for improving the correlation of current goaling practices with the health of the industrial base; and

(iv) methods of allocating goals between Federal agencies; and

(G) barriers within Federal procurement practices that inhibit the maximum practicable utilization of domestic small business concerns, small business concerns owned and controlled by service-disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

SEC. 1632. REPORTING ON GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS.

Subsection (h) of section 15 of the Small Business Act (15 U.S.C. 644) is amended to read as follows:

"(h) REPORTING ON GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS.—

"(1) AGENCY REPORTS.—At the conclusion of each fiscal year, the head of each Federal agency shall submit to the Administrator a report describing—

"(A) the extent of the participation by small business concerns, small business concerns owned and controlled by veterans (including service-disabled veterans), qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women in the procurement contracts of such agency during such fiscal year;

"(B) whether the agency achieved the goals established for the agency under subsection (g)(2) with respect to such fiscal year; and

"(C) any justifications for a failure to achieve such goals.

Web posting.

"(2) REPORTS BY ADMINISTRATOR.—Not later than 60 days after receiving a report from each Federal agency under paragraph (1) with respect to a fiscal year, the Administrator shall submit to the President and Congress, and to make available on a public Web site, a report that includes—

"(A) a copy of each report submitted to the Administrator under paragraph (1);

"(B) a determination of whether each goal established by the President under subsection (g)(1) for such fiscal year was achieved;

"(C) a determination of whether each goal established by the head of a Federal agency under subsection (g)(2) for such fiscal year was achieved;

"(D) the reasons for any failure to achieve a goal established under paragraph (1) or (2) of subsection (g) for such fiscal year and a description of actions planned by the applicable agency to address such failure, including the Administrator's comments and recommendations on the proposed remediation plan; and

"(E) for the Federal Government and each Federal agency, an analysis of the number and dollar amount of prime contracts awarded during such fiscal year to—

"(i) small business concerns—

"(I) in the aggregate;

"(II) through sole source contracts;

"(III) through competitions restricted to small business concerns; and

"(IV) through unrestricted competition;

"(ii) small business concerns owned and controlled by service-disabled veterans—

"(I) in the aggregate;

"(II) through sole source contracts;

"(III) through competitions restricted to small business concerns;

"(IV) through competitions restricted to small business concerns owned and controlled by service-disabled veterans; and

"(V) through unrestricted competition;

"(iii) qualified HUBZone small business concerns—

"(I) in the aggregate;

"(II) through sole source contracts;

"(III) through competitions restricted to small business concerns;

"(IV) through competitions restricted to qualified HUBZone small business concerns;

"(V) through unrestricted competition where a price evaluation preference was used; and

"(VI) through unrestricted competition where a price evaluation preference was not used;

"(iv) small business concerns owned and controlled by socially and economically disadvantaged individuals—

"(I) in the aggregate;

"(II) through sole source contracts;

"(III) through competitions restricted to small business concerns;

"(IV) through competitions restricted to small business concerns owned and controlled by socially and economically disadvantaged individuals;

"(V) through unrestricted competition; and

"(VI) by reason of that concern's certification as a small business owned and controlled by socially and economically disadvantaged individuals;

"(v) small business concerns owned by an Indian tribe (as such term is defined in section 8(a)(13)) other than an Alaska Native Corporation—

"(I) in the aggregate;

"(II) through sole source contracts;

"(III) through competitions restricted to small business concerns;

"(IV) through competitions restricted to small business concerns owned and controlled by socially and economically disadvantaged individuals; and

"(V) through unrestricted competition;

"(vi) small business concerns owned by a Native Hawaiian Organization—

"(I) in the aggregate;

"(II) through sole source contracts;

"(III) through competitions restricted to small business concerns;

"(IV) through competitions restricted to small business concerns owned and controlled by socially and economically disadvantaged individuals; and

"(V) through unrestricted competition;

"(vii) small business concerns owned by an Alaska Native Corporation—

"(I) in the aggregate;

"(II) through sole source contracts;

"(III) through competitions restricted to small business concerns;

"(IV) through competitions restricted to small business concerns owned and controlled by socially and economically disadvantaged individuals; and

"(V) through unrestricted competition; and

"(viii) small business concerns owned and controlled by women—

"(I) in the aggregate;

"(II) through competitions restricted to small business concerns;

"(III) through competitions restricted using the authority under section 8(m)(2);

"(IV) through competitions restricted using the authority under section 8(m)(2) and in which the waiver authority under section 8(m)(3) was used; and

"(V) through unrestricted competition; and

"(F) for the Federal Government, the number, dollar amount, and distribution with respect to the North American Industry Classification System of subcontracts awarded during such fiscal year to small business concerns, small business concerns owned and controlled by service-

disabled veterans, qualified HUBZone small business concerns, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women, provided that such information is publicly available through data systems developed pursuant to the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282), or otherwise available as provided in paragraph (3).

"(3) ACCESS TO DATA.—

"(A) FEDERAL PROCUREMENT DATA SYSTEM.—To assist in the implementation of this section, the Administration shall have access to information collected through the Federal Procurement Data System, Federal Subcontracting Reporting System, or any new or successor system.

"(B) AGENCY PROCUREMENT DATA SOURCES.—To assist in the implementation of this section, the head of each contracting agency shall provide, upon request of the Administration, procurement information collected through agency data collection sources in existence at the time of the request. Contracting agencies shall not be required to establish new data collection systems to provide such data.".

SEC. 1633. SENIOR EXECUTIVES.

5 USC 3396 note.

(a) TRAINING.—Programs established for the development of senior executives under section 3396(a) of title 5, United States Code, shall include training with respect to Federal procurement requirements, including contracting requirements under the Small Business Act (15 U.S.C. 631 et seq.).

15 USC 631 note.

(b) RESPONSIBILITY FOR ACHIEVING SMALL BUSINESS GOALS.—The head of an agency shall take steps to ensure that members of the senior executive service, as defined under section 3396(a) of title 5, United States Code, responsible for acquisition, other senior officials responsible for acquisition, and other members of the senior executive service, as appropriate, assume responsibility for of the agency's success in achieving small business contracting goals and percentages by—

(1) promoting a climate or environment that is responsive to small business concerns;

(2) communicating the importance of achieving the agency's small business contracting goals; and

(3) encouraging small business awareness, outreach, and support.

15 USC 631 note.

(c) DEFINITIONS.—In this section the term "responsible for acquisition", with respect to a member of the senior executive service or other senior official, means such a member or official who acquires services or supplies, directs agency organizations to acquire services or supplies, oversees acquisition officials, including program managers, contracting officers, and other acquisition workforce personnel responsible for formulating and approving acquisition strategies and plans.

PART III—MENTOR-PROTEGE PROGRAMS

15 USC 631 note.

SEC. 1641. MENTOR-PROTEGE PROGRAMS.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 45 as section 47; and
(2) by inserting after section 44 the following:

"SEC. 45. MENTOR-PROTEGE PROGRAMS. 15 USC 657r.

"(a) ADMINISTRATION PROGRAM.—

"(1) AUTHORITY.—The Administrator is authorized to establish a mentor-protege program for all small business concerns.

"(2) MODEL FOR PROGRAM.—The mentor-protege program established under paragraph (1) shall be identical to the mentor-protege program of the Administration for small business concerns that participate in the program under section 8(a) (as in effect on the date of enactment of this section), except that the Administrator may modify the program to the extent necessary given the types of small business concerns included as proteges.

"(b) PROGRAMS OF OTHER AGENCIES.—

"(1) APPROVAL REQUIRED.—Except as provided in paragraph (4), a Federal department or agency may not carry out a mentor-protege program for small business concerns unless—

"(A) the head of the department or agency submits a plan to the Administrator for the program; and Plans.

"(B) the Administrator approves such plan.

"(2) BASIS FOR APPROVAL.—The Administrator shall approve or disapprove a plan submitted under paragraph (1) based on whether the program proposed—

"(A) will assist proteges to compete for Federal prime contracts and subcontracts; and

"(B) complies with the regulations issued under paragraph (3).

"(3) REGULATIONS.—Not later than 270 days after the date of enactment of this section, the Administrator shall issue, subject to notice and comment, regulations with respect to mentor-protege programs, which shall ensure that such programs improve the ability of proteges to compete for Federal prime contracts and subcontracts and which shall address, at a minimum, the following: Deadline.

"(A) Eligibility criteria for program participants, including any restrictions on the number of mentor-protege relationships permitted for each participant.

"(B) The types of developmental assistance to be provided by mentors, including how the assistance provided shall improve the competitive viability of the proteges.

"(C) Whether any developmental assistance provided by a mentor may affect the status of a program participant as a small business concern due to affiliation.

"(D) The length of mentor-protege relationships.

"(E) The effect of mentor-protege relationships on contracting.

"(F) Benefits that may accrue to a mentor as a result of program participation.

"(G) Reporting requirements during program participation.

"(H) Postparticipation reporting requirements.

"(I) The need for a mentor-protege pair, if accepted to participate as a pair in a mentor-protege program of any Federal department or agency, to be accepted to participate as a pair in all Federal mentor-protege programs.

"(J) Actions to be taken to ensure benefits for proteges and to protect a protege against actions by a mentor that—

"(i) may adversely affect the protege's status as a small business concern; or

"(ii) provide disproportionate economic benefits to the mentor relative to those provided the protege.

"(4) LIMITATION ON APPLICABILITY.—Paragraph (1) does not apply to the following:

"(A) Any mentor-protege program of the Department of Defense.

"(B) Any mentoring assistance provided under a Small Business Innovation Research Program or a Small Business Technology Transfer Program.

Time period.

"(C) Until the date that is 1 year after the date on which the Administrator issues regulations under paragraph (3), any Federal department or agency operating a mentor-protege program in effect on the date of enactment of this section.

"(c) REPORTING.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of this section, and annually thereafter, the Administrator shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report that—

"(A) identifies each Federal mentor-protege program;

"(B) specifies the number of participants in each such program, including the number of participants that are—

"(i) small business concerns;

"(ii) small business concerns owned and controlled by service-disabled veterans;

"(iii) qualified HUBZone small business concerns;

"(iv) small business concerns owned and controlled by socially and economically disadvantaged individuals; or

"(v) small business concerns owned and controlled by women;

"(C) describes the type of assistance provided to proteges under each such program;

"(D) describes the benefits provided to mentors under each such program; and

"(E) describes the progress of proteges under each such program with respect to competing for Federal prime contracts and subcontracts.

"(2) PROVISION OF INFORMATION.—The head of each Federal department or agency carrying out a mentor-protege program shall provide to the Administrator, on an annual basis, the information necessary for the Administrator to submit a report required under paragraph (1).

"(d) DEFINITIONS.—In this section, the following definitions apply:

"(1) MENTOR.—The term 'mentor' means a for-profit business concern, of any size, that—

"(A) has the ability to assist and commits to assisting a protege to compete for Federal prime contracts and subcontracts; and

"(B) satisfies any other requirements imposed by the Administrator.

"(2) MENTOR-PROTEGE PROGRAM.—The term 'mentor-protege program' means a program that pairs a mentor with a protege for the purpose of assisting the protege to compete for Federal prime contracts and subcontracts.

"(3) PROTEGE.—The term 'protege' means a small business concern that—

"(A) is eligible to enter into Federal prime contracts and subcontracts; and

"(B) satisfies any other requirements imposed by the Administrator.

"(e) CURRENT MENTOR PROTEGE AGREEMENTS.—Mentors and proteges with approved agreement in a program operating pursuant to subsection (b)(4)(C) shall be permitted to continue their relationship according to the terms specified in their agreement until the expiration date specified in the agreement.

"(f) SUBMISSION OF AGENCY PLANS.—Agencies operating mentor protege programs pursuant to subsection (b)(4)(C) shall submit the plans specified in subsection (b)(1)(A) to the Administrator within 6 months of the promulgation of rules required by subsection (b)(3). The Administrator shall provide initial comments on each plan within 60 days of receipt, and final approval or denial of each plan within 180 days after receipt.". Deadlines.

PART IV—TRANSPARENCY IN SUBCONTRACTING

SEC. 1651. LIMITATIONS ON SUBCONTRACTING.

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting before section 47 (as redesignated by section 1641 of this subtitle) the following:

"SEC. 46. LIMITATIONS ON SUBCONTRACTING. 15 USC 657s.

"(a) IN GENERAL.—If awarded a contract under section 8(a), 8(m), 15(a), 31, or 36, a covered small business concern—

"(1) in the case of a contract for services, may not expend on subcontractors more than 50 percent of the amount paid to the concern under the contract;

"(2) in the case of a contract for supplies (other than from a regular dealer in such supplies), may not expend on subcontractors more than 50 percent of the amount, less the cost of materials, paid to the concern under the contract;

"(3) in the case of a contract described in paragraphs (1) and (2)— Determinations.

"(A) shall determine for which category, services (as described in paragraph (1)) or supplies (as described in paragraph (2)), the greatest percentage of the contract is awarded;

"(B) shall determine the amount awarded under the contract for that category of services or supplies; and

"(C) may not expend on subcontractors, with respect to the amount determined under subparagraph (B), more than 50 percent of that amount; and

"(4) in the case of a contract for supplies from a regular dealer in such supplies, shall supply the product of a domestic small business manufacturer or processor, unless a waiver of such requirement is granted—

"(A) by the Administrator, after reviewing a determination by the applicable contracting officer that no small business manufacturer or processor can reasonably be expected to offer a product meeting the specifications (including period for performance) required by the contract; or

"(B) by the Administrator for a product (or class of products), after determining that no small business manufacturer or processor is available to participate in the Federal procurement market.

"(b) SIMILARLY SITUATED ENTITIES.—Contract amounts expended by a covered small business concern on a subcontractor that is a similarly situated entity shall not be considered subcontracted for purposes of determining whether the covered small business concern has violated a requirement established under subsection (a) or (d).

Regulations. Notice. Public information. Determination.

"(c) MODIFICATIONS OF PERCENTAGES.—The Administrator may change, by rule (after providing notice and an opportunity for public comment), a percentage specified in paragraphs (1) through (4) of subsection (a) if the Administrator determines that such change is necessary to reflect conventional industry practices among business concerns that are below the numerical size standard for businesses in that industry category.

"(d) OTHER CONTRACTS.—

Regulation. Notice. Public information.

"(1) IN GENERAL.—With respect to a category of contracts to which a requirement under subsection (a) does not apply, the Administrator is authorized to establish, by rule (after providing notice and an opportunity for public comment), a requirement that a covered small business concern may not expend on subcontractors more than a specified percentage of the amount paid to the concern under a contract in that category.

Applicability.

"(2) UNIFORMITY.—A requirement established under paragraph (1) shall apply to all covered small business concerns.

Regulations. Requirements. Applicability.

"(3) CONSTRUCTION PROJECTS.—The Administrator shall establish, through public rulemaking, requirements similar to those specified in paragraph (1) to be applicable to contracts for general and specialty construction and to contracts for any other industry category not otherwise subject to the requirements of such paragraph. The percentage applicable to any such requirement shall be determined in accordance with paragraph (1).

Determination.

"(e) DEFINITIONS.—In this section, the following definitions apply:

"(1) COVERED SMALL BUSINESS CONCERN.—The term 'covered small business concern' means a business concern that—

"(A) with respect to a contract awarded under section 8(a), is a small business concern eligible to receive contracts under that section;

"(B) with respect to a contract awarded under section 8(m)—

"(i) is a small business concern owned and controlled by women (as defined in that section); or

"(ii) is a small business concern owned and controlled by women (as defined in that section) that is not less than 51 percent owned by 1 or more women

who are economically disadvantaged (and such ownership is determined without regard to any community property law);

"(C) with respect to a contract awarded under section 15(a), is a small business concern;

"(D) with respect to a contract awarded under section 31, is a qualified HUBZone small business concern; or

"(E) with respect to a contract awarded under section 36, is a small business concern owned and controlled by service-disabled veterans.

"(2) SIMILARLY SITUATED ENTITY.—The term 'similarly situated entity' means a subcontractor that—

"(A) if a subcontractor for a small business concern, is a small business concern;

"(B) if a subcontractor for a small business concern eligible to receive contracts under section 8(a), is such a concern;

"(C) if a subcontractor for a small business concern owned and controlled by women (as defined in section 8(m)), is such a concern;

"(D) if a subcontractor for a small business concern owned and controlled by women (as defined in section 8(m)) that is not less than 51 percent owned by 1 or more women who are economically disadvantaged (and such ownership is determined without regard to any community property law), is such a concern;

"(E) if a subcontractor for a qualified HUBZone small business concern, is such a concern; or

"(F) if a subcontractor for a small business concern owned and controlled by service-disabled veterans, is such a concern.".

SEC. 1652. PENALTIES.

Section 16 of the Small Business Act (15 U.S.C. 645) is amended by adding at the end the following:

"(g) SUBCONTRACTING LIMITATIONS.—

"(1) IN GENERAL.—Whoever violates a requirement established under section 46 shall be subject to the penalties prescribed in subsection (d), except that, for an entity that exceeded a limitation on subcontracting under such section, the fine described in subsection (d)(2)(A) shall be treated as the greater of—

"(A) $500,000; or

"(B) the dollar amount expended, in excess of permitted levels, by the entity on subcontractors.

"(2) MONITORING.—Not later than 1 year after the date of enactment of this subsection, the Administrator shall take such actions as are necessary to ensure that an existing Federal subcontracting reporting system is modified to notify the Administrator, the appropriate Director of the Office of Small and Disadvantaged Business Utilization, and the appropriate contracting officer if a requirement established under section 46 is violated.". Deadline.

SEC. 1653. SUBCONTRACTING PLANS.

(a) AMENDMENTS TO SMALL BUSINESS ACT REQUIREMENTS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by—

(1) redesignating paragraphs (7), (8), (9), (10), (11), and (12) as paragraphs (8), (9), (10), (11), (12), and (13) respectively;

(2) inserting after paragraph (6) the following:

"(7) The head of the contracting agency shall ensure that—

Reports.

"(A) the agency collects and reports data on the extent to which contractors of the agency meet the goals and objectives set forth in subcontracting plans submitted pursuant to this subsection; and

Reviews.

"(B) the agency periodically reviews data collected and reported pursuant to subparagraph (A) for the purpose of ensuring that such contractors comply in good faith with the requirements of this subsection and subcontracting plans submitted by the contractors pursuant to this subsection.";

(3) in paragraph (9), as redesignated by paragraph (1) of this subsection, striking "shall be a material breach of such contract or subcontract" and inserting "shall be a material breach of such contract or subcontract and may be considered in any past performance evaluation of the contractor";

(4) in subparagraph (C) of paragraph (11), as redesignated by paragraph (1) of this subsection, by striking ", either on a contract-by-contract basis, or in the case contractors" and inserting "as a supplement to evaluations performed by the contracting agency, either on a contract-by-contract basis or, in the case of contractors"; and

(5) by adding at the end the following:

Notification.

"(14) An offeror for a covered contract that intends to identify a small business concern as a potential subcontractor in a bid or proposal for the contract, or in a plan submitted pursuant to this subsection in connection with the contract, shall notify the small business concern prior to making such identification.

Reports.

"(15) The Administrator shall establish a reporting mechanism that allows a subcontractor or potential subcontractor to report fraudulent activity or bad faith by a contractor with respect to a subcontracting plan submitted pursuant to this subsection.".

15 USC 637d.

(b) ADDITIONAL REQUIREMENTS.—

(1) REPORTING REQUIREMENTS.—Not later than 1 year after the date of the enactment of this part, the Administrator of the Small Business Administration shall take such actions as are necessary to ensure that the electronic subcontracting reporting system established by the Administration to carry out the requirement of section 8(d)(6)(E) of the Small Business Act is modified to ensure that it can identify entities that fail to submit required reports.

(2) ANNUAL REPORT.—Not later than March 31 of each year, the Administrator of the Small Business Administration shall provide the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report, based on data available through existing systems, that sets forth, by agency (and to the extent practicable, by type of goal or plan), the following information:

(A) the percentage of entities required to submit reports pursuant to section 8(d)(6) of the Small Business

Act that filed such reports and that failed to file such reports during the prior fiscal year;

(B) the percentage of entities filing such reports that met, exceeded, or failed to meet goals set forth in their subcontracting plans during the prior fiscal year; and

(C) the aggregate value by which such entities exceeded, or failed to meet, their subcontracting goals during the prior fiscal year.

SEC. 1654. NOTICES OF SUBCONTRACTING OPPORTUNITIES.

Section 8(k)(1) of the Small Business Act (15 U.S.C. 637(k)(1)) is amended by striking "in the Commerce Business Daily" and inserting "on the appropriate Federal Web site (as determined by the Administrator)".

SEC. 1655. PUBLICATION OF CERTAIN DOCUMENTS.

Deadline. Procedures. 31 USC 501 note.

Not later than 270 days after the date of the enactment of this part, the Director of the Office of Management and Budget shall publish procedures and methodologies to be used by Federal agencies with respect to decisions to convert a function being performed by a small business concern to performance by a Federal employee, including procedures and methodologies for determining which contracts will be studied for potential conversion; procedures and methodologies by which a contract is evaluated as inherently governmental or as a critical agency function; and procedures and methodologies for estimating and comparing costs. Should a Federal agency develop any agency-specific methodologies for identifying critical agency functions or supplemental implementation guidance, such methodologies and guidance shall be published upon implementation.

PART V—SMALL BUSINESS CONCERN SIZE STANDARDS

SEC. 1661. SMALL BUSINESS CONCERN SIZE STANDARDS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended—

(1) by striking "SEC. 3." and inserting the following:

"SEC. 3. DEFINITIONS.";

and

(2) in subsection (a)—

(A) by striking the subsection enumerator and inserting the following:

"(a) SMALL BUSINESS CONCERNS.—";

(B) in paragraph (1), by striking "(1) For the purposes" and inserting the following:

"(1) IN GENERAL.—For the purposes";

(C) in paragraph (3), by striking "(3) When establishing" and inserting the following:

"(3) VARIATION BY INDUSTRY AND CONSIDERATION OF OTHER FACTORS.—When establishing";

(D) by moving paragraph (5), including each subparagraph and clause therein, 2 ems to the right; and

(E) by adding at the end the following:

"(6) PROPOSED RULEMAKING.—In conducting rulemaking to revise, modify or establish size standards pursuant to this

Public information.

section, the Administrator shall consider, and address, and make publicly available as part of the notice of proposed rulemaking and notice of final rule each of the following:

"(A) a detailed description of the industry for which the new size standard is proposed;

"(B) an analysis of the competitive environment for that industry;

"(C) the approach the Administrator used to develop the proposed standard including the source of all data used to develop the proposed rule making; and

"(D) the anticipated effect of the proposed rulemaking on the industry, including the number of concerns not currently considered small that would be considered small under the proposed rule making and the number of concerns currently considered small that would be deemed other than small under the proposed rulemaking.

Public information. Deadline.

"(7) COMMON SIZE STANDARDS.—In carrying out this subsection, the Administrator may establish or approve a single size standard for a grouping of 4-digit North American Industry Classification System codes only if the Administrator makes publicly available, not later than the date on which such size standard is established or approved, a justification demonstrating that such size standard is appropriate for each individual industry classification included in the grouping.

"(8) NUMBER OF SIZE STANDARDS.—The Administrator shall not limit the number of size standards established pursuant to paragraph (2), and shall assign the appropriate size standard to each North American Industry Classification System Code.".

PART VI—CONTRACT BUNDLING

SEC. 1671. CONTRACT BUNDLING.

(a) CONSTRUCTION CONTRACTS.—Section 44 of the Small Business Act (15 U.S.C. 657q) is amended in subsection (a)(2) by striking "or a multiple award contract to satisfy 2 or more requirements of the Federal agency for goods or services that have been provided to or performed for the Federal agency under 2 or more separate contracts lower in cost than the total cost of the contract for which the offers are solicited; and" and inserting the following: "or a multiple award contract—

"(A) to satisfy 2 or more requirements of the Federal agency for goods or services that have been provided to or performed for the Federal agency under 2 or more separate contracts lower in cost than the total cost of the contract for which the offers are solicited; or

"(B) to satisfy requirements of the Federal agency for construction projects to be performed at 2 or more discrete sites; and".

(b) CLARIFICATION OF CERTAIN REQUIREMENTS.—Section 44 of such Act is further amended in subsection (c)(1)(E), by striking "certifies to the head of the Federal agency" and inserting "ensures".

(c) REPEAL OF SUPERSEDED LAW AND CONFORMING CHANGE.—

(1) CONSOLIDATION OF CONTRACT REQUIREMENTS: POLICY AND RESTRICTIONS.—Section 2382 of title 10, United States Code is repealed. The table of sections for chapter 141 of such title is amended by striking the item relating to section 2382.

10 USC 2381 prec.

(2) CONSOLIDATION OF CONTRACT REQUIREMENTS; DEPARTMENT OF DEFENSE.—Section 44 of the Small Business Act, as amended by subsections (a) and (b) of this section, is further amended in subsection (c) by striking paragraph (4).

(d) COMPTROLLER GENERAL REVIEW.—Not later than 270 days after the date of the enactment of this subsection, the Comptroller General of the United States shall review data and information regarding consolidated contracts awarded by Federal agencies. The review shall include an assessment of— Deadline. Assessment.

(1) the extent to which written determinations that the consolidation of contract requirements was necessary and justified meet the requirements of applicable provisions of law and regulation;

(2) the amount of savings and benefits realized pursuant to such contracts, in comparison with—

(A) the performance of similar requirements under previous contracts; and

(B) the savings and benefits anticipated by the analysis required prior to the contract award pursuant to applicable provisions of law and regulation;

(3) the extent to which the consolidation of contract requirements was consistent with the contracting agency's small business subcontracting plans; and

(4) the adequacy of data collected pursuant to section 15 of the Small Business Act relating to contract bundling.

PART VII—INCREASED PENALTIES FOR FRAUD

SEC. 1681. SAFE HARBOR FOR GOOD FAITH COMPLIANCE EFFORTS. Deadlines.

(a) SMALL BUSINESS FRAUD.—Section 16(d) of the Small Business Act (15 U.S.C. 645(d)) is amended by inserting after paragraph (2) the following:

"(3) LIMITATION ON LIABILITY.—This subsection shall not apply to any conduct in violation of subsection (a) if the defendant acted in good faith reliance on a written advisory opinion from a Small Business Development Center (as defined in this Act), or an entity participating in the Procurement Technical Assistance Cooperative Agreement Program defined in chapter 142 of title 10, United States Code; however nothing in this Act shall obligate either entity to provide such a letter nor shall the provision of such a letter in any way render the providing entity liable to the business concern should the Administrator later determine that the concern is not a small business concern. Upon issuance of an advisory opinion under this paragraph, the entity issuing the advisory opinion shall remit a copy of the opinion to the General Counsel of the Administration, who may reject the advisory opinion. If the General Counsel of the Administration rejects the advisory opinion, the Administration shall notify the entity issuing the advisory opinion and the recipient of the opinion, after which time the business concern may not rely upon the opinion.". Advisory opinion. Records. Notification.

(b) REGULATIONS.—Not later than 270 days after the date of enactment of this part, the Administrator of the Small Business Administration shall issue rules defining what constitutes an adequate advisory opinion for purposes of section 16(d)(3) of the Small Business Act. 15 USC 645 note.

15 USC 632 note.

(c) SMALL BUSINESS COMPLIANCE GUIDE.—Not later than 270 days after the date of enactment of this part, the Administrator of the Small Business Administration shall issue (pursuant to section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996) a compliance guide to assist business concerns in accurately determining their status as a small business concern.

Deadlines.

SEC. 1682. REQUIREMENT THAT FRAUDULENT BUSINESSES BE SUSPENDED OR DEBARRED.

(a) IN GENERAL.—Section 16(d)(2)(C) of the Small Business Act (15 U.S.C. 645(d)(2)(C)) is amended by striking "on the basis that such misrepresentation indicates a lack of business integrity that seriously and directly affects the present responsibility to perform any contract awarded by the Federal Government or a subcontract under such a contract".

15 USC 645 note.

(b) DEVELOPMENT AND PROMULGATION OF GUIDANCE.—Not later than 270 days after the date of enactment of this part, the Administrator of the Small Business Administration shall develop and promulgate guidance implementing this section.

15 USC 645 note.
Web posting.

(c) PUBLICATION OF PROCEDURES REGARDING SUSPENSION AND DEBARMENT.—Not later than 270 days after the date of enactment of this part, the Administrator shall publish and maintain on the Administration's Web site the current standard operating procedures of the Administration for suspension and debarment, and the name and contact information for the individual designated by the Administrator as the senior individual responsible for suspension and debarment proceedings.

15 USC 645a.

SEC. 1683. ANNUAL REPORT ON SUSPENSIONS AND DEBARMENTS PROPOSED BY SMALL BUSINESS ADMINISTRATION.

(a) REPORT REQUIREMENT.—The Administrator of the Small Business Administration shall submit each year to the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives a report on the suspension and debarment actions taken by the Administrator during the year preceding the year of submission of the report.

(b) MATTERS COVERED.—The report required by subsection (a) shall include the following information for the year covered by the report:

(1) NUMBER.—The number of contractors proposed for suspension or debarment.

(2) SOURCE.—The office within a Federal agency that originated each proposal for suspension or debarment.

(3) REASONS.—The reason for each proposal for suspension or debarment.

(4) RESULTS.—The result of each proposal for suspension or debarment, and the reason for such result.

(5) REFERRALS.—The number of suspensions or debarments referred to the Inspector General of the Small Business Administration or another agency, or to the Attorney General (for purposes of this paragraph, the Administrator may redact identifying information on names of companies or other information in order to protect the integrity of any ongoing criminal or civil investigation).

PART VIII—OFFICES OF SMALL AND DISADVANTAGED BUSINESS UNITS

SEC. 1691. OFFICES OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.

(a) APPOINTMENT AND POSITION OF DIRECTOR.—Section 15(k)(2) of the Small Business Act (15 U.S.C. 644(k)(2)) is amended by striking "such agency," and inserting "such agency to a position that is a Senior Executive Service position (as such term is defined under section 3132(a) of title 5, United States Code), except that, for any agency in which the positions of Chief Acquisition Officer and senior procurement executive (as such terms are defined under section 44(a) of this Act) are not Senior Executive Service positions, the Director of Small and Disadvantaged Business Utilization may be appointed to a position compensated at not less than the minimum rate of basic pay payable for grade GS–15 of the General Schedule under section 5332 of such title (including comparability payments under section 5304 of such title);".

(b) PERFORMANCE APPRAISALS.—Section 15(k)(3) of such Act (15 U.S.C. 644(k)(3)) is amended—

(1) by striking "be responsible only to, and report directly to, the head" and inserting "shall be responsible only to (including with respect to performance appraisals), and report directly and exclusively to, the head"; and

(2) by striking "be responsible only to, and report directly to, such Secretary" and inserting "be responsible only to (including with respect to performance appraisals), and report directly and exclusively to, such Secretary".

(c) ADDITIONAL REQUIREMENTS.—Section 15(k) of such Act (15 U.S.C. 644(k)) is amended by inserting after paragraph (10) the following:

"(11) shall review and advise such agency on any decision to convert an activity performed by a small business concern to an activity performed by a Federal employee; Review.

"(12) shall provide to the Chief Acquisition Officer and senior procurement executive of such agency advice and comments on acquisition strategies, market research, and justifications related to section 44 of this Act;

"(13) may provide training to small business concerns and contract specialists, except that such training may only be provided to the extent that the training does not interfere with the Director carrying out other responsibilities under this subsection;

"(14) shall receive unsolicited proposals and, when appropriate, forward such proposals to personnel of the activity responsible for reviewing such proposals;

"(15) shall carry out exclusively the duties enumerated in this Act, and shall, while the Director, not hold any other title, position, or responsibility, except as necessary to carry out responsibilities under this subsection; and

"(16) shall submit, each fiscal year, to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report describing— Reports.

"(A) the training provided by the Director under paragraph (13) in the most recently completed fiscal year;

"(B) the percentage of the budget of the Director used for such training in the most recently completed fiscal year; and

"(C) the percentage of the budget of the Director used for travel in the most recently completed fiscal year.".

(d) REQUIREMENT OF ACQUISITION EXPERIENCE FOR OSDBU DIRECTOR.—Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), as amended by this part, is further amended, in the matter preceding paragraph (1), by striking "who shall" and inserting the following: ", with experience serving in any combination of the following roles: program manager, deputy program manager, or assistant program manager for Federal acquisition program; chief engineer, systems engineer, assistant engineer, or product support manager for Federal acquisition program; Federal contracting officer; small business technical advisor; contracts administrator for Federal Government contracts; attorney specializing in Federal procurement law; small business liaison officer; officer or employee who managed Federal Government contracts for a small business; or individual whose primary responsibilities were for the functions and duties of section 8, 15 or 44 of this Act. Such officer or employee".

(e) TECHNICAL AMENDMENTS.—Section 15(k) of such Act (15 U.S.C. 644(k)), as amended, is further amended—

(1) in paragraph (1)—

(A) by striking "be known" and inserting "shall be known"; and

(B) by striking "such agency," and inserting "such agency;";

(2) in paragraph (2) by striking "be appointed by" and inserting "shall be appointed by";

(3) in paragraph (3)—

(A) by striking "director" and inserting "Director"; and

(B) by striking "Secretary's designee," and inserting "Secretary's designee;";

(4) in paragraph (4)—

(A) by striking "be responsible" and inserting "shall be responsible"; and

(B) by striking "such agency," and inserting "such agency;";

(5) in paragraph (5) by striking "identify proposed" and inserting "shall identify proposed";

(6) in paragraph (6) by striking "assist small" and inserting "shall assist small";

(7) in paragraph (7)—

(A) by striking "have supervisory" and inserting "shall have supervisory"; and

(B) by striking "this Act," and inserting "this Act;";

(8) in paragraph (8)—

(A) in the matter preceding subparagraph (A), by striking "assign a" and inserting "shall assign a"; and

(B) in subparagraph (A), by striking "the activity, and" and inserting "the activity; and";

(9) in paragraph (9)—

(A) by striking "cooperate, and" and inserting "shall cooperate, and"; and

(B) by striking "subsection, and" and inserting "subsection;"; and

(10) in paragraph (10)—

(A) by striking "make recommendations" and inserting "shall make recommendations";

(B) by striking "subsection (a), or section" and inserting "subsection (a), section";

(C) by striking "Act or section 2323" and inserting "Act, or section 2323";

(D) by striking "Code. Such recommendations shall" and inserting "Code, which shall"; and

(E) by striking "contract file." and inserting "contract file;".

SEC. 1692. SMALL BUSINESS PROCUREMENT ADVISORY COUNCIL.

(a) DUTIES.—Section 7104(b) of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644 note) is amended—

(1) in paragraph (1) by striking "and" at the end;

(2) in paragraph (2) by striking "authorities." and inserting "authorities;"; and

(3) by adding at the end the following:

"(3) to conduct reviews of each Office of Small and Disadvantaged Business Utilization established under section 15(k) of the Small Business Act (15 U.S.C. 644(k)) to determine the compliance of each Office with requirements under such section; Reviews.

"(4) to identify best practices for maximizing small business utilization in Federal contracting that may be implemented by Federal agencies having procurement powers; and

"(5) to submit, annually, to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report describing— Reports. Time periods.

"(A) the comments submitted under paragraph (2) during the 1-year period ending on the date on which the report is submitted, including any outcomes related to the comments;

"(B) the results of reviews conducted under paragraph (3) during such 1-year period; and

"(C) best practices identified under paragraph (4) during such 1-year period.".

(b) MEMBERSHIP.—Section 7104(c)(3) of such Act (15 U.S.C. 644 note) is amended by striking "(established under section 15(k) of the Small Business Act (15 U.S.C. 644(k))".

(c) CHAIRMAN.—Section 7104(d) of such Act (15 U.S.C. 644 note) is amended by inserting after "Small Business Administration" the following: "(or the designee of the Administrator)".

PART IX—OTHER MATTERS

SEC. 1695. SURETY BONDS.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended—

(1) by inserting "(A)" after "(1)";

(2) by striking "does not exceed" and all that follows through the period at the end, and inserting "does not exceed $6,500,000, as adjusted for inflation in accordance with section 1908 of title 41, United States Code."; and

(3) by adding at the end the following:

"(B) The Administrator may guarantee a surety under subparagraph (A) for a total work order or contract amount that does not exceed $10,000,000, if a contracting officer of a Federal agency certifies that such a guarantee is necessary.".

(b) DENIAL OF LIABILITY.—Section 411 of the Small Business Investment Act of 1958 (15 U.S.C. 694b) is amended—

(1) by striking subsection (e) and inserting the following:

"(e) REIMBURSEMENT OF SURETY; CONDITIONS.—Pursuant to any such guarantee or agreement, the Administration shall reimburse the surety, as provided in subsection (c) of this section, except that the Administration shall be relieved of liability (in whole or in part within the discretion of the Administration) if—

"(1) the surety obtained such guarantee or agreement, or applied for such reimbursement, by fraud or material misrepresentation,

"(2) the total contract amount at the time of execution of the bond or bonds exceeds $6,500,000,

"(3) the surety has breached a material term or condition of such guarantee agreement, or

"(4) the surety has substantially violated the regulations promulgated by the Administration pursuant to subsection (d).";

and

(2) by inserting after subsection (i) the following:

"(j) For bonds made or executed with the prior approval of the Administration, the Administration shall not deny liability to a surety based upon material information that was provided as part of the guarantee application.".

(c) SIZE STANDARDS.—Section 410 of the Small Business Investment Act of 1958 (15 U.S.C. 694a) is amended by inserting after paragraph (8) the following:

Definition.

"(9) Notwithstanding any other provision of law or any rule, regulation, or order of the Administration, for purpose of sections 410, 411, and 412 the term 'small business concern' means a business concern that meets the size standard for the primary industry in which such business concern, and the affiliates of such business concern, is engaged, as determined by the Administrator in accordance with the North American Industry Classification System.".

SEC. 1696. CONFORMING AMENDMENTS; REPEAL OF REDUNDANT PROVISIONS; REGULATIONS.

(a) TECHNICAL AMENDMENTS.—Section 15 of the Small Business Act (15 U.S.C. 644) is amended—

(1) in the heading of subsection (p), to read as follows: "ACCESS TO DATA.—"; and

(2) in the heading of subsection (q), to read as follows: "REPORTS RELATED TO PROCUREMENT CENTER REPRESENTATIVES.—".

(b) CONFORMING AMENDMENTS PERTAINING TO LIMITATIONS ON SUBCONTRACTING.—

(1) HUBZONES.—Section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) is amended—

(A) in subparagraph (A)(i) by striking subclause (III) and inserting the following:

"(III) with respect to any subcontract entered into by the small business concern pursuant to a contract awarded to the small business concern

under section 31, the small business concern will ensure that the requirements of section 46 are satisfied; and";

(B) by striking subparagraphs (B) and (C); and

(C) by redesignating subparagraph (D) as subparagraph (B).

(2) ENTITIES ELIGIBLE FOR CONTRACTS UNDER SECTION 8(a).—Section 8(a) of such Act (15 U.S.C. 637(a)) is amended by striking paragraph (14) and inserting the following:

"(14) LIMITATIONS ON SUBCONTRACTING.—A concern may not be awarded a contract under this subsection as a small business concern unless the concern agrees to satisfy the requirements of section 46.".

(3) SMALL BUSINESS CONCERNS.—Section 15 of such Act (15 U.S.C. 644) is amended by striking subsection (o) and inserting the following:

"(o) LIMITATIONS ON SUBCONTRACTING.—A concern may not be awarded a contract under subsection (a) as a small business concern unless the concern agrees to satisfy the requirements of section 46.".

(c) REGULATIONS.—Not later than 180 days after the date of enactment of this part, the Administrator of the Small Business Administration shall issue guidance with respect to the changes made to the Small Business Act by the amendments in this subtitle, with opportunities for notice and comment.

Deadline. Guidance. 15 USC 632 note.

SEC. 1697. CONTRACTING WITH SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.

(a) PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.—Section 8(m)(2) of the Small Business Act (15 U.S.C. 637(m)(2)) is amended—

(1) by striking subparagraph (D); and

(2) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

(b) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(o) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—

"(1) STUDY.—The Administrator shall periodically conduct a study to identify industries, as defined under the North American Industry Classification System, underrepresented by small business concerns owned and controlled by women.

"(2) REPORT.—Not later than 5 years after the date of enactment of this subsection, and every 5 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of each study under paragraph (1) conducted during the 5-year period ending on the date of the report.".

Time period.

SEC. 1698. SMALL BUSINESS HUBZONES.

15 USC 632 note.

(a) DEFINITION.—In this section, the term "covered base closure area" means a base closure area that, on or before the date of enactment of this Act, was treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note).

(b) TREATMENT AS HUBZONE.—

(1) IN GENERAL.—Subject to paragraph (2), a covered base closure area shall be treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) during the 5-year period beginning on the date of enactment of this Act.

(2) LIMITATION.—The total period of time that a covered base closure area is treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to this section and section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note) may not exceed 5 years.

SEC. 1699. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

Effective date. 15 USC 657c note.

(b) CORPORATION.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking "and the National Veterans Business Development Corporation".

(2) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking "any of the" and all that follows and inserting "any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).".

(3) VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking "In cooperation with the National Veterans Business Development Corporation, develop" and inserting "Develop".

SEC. 1699a. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

Section 1207(a)(5) of the Small Business Jobs Act of 2010 (15 U.S.C. 649b note) is amended by inserting after "Guam," the following: "the Commonwealth of the Northern Mariana Islands,".

TITLE XVII—ENDING TRAFFICKING IN GOVERNMENT CONTRACTING

Sec. 1701. Definitions.
Sec. 1702. Contracting requirements.
Sec. 1703. Compliance plan and certification requirement.
Sec. 1704. Monitoring and investigation of trafficking in persons.
Sec. 1705. Notification to inspectors general and cooperation with Government.
Sec. 1706. Expansion of penalties for fraud in foreign labor contracting to include attempted fraud and work outside the United States.
Sec. 1707. Improving Department of Defense accountability for reporting trafficking in persons claims and violations.
Sec. 1708. Rules of construction; effective date.

22 USC 7104a note.

SEC. 1701. DEFINITIONS.

In this title:

(1) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given the term in section 133 of title 41, United States Code.

(2) SUBCONTRACTOR.—The term "subcontractor" means a recipient of a contract at any tier under a grant, contract, or cooperative agreement.

(3) SUBGRANTEE.—The term "subgrantee" means a recipient of a grant at any tier under a grant or cooperative agreement.

(4) UNITED STATES.—The term "United States" has the meaning provided in section 103(12) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(12)).

SEC. 1702. CONTRACTING REQUIREMENTS.

Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)) is amended by striking "without penalty" and all that follows through the period at the end and inserting the following: "or take any of the other remedial actions authorized under section 1704(c) of the National Defense Authorization Act for Fiscal Year 2013, without penalty, if the grantee or any subgrantee, or the contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in—

"(i) severe forms of trafficking in persons;

"(ii) the procurement of a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect;

"(iii) the use of forced labor in the performance of the grant, contract, or cooperative agreement; or

"(iv) acts that directly support or advance trafficking in persons, including the following acts:

"(I) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents.

"(II) Failing to provide return transportation or pay for return transportation costs to an employee from a country outside the United States to the country from which the employee was recruited upon the end of employment if requested by the employee, unless—

"(aa) exempted from the requirement to provide or pay for such return transportation by the Federal department or agency providing or entering into the grant, contract, or cooperative agreement; or

"(bb) the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action.

"(III) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment.

"(IV) Charging recruited employees unreasonable placement or recruitment fees, such as fees equal to or greater than the employee's monthly

salary, or recruitment fees that violate the laws of the country from which an employee is recruited.

"(V) Providing or arranging housing that fails to meet the host country housing and safety standards.".

SEC. 1703. COMPLIANCE PLAN AND CERTIFICATION REQUIREMENT.

22 USC 7104a.

(a) REQUIREMENT.—The head of an executive agency may not provide or enter into a grant, contract, or cooperative agreement if the estimated value of the services required to be performed under the grant, contract, or cooperative agreement outside the United States exceeds $500,000, unless a duly designated representative of the recipient of such grant, contract, or cooperative agreement certifies to the contracting or grant officer prior to receiving an award and on an annual basis thereafter, after having conducted due diligence, that—

(1) the recipient has implemented a plan to prevent the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702, and is in compliance with that plan;

Procedures.

(2) the recipient has implemented procedures to prevent any activities described in such section 106(g) and to monitor, detect, and terminate any subcontractor, subgrantee, or employee of the recipient engaging in any activities described in such section; and

(3) to the best of the representative's knowledge, neither the recipient, nor any subcontractor or subgrantee of the recipient or any agent of the recipient or of such a subcontractor or subgrantee, is engaged in any of the activities described in such section.

(b) LIMITATION.—Any plan or procedures implemented pursuant to subsection (a) shall be appropriate to the size and complexity of the grant, contract, or cooperative agreement and to the nature and scope of its activities, including the number of non-United States citizens expected to be employed.

Records.
Web posting.

(c) DISCLOSURE.—The recipient shall provide a copy of the plan to the contracting or grant officer upon request, and as appropriate, shall post the useful and relevant contents of the plan or related materials on its website and at the workplace.

President.
Consultation.
Procedures.

(d) GUIDANCE.—The President, in consultation with the Secretary of State, the Attorney General, the Secretary of Defense, the Secretary of Labor, the Secretary of Homeland Security, the Administrator for the United States Agency for International Development, and the heads of such other executive agencies as the President deems appropriate, shall establish minimum requirements for contractor plans and procedures to be implemented pursuant to this section.

22 USC 7104b.

SEC. 1704. MONITORING AND INVESTIGATION OF TRAFFICKING IN PERSONS.

(a) REFERRAL AND INVESTIGATION.—

(1) REFERRAL.—If the contracting or grant officer of an executive agency for a grant, contract, or cooperative agreement receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection

Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702, including a report from a contracting officer representative, an auditor, an alleged victim or victim's representative, or any other credible source, the contracting or grant officer shall promptly refer the matter to the agency's Office of Inspector General for investigation. The contracting officer may also direct the contractor to take specific steps to abate an alleged violation or enforce the requirements of a compliance plan implemented pursuant to section 1703.

Review. Determination.

(2) INVESTIGATION.—An Inspector General who receives a referral under paragraph (1) or otherwise receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702, shall promptly review the referral or information and determine whether to initiate an investigation of the matter. In the event that an Inspector General does not initiate an investigation, the Inspector General shall document the rationale for the decision not to investigate.

Notification.

(3) CRIMINAL INVESTIGATION.—If the matter is referred to the Department of Justice for criminal prosecution, the Inspector General may suspend any investigation under this subsection pending the outcome of the criminal prosecution. The Inspector General shall notify the head of the executive agency that awarded the contract, grant, or cooperative agreement of an indictment, information, or criminal complaint against the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor. If the criminal investigation results in a decision not to prosecute, the Inspector General shall promptly determine whether to resume any investigation that was suspended pursuant to this paragraph. In the event that an Inspector General does not resume an investigation, the Inspector General shall document the rationale for the decision.

Determination.

Documentation.

(b) REPORT.—Upon completion of an investigation under subsection (a), the Inspector General shall submit a report on the investigation to the head of the executive agency that awarded the contract, grant, or cooperative agreement. The report shall include the Inspector General's conclusions regarding whether or not any allegations that the recipient of a grant, contract, or cooperative agreement; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702, are substantiated.

(c) REMEDIAL ACTIONS.—

(1) IN GENERAL.—Upon receipt of an Inspector General's report substantiating an allegation that the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by

section 1702, or notification of an indictment, information, or criminal complaint for an offense under subsection (a)(3), the head of agency shall consider taking one or more of the following remedial actions:

(A) Requiring the recipient to remove an employee from the performance of work under the grant, contract, or cooperative agreement.

(B) Requiring the recipient to terminate a subcontract or subgrant.

(C) Suspending payments under the grant, contract, or cooperative agreement until such time as the recipient of the grant, contract, or cooperative agreement has taken appropriate remedial action.

(D) Withholding award fees, consistent with the award fee plan, for the performance period in which the agency determined the contractor or subcontractor engaged in any of the activities described in such section 106(g).

(E) Declining to exercise available options under the contract.

(F) Terminating the contract for default or cause, in accordance with the termination clause for the contract.

(G) Referring the matter to the agency suspension and debarment official.

(2) SAVINGS CLAUSE.—Nothing in this subsection shall be construed as limiting the scope of applicable remedies available to the Federal Government.

(3) MITIGATING FACTOR.—Where applicable, the head of an executive agency may consider whether the contractor or grantee had a plan in place under section 1703, and was in compliance with that plan at the time of the violation, as a mitigating factor in determining which remedies, if any, should apply.

(4) AGGRAVATING FACTOR.—Where applicable, the head of an executive agency may consider the failure of a contractor or grantee to abate an alleged violation or enforce the requirements of a compliance plan when directed by a contracting officer pursuant to subsection (a)(1) as an aggravating factor in determining which remedies, if any, should apply.

(d) INCLUSION OF REPORT CONCLUSIONS IN FAPIIS.—

(1) IN GENERAL.—The head of an executive agency shall ensure that any substantiated allegation in the report under subsection (b) is included in the Federal Awardee Performance and Integrity Information System (FAPIIS) and that the contractor has an opportunity to respond to any such report in accordance with applicable statutes and regulations.

(2) AMENDMENT TO TITLE 41, UNITED STATES CODE.—Section 2313(c)(1)(E) of title 41, United States Code, is amended to read as follows:

"(E) In an administrative proceeding—

"(i) a final determination of contractor fault by the Secretary of Defense pursuant to section 823(d) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2302 note; Public Law 111–84); or

"(ii) a substantiated allegation, pursuant to section 1704(b) of the National Defense Authorization Act for Fiscal Year 2013, that the contractor, a subcontractor,

or an agent of the contractor or subcontractor engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)).".

SEC. 1705. NOTIFICATION TO INSPECTORS GENERAL AND COOPERATION WITH GOVERNMENT. 22 USC 7104c.

The head of an executive agency making or awarding a grant, contract, or cooperative agreement shall require that the recipient of the grant, contract, or cooperative agreement—

(1) immediately inform the Inspector General of the executive agency of any information it receives from any source that alleges credible information that the recipient; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, has engaged in conduct described in section 106(g) of the Trafficking in Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702 of this Act; and

(2) fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

SEC. 1706. EXPANSION OF PENALTIES FOR FRAUD IN FOREIGN LABOR CONTRACTING TO INCLUDE ATTEMPTED FRAUD AND WORK OUTSIDE THE UNITED STATES.

(a) IN GENERAL.—Section 1351 of title 18, United States Code, is amended—

(1) by striking "Whoever knowingly and with the intent to defraud recruits, solicits or hires a person outside the United States" and inserting "(a) WORK INSIDE THE UNITED STATES.—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States or causes another person to recruit, solicit, or hire a person outside the United States, or attempts to do so,"; and

(2) by adding at the end the following new subsection:

"(b) WORK OUTSIDE THE UNITED STATES.—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States or causes another person to recruit, solicit, or hire a person outside the United States, or attempts to do so, for purposes of employment performed on a United States Government contract performed outside the United States, or on a United States military installation or mission outside the United States or other property or premises outside the United States owned or controlled by the United States Government, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment, shall be fined under this title or imprisoned for not more than 5 years, or both.".

(b) SPECIAL RULE FOR ALIEN VICTIMS.—No alien may be admitted to the United States pursuant to subparagraph (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as a result of the alien being a victim of a crime described in subsection (b) of section 1351 of title 18, United States Code, as added by subsection (a). 8 USC 1101 note.

SEC. 1707. IMPROVING DEPARTMENT OF DEFENSE ACCOUNTABILITY FOR REPORTING TRAFFICKING IN PERSONS CLAIMS AND VIOLATIONS.

Section 105(d)(7)(H) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amended—

(1) in clause (ii), by striking "and" at the end;

(2) by redesignating clause (iii) as clause (iv);

(3) by inserting after clause (ii) the following new clause:

"(iii) all known trafficking in persons cases reported to the Under Secretary of Defense for Personnel and Readiness;";

(4) in clause (iv), as redesignated by paragraph (2), by inserting "and" at the end after the semicolon; and

(5) by adding at the end the following new clause:

"(v) all trafficking in persons activities of contractors reported to the Under Secretary of Defense for Acquisition, Technology, and Logistics;".

22 USC 7104d.

SEC. 1708. RULES OF CONSTRUCTION; EFFECTIVE DATE.

(a) LIABILITY.—Excluding section 1706, nothing in this title shall be construed to supersede, enlarge, or diminish the common law or statutory liabilities of any grantee, subgrantee, contractor, subcontractor, or other party covered by section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 1702.

(b) AUTHORITY OF DEPARTMENT OF JUSTICE.—Nothing in this title shall be construed as diminishing or otherwise modifying the authority of the Attorney General to investigate activities covered by this title.

Deadlines.
Applicability.

(c) IMPLEMENTATION AND EFFECTIVE DATES.—

(1) CONTRACTING REQUIREMENTS.—

(A) Not later than 270 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to carry out the requirements of sections 1702, 1703, and 1704(c), and the second sentence of section 1704(a)(1), of this title.

(B) The requirements of sections 1702, 1703, and 1704(c), and the second sentence of section 1704(a)(1), of this title, shall apply to grants, contracts, and cooperative agreements entered into on or after the date that is 270 days after the date of the enactment of this Act, and to task and delivery orders awarded on or after such date pursuant to contracts entered before, on, or after such date.

(2) INVESTIGATIVE AND PROCEDURAL REQUIREMENTS.—Federal agencies shall implement the requirements of sections 1704, 1705, and 1707 (other than subsection (c) of section 1704) not later than 90 days after the date of the enactment of this Act.

(3) CRIMINAL LAW CHANGES.—The amendments made by section 1706 shall take effect upon the date of enactment and shall apply to conduct taking place on or after such date.

TITLE XVIII—FEDERAL ASSISTANCE TO FIRE DEPARTMENTS

Subtitle A—Fire Grants Reauthorization

Sec. 1801. Short title.
Sec. 1802. Amendments to definitions.
Sec. 1803. Assistance to firefighters grants.
Sec. 1804. Staffing for adequate fire and emergency response.
Sec. 1805. Sense of Congress on value and funding of Assistance to Firefighters and Staffing for Adequate Fire and Emergency Response programs.
Sec. 1806. Report on amendments to Assistance to Firefighters and Staffing for Adequate Fire and Emergency Response programs.
Sec. 1807. Studies and reports on the state of fire services.

Subtitle B—Reauthorization of United States Fire Administration

Sec. 1811. Short title.
Sec. 1812. Clarification of relationship between United States Fire Administration and Federal Emergency Management Agency.
Sec. 1813. Modification of authority of Administrator to educate public about fire and fire prevention.
Sec. 1814. Authorization of appropriations.
Sec. 1815. Removal of limitation.

Subtitle A—Fire Grants Reauthorization

Fire Grants Reauthorization Act of 2012. 15 USC 2201 note.

SEC. 1801. SHORT TITLE.

This subtitle may be cited as the "Fire Grants Reauthorization Act of 2012".

SEC. 1802. AMENDMENTS TO DEFINITIONS.

(a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting ", except as otherwise provided," after "means";

(2) in paragraph (4), by striking "'Director' means" and all that follows through "Agency;" and inserting "'Administrator of FEMA' means the Administrator of the Federal Emergency Management Agency;";

(3) in paragraph (5)—

(A) by inserting "Indian tribe," after "county,"; and

(B) by striking "and 'firecontrol'" and inserting "and 'fire control'";

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

"(6) 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and 'tribal' means of or pertaining to an Indian tribe;";

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

"(9) 'Secretary' means, except as otherwise provided, the Secretary of Homeland Security;"; and

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

"(10) 'State' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).".

15 USC 2204, 2206, 2210, 2214, 2215, 2217, 2218, 2224, 2226; 42 USC 290a.

(b) CONFORMING AMENDMENTS.—

(1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking "Director" each place it appears and inserting "Administrator of FEMA".

(2) ADMINISTRATOR OF FEMA'S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking "Director's Award" each place it appears and inserting "Administrator's Award".

SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

"SEC. 33. FIREFIGHTER ASSISTANCE.

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR OF FEMA.—The term 'Administrator of FEMA' means the Administrator of FEMA, acting through the Administrator.

"(2) AVAILABLE GRANT FUNDS.—The term 'available grant funds', with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

"(3) CAREER FIRE DEPARTMENT.—The term 'career fire department' means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

"(4) COMBINATION FIRE DEPARTMENT.—The term 'combination fire department' means a fire department that has—

"(A) paid firefighting personnel; and

"(B) volunteer firefighting personnel.

"(5) FIREFIGHTING PERSONNEL.—The term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

"(6) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(7) NONAFFILIATED EMS ORGANIZATION.—The term 'nonaffiliated EMS organization' means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

"(8) PAID-ON-CALL.—The term 'paid-on-call' with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

"(9) VOLUNTEER FIRE DEPARTMENT.—The term 'volunteer fire department' means a fire department that has an all-volunteer force of firefighting personnel.

"(b) ASSISTANCE PROGRAM.—

"(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may award—

"(A) assistance to firefighters grants under subsection (c); and

"(B) fire prevention and safety grants and other assistance under subsection (d).

"(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

"(A) establish specific criteria for the selection of grant recipients under this section; and

Criteria.

"(B) provide assistance with application preparation to applicants for such grants.

"(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

"(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

"(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

"(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

"(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

"(2) MAXIMUM GRANT AMOUNTS.—

"(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

"(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed $1,000,000 in any fiscal year.

"(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed $2,000,000 in any fiscal year.

"(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed $3,000,000 in any fiscal year.

"(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $6,000,000 for any fiscal year.

"(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $9,000,000 in any fiscal year.

"(B) AGGREGATE.—

"(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

"(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a

Waiver authority.
Determination.

grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

"(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

"(A) To train firefighting personnel in—

"(i) firefighting;

"(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

"(iii) arson prevention and detection;

"(iv) maritime firefighting; or

"(v) the handling of hazardous materials.

"(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

"(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

Certification.

"(D) To certify—

"(i) fire inspectors; and

"(ii) building inspectors—

"(I) whose responsibilities include fire safety inspections; and

"(II) who are employed by or serving as volunteers with a fire department.

"(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

"(F) To fund emergency medical services provided by fire departments and nonaffiliated EMS organizations.

"(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

"(H) To acquire additional firefighting equipment, including equipment for—

"(i) fighting fires with foam in remote areas without access to water; and

"(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

"(I) To acquire personal protective equipment, including personal protective equipment—

"(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

"(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

"(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

"(K) To educate the public about arson prevention and detection.

"(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

"(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

"(d) FIRE PREVENTION AND SAFETY GRANTS.—

"(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

"(A) award grants to fire departments;

"(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

"(i) fire prevention programs; and

"(ii) research to improve firefighter health and life safety; and

"(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.

"(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed $1,500,000 for a fiscal year.

"(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

"(A) To enforce fire codes and promote compliance with fire safety standards.

"(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.

"(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

"(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

"(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

"(4) LIMITATION.—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations. ACORN.

"(e) APPLICATIONS FOR GRANTS.—

"(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

"(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

"(A) A description of the financial need of the applicant for the grant.

"(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

"(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

"(D) A list of other sources of funding received by the applicant—

"(i) for the same purpose for which the application for a grant under this section was submitted; or

"(ii) from the Federal Government for other fire-related purposes.

"(E) Such other information as the Administrator of FEMA determines appropriate.

"(3) JOINT OR REGIONAL APPLICATIONS.—

"(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

"(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

"(C) GUIDANCE.—The Administrator of FEMA shall—

Publication.

"(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

"(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

"(f) PEER REVIEW OF GRANT APPLICATIONS.—

Consultation.

"(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

"(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

"(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall consider the following:

"(1) The findings and recommendations of the peer reviews carried out under subsection (f).

"(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

"(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

"(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

"(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

"(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

"(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

"(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

"(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

"(5) not less than 10 percent are awarded under subsection (d); and

"(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

"(i) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

"(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

"(2) STATE FIRE TRAINING ACADEMIES.—

"(A) MAXIMUM SHARE.—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

"(B) MAXIMUM GRANT AMOUNT.—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds $1,000,000 in any fiscal year.

"(3) AMOUNTS FOR PURCHASING FIREFIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

"(j) FURTHER CONSIDERATIONS.—

"(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

"(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

"(B) a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as the following:

"(i) Population served.

"(ii) Geographic response area.

"(iii) Hazards vulnerability.

"(iv) Call volume.

"(v) Financial situation, including unemployment rate of the area being served.

"(vi) Need for training or equipment.

"(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

"(3) AWARDING FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

"(A) prevention of injuries to high risk groups from fire; and

"(B) research programs that demonstrate a potential to improve firefighter safety.

"(4) AWARDING GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

"(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

"(i) select each grant recipient on—

"(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

"(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

"(III) the recipient's ability to disseminate the results of fire safety research; and

"(IV) the strategic plan the recipient proposes to carry out under the grant;

"(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—

"(I) a national fire service organization or a national fire safety organization; and

"(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

"(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

"(B) RESEARCH NEEDS.—

Deadline.
Workshop.

"(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

Public information.

"(ii) PUBLICATION.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

"(C) LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

"(i) IN GENERAL.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

"(ii) RECIPIENTS.—An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

"(5) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards. Review.

"(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.— Contracts.

"(1) MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

"(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

"(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and

"(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

"(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

"(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

"(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

"(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

"(4) WAIVER.—

"(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

"(B) GUIDELINES.—

Publication.

"(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

"(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

"(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

"(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

"(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

"(I) Changes in rates of unemployment from previous years.

"(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

"(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

"(IV) Such other factors as the Administrator of FEMA considers appropriate.

"(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

"(i) is described in subsection (d)(1)(B); and

"(ii) is not a fire department or emergency medical services organization.

"(l) GRANT GUIDELINES.—

Federal Register, publication.

"(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

"(A) guidelines that describe—

"(i) the process for applying for grants under this section; and

"(ii) the criteria that will be used for selecting grant recipients; and

"(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

"(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

"(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members

of emergency medical service organizations to obtain recommendations regarding the following:

"(i) Criteria for the awarding of grants under this section.

"(ii) Administrative changes to the assistance program established under subsection (b).

"(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

"(i) is recognized for expertise in firefighting or emergency medical services;

"(ii) is not an employee of the Federal Government; and

"(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

"(I) providers of emergency medical services that are affiliated with fire departments; or

"(II) nonaffiliated EMS providers.

"(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

"(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

"(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

"(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

"(p) ENSURING EFFECTIVE USE OF GRANTS.—

"(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

"(A) the grant amounts are expended for the intended purposes; and

"(B) the grant recipient complies with the requirements of subsection (k).

"(2) PERFORMANCE ASSESSMENT.—

"(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

"(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

"(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

"(4) ANNUAL REPORTS TO CONGRESS.—

"(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives a report that provides—

"(i) information on the performance assessment system developed under paragraph (2); and

"(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

Recommendations.

"(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

"(q) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

"(A) $750,000,000 for fiscal year 2013; and

"(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

"(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

"(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

"(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

"(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

"(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 5 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.".

SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

"(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.".

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

"(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

"(i) 75 percent in the first year of the grant;

"(ii) 75 percent in the second year of the grant; and

"(iii) 35 percent in the third year of the grant.".

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking "organizations on a local or statewide basis" and inserting "national, State, local, or tribal organizations".

(c) MAXIMUM AMOUNT FOR HIRING A FIREFIGHTER.—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

"(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

"(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

"(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

"(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.".

(d) WAIVERS.—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(2) by inserting after subsection (c) the following:

"(d) WAIVERS.—

"(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

"(A) waive the requirements of subsection (c)(1); or

"(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

"(2) GUIDELINES.—

"(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1). Publication.

"(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

"(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or

the economic affairs of State and local governments; and

"(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

"(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

"(i) Changes in rates of unemployment from previous years.

"(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

"(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

"(iv) Such other factors as the Administrator of FEMA considers appropriate.".

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

Assessment.

"(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

"(2) SUBMITTAL OF INFORMATION.—".

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking "The authority" and all that follows through "Congress concerning" and inserting the following: "Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology and the Committee on Transportation and Infrastructure of the House of Representatives a report on".

(2) CONFORMING AMENDMENT.—The heading for subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking "SUNSET AND REPORTS" and inserting "REPORT".

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking "In this section, the term—" and inserting "In this section:";

(B) in paragraph (1)—

(i) by inserting "The term" before "'firefighter' has"; and

(ii) by striking "; and" and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

"(2) The terms 'Administrator of FEMA', 'career fire department', 'combination fire department', and 'volunteer fire department' have the meanings given such terms in section 33(a).".

(2) CONFORMING AMENDMENT.—Section 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A)) is amended by striking "career, volunteer, and combination fire departments" and inserting "career fire departments, combination fire departments, and volunteer fire departments".

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(8) $750,000,000 for fiscal year 2013; and

"(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

"(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

"(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).".

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking "There are" and inserting the following: "(1) IN GENERAL.—There are"; and

(D) by adding at the end the following:

"(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.".

(3) CONGRESSIONALLY DIRECTED SPENDING.—Such subsection (j) is further amended by adding at the end the following:

"(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined under the rules of the Senate and the House of Representatives).".

(i) TECHNICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking "Administrator" each place it appears and inserting "Administrator of FEMA".

(j) CLERICAL AMENDMENT.—Such section is further amended in the heading by striking "**EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM**" and inserting the following: "**STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE**".

(k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Such section is further amended by adding at the end the following:

"(k) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 5 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.".

SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) have proven equally valuable in protecting the health and safety of the public and firefighting personnel throughout the United States against fire and fire-related hazards; and

(2) providing parity in funding for the awarding of grants and assistance under both such sections will ensure that the grant and assistance programs under such sections can continue to serve their complementary purposes.

SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.

(a) IN GENERAL.—Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this subtitle.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

Assessment.

(1) An assessment of the effect of the amendments made by sections 1803 and 1804 on the effectiveness, relative allocation, accountability, and administration of the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

Evaluation.

(2) An evaluation of the extent to which the amendments made by sections 1803 and 1804 have enabled recipients of grants and assistance awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE SERVICES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the United States Fire Administration.

(2) CAREER FIRE DEPARTMENT, COMBINATION FIRE DEPARTMENT, VOLUNTEER FIRE DEPARTMENT.—The terms "career fire department", "combination fire department", and "volunteer fire department" have the meanings given such terms in section

33(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)), as amended by section 1803.

(3) FIRE SERVICE.—The term "fire service" has the meaning given such term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(b) STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.—

(1) STUDY.—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

(2) SURVEY.—

(A) IN GENERAL.—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) ELEMENTS.—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;

(ii) employ methods to ensure that the survey accurately reflects the actual rate of compliance with the standards described in paragraph (1) among fire services; and

(iii) determine the extent of barriers and challenges to achieving compliance with the standards described in paragraph (1) among fire services.

Determination.

(C) AUTHORITY TO CARRY OUT SURVEY WITH NONPROFIT.—If the Administrator determines that it will reduce the costs incurred by the United States Fire Administration in carrying out the survey required by subparagraph (A), the Administrator may carry out such survey in conjunction with a nonprofit organization that has substantial expertise and experience in the following areas:

(i) The fire services.

(ii) National voluntary consensus standards.

(iii) Contemporary survey methods.

(3) REPORT ON FINDINGS OF STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study required by paragraph (1).

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) An accurate description, based on the results of the survey required by paragraph (2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance

among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

(c) TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.—

Deadline.

(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a task force to be known as the "Task Force to Enhance Firefighter Safety" (in this subsection referred to as the "Task Force").

(2) MEMBERSHIP.—

(A) IN GENERAL.—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.

Determination.

(C) NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) RESPONSIBILITIES.—The Task Force shall—

Consultation.

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

Plans.

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

Review.
Evaluation.

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

(d) STUDY AND REPORT ON THE NEEDS OF FIRE SERVICES.—

(1) STUDY.—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

Assessment.

(D) to measure the impact of the grant and assistance program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of fire services and filling the gaps identified under subparagraph (C).

(2) REPORT.—Not later than 2 years after the date of the enactment of this title, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study conducted under paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section—

(1) $600,000 for fiscal year 2013; and

(2) $600,000 for fiscal year 2014.

Subtitle B—Reauthorization of United States Fire Administration

United States Fire Administration Reauthorization Act of 2012. 15 USC 2201 note.

SEC. 1811. SHORT TITLE.

This subtitle may be cited as the "United States Fire Administration Reauthorization Act of 2012".

SEC. 1812. CLARIFICATION OF RELATIONSHIP BETWEEN UNITED STATES FIRE ADMINISTRATION AND FEDERAL EMERGENCY MANAGEMENT AGENCY.

Section 5(c) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204) is amended to read as follows:

"(c) DEPUTY ADMINISTRATOR.—The Administrator may appoint a Deputy Administrator, who shall—

"(1) perform such functions as the Administrator shall from time to time assign or delegate; and

"(2) act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.".

SEC. 1813. MODIFICATION OF AUTHORITY OF ADMINISTRATOR TO EDUCATE PUBLIC ABOUT FIRE AND FIRE PREVENTION.

Section 6 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2205) is amended by striking "to take all steps" and all that follows through "fire and fire prevention." and inserting

"to take such steps as the Administrator considers appropriate to educate the public and overcome public indifference as to fire, fire prevention, and individual preparedness.".

SEC. 1814. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (G), by striking "and" at the end;

(2) in subparagraph (H), by striking the period at the end and inserting a semicolon;

(3) by adding after subparagraph (H) the following:

"(I) $76,490,890 for fiscal year 2013, of which $2,753,672 shall be used to carry out section 8(f);

"(J) $76,490,890 for fiscal year 2014, of which $2,753,672 shall be used to carry out section 8(f);

"(K) $76,490,890 for fiscal year 2015, of which $2,753,672 shall be used to carry out section 8(f);

"(L) $76,490,890 for fiscal year 2016, of which $2,753,672 shall be used to carry out section 8(f); and

"(M) $76,490,890 for fiscal year 2017, of which $2,753,672 shall be used to carry out section 8(f).''; and

(4) in subparagraphs (E) through (H), by moving each margin 2 ems to the left.

SEC. 1815. REMOVAL OF LIMITATION.

Section 9(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208(d)) is amended—

(1) by striking "UPDATE.—" and all that follows through "The Administrator" and inserting "UPDATE.—The Administrator"; and

(2) by striking paragraph (2).

Military Construction Authorization Act for Fiscal Year 2013.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2013".

SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) EXPIRATION OF AUTHORIZATIONS AFTER THREE YEARS.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX of this division for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2015; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2016.

Time periods.

(b) EXCEPTION.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic

Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2015; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2016 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

TITLE XXI—ARMY MILITARY CONSTRUCTION

Sec. 2101. Authorized Army construction and land acquisition projects.
Sec. 2102. Family housing.
Sec. 2103. Authorization of appropriations, Army.
Sec. 2104. Modification of authority to carry out certain fiscal year 2010 project.
Sec. 2105. Extension of authorizations of certain fiscal year 2009 projects.
Sec. 2106. Extension of authorizations of certain fiscal year 2010 projects.
Sec. 2107. Extension of limitation on obligation or expenditure of funds for tour normalization.
Sec. 2108. Limitation on project authorization to carry out certain fiscal year 2013 project.

SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Army: Inside the United States

State	Installation or Location	Amount
Alaska	Fort Wainwright	$10,400,000
	Joint Base Elmendorf-Richardson	$7,900,000
California	Concord	$8,900,000
Colorado	Fort Carson	$18,000,000
District of Columbia	Fort McNair	$7,200,000
Georgia	Fort Benning	$16,000,000
	Fort Gordon	$23,300,000
	Fort Stewart	$49,650,000
Hawaii	Pohakuloa Training Area	$29,000,000
	Schofield Barracks	$96,000,000
	Wheeler Army Air Field	$85,000,000
Kansas	Fort Riley	$12,200,000
Kentucky	Fort Campbell	$81,800,000
	Fort Knox	$6,000,000
Missouri	Fort Leonard Wood	$123,000,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	$47,000,000
	Picatinny Arsenal	$10,200,000
New York	Fort Drum	$95,000,000
	U.S. Military Academy	$192,000,000
North Carolina	Fort Bragg	$68,000,000
Oklahoma	Fort Sill	$4,900,000

Army: Inside the United States—Continued

State	Installation or Location	Amount
South Carolina	Fort Jackson	$24,000,000
Texas	Corpus Christi	$37,200,000
	Fort Bliss	$7,200,000
	Fort Hood	$51,200,000
	Joint Base San Antonio	$21,000,000
Virginia	Fort Belvoir	$94,000,000
	Fort Lee	$81,000,000
Washington	Joint Base Lewis-McChord	$164,000,000
	Yakima	$5,100,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

Country	Installation or Location	Amount
Italy	Camp Ederle	$36,000,000
	Vicenza	$32,000,000
Japan	Okinawa	$78,000,000
	Sagami	$18,000,000
Korea	Camp Humphreys	$45,000,000

SEC. 2102. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,641,000.

SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of the Army as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

(2) $106,000,000 (the balance of the amount authorized under section 2101(a) for cadet barracks increment 1 at the United States Military Academy, New York).

SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECT.

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2628) for Fort Belvoir, Virginia, for construction of a Road and Access Control Point at the installation, the Secretary of the Army may construct a standard design Access Control Point consistent with the Army's construction guidelines for Access Control Points.

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

Termination date.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (122 Stat. 4659), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Alabama	Anniston Army Depot.	Lake Yard Interchange	$1,400,000
New Jersey	Picatinny Arsenal.	Ballistic evaluation Facility Phase I	$9,900,000

SEC. 2106. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.

Termination date.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), authorizations set forth in the table in subsection (b), as provided in section 2101 of that Act (123 Stat. 2628), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Army: Extension of 2010 Project Authorizations

State	Installation or Location	Project	Amount
Louisiana	Fort Polk	Land Purchases and Condemnation	$17,000,000
New Jersey	Picatinny Arsenal.	Ballistic Evaluation Facility Phase 2	$10,200,000
Virginia	Fort Belvoir	Road and Access Control Point	$9,500,000

Army: Extension of 2010 Project Authorizations—Continued

State	Installation or Location	Project	Amount
Washington	Fort Lewis ...	Fort Lewis-McChord AFB Joint Access	$9,000,000
Kuwait	Kuwait	APS Warehouses	$82,000,000

SEC. 2107. EXTENSION OF LIMITATION ON OBLIGATION OR EXPENDITURE OF FUNDS FOR TOUR NORMALIZATION.

Section 2111 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1665) is amended in the matter preceding paragraph (1) by inserting after "under this Act" the following: "or an Act authorizing funds for military construction for fiscal year 2013".

SEC. 2108. LIMITATION ON PROJECT AUTHORIZATION TO CARRY OUT CERTAIN FISCAL YEAR 2013 PROJECT.

The Secretary of the Army may not obligate or expend any funds authorized in this title for the construction of a cadet barracks at the United States Military Academy, West Point, New York, until the Secretary of the Army—

Plans.

(1) submits to the congressional defense committees, as part of the future-years defense program submitted to Congress during 2013 under section 221 of title 10, United States Code, a plan showing programmed investments to renovate existing cadet barracks at the United States Military Academy; and

Certification. Contracts.

(2) certifies to the congressional defense committees that the Secretary has entered into a contract for the renovation of Scott Barracks at the United States Military Academy.

TITLE XXII—NAVY MILITARY CONSTRUCTION

Sec. 2201. Authorized Navy construction and land acquisition projects.
Sec. 2202. Family housing.
Sec. 2203. Improvements to military family housing units.
Sec. 2204. Authorization of appropriations, Navy.
Sec. 2205. Modification of authority to carry out certain fiscal year 2012 project.
Sec. 2206. Extension of authorizations of certain fiscal year 2009 projects.
Sec. 2207. Extension of authorizations of certain fiscal year 2010 projects.

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Navy: Inside the United States

State	Installation or Location	Amount
Arizona	Yuma	$29,285,000

Navy: Inside the United States—Continued

State	Installation or Location	Amount
California	Camp Pendleton	$88,110,000
	Coronado	$78,541,000
	Miramar	$27,897,000
	Point Mugu	$12,790,000
	San Diego	$71,188,000
	Seal Beach	$30,594,000
	Twentynine Palms	$47,270,000
Florida	Jacksonville	$21.980,000
Hawaii	Kaneohe Bay	$97,310,000
Mississippi	Meridian	$10,926,000
New Jersey	Earle	$33,498,000
North Carolina	Camp Lejeune	$69,890,000
	Cherry Point Marine Corps Air Station	$45,891,000
	New River	$8,525,000
South Carolina	Beaufort	$81,780,000
	Parris Island	$10,135,000
Virginia	Dahlgren	$28,228,000
	Oceana Naval Air Station	$39,086,000
	Portsmouth	$32,706,000
	Quantico	$58,714,000
	Yorktown	$48,823,000
Washington	Whidbey Island	$6,272,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installation or location outside the United States, and in the amounts, set forth in the following table:

Navy: Outside the United States

Country	Installation or Location	Amount
Bahrain	SW Asia	$51,348,000
Diego Garcia	Diego Garcia	$1,691,000
Greece	Souda Bay	$25,123,000
Japan	Iwakuni	$13,138,000
	Okinawa	$8,206,000
Romania	Deveselu	$45,205,000
Spain	Rota	$17,215,000
Worldwide (Unspecified)	Unspecified Worldwide Locations	$34,048,000

SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,527,000.

SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions, the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $97,655,000.

SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act and the projects described in paragraphs (2) and (3) of this subsection may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

(2) $382,757,000 (the balance of the amount authorized under section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1666) for an explosive handling wharf at Kitsap, Washington).

(3) $68,196,000 (the balance of the amount authorized under section 2201(b) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2633) for ramp parking at Joint Region Marianas, Guam).

SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT.

In the case of the authorization contained in the table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1666), for Kitsap (Bangor) Washington, for construction of Explosives Handling Wharf No. 2 at that location, the Secretary of the Navy may acquire fee or lesser real property interests to accomplish required environmental mitigation for the project using appropriations authorized for the project.

SEC. 2206. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

Termination date.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2201 of that Act (122 Stat. 4670) and extended by section 2206 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1668), shall remain in effect until October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2009 Project Authorization

State/Country	Installation or Location	Project	Amount
California	Marine Corps Base, Camp Pendleton.	Operations Access Points, Red Beach	$11,970,000
	Marine Corps Air Station, Miramar.	Emergency Response Station	$6,530,000
District of Columbia	Washington Navy Yard.	Child Development Center	$9,340,000

SEC. 2207. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), the authorization set forth in the table in subsection (b), as provided in section 2201 of that Act (123 Stat. 2632), shall remain in effect until October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

Termination date.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Navy: Extension of 2010 Project Authorization

State/Country	Installation or Location	Project	Amount
California	Mountain Warfare Training Center, Bridgeport.	Mountain Warfare Training, Commissary	$6,830,000
Maine	Portsmouth Naval Shipyard.	Gate 2 Security Improvements	$7,090,000
Djibouti	Camp Lemonier	Security Fencing	$8,109,000
		Ammo Supply Point	$21,689,000
		Interior Paved Roads	$7,275,000

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

Sec. 2301. Authorized Air Force construction and land acquisition projects.
Sec. 2302. Family housing.
Sec. 2303. Improvements to military family housing units.
Sec. 2304. Authorization of appropriations, Air Force.
Sec. 2305. Extension of authorizations of certain fiscal year 2010 projects.

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

State	Installation or Location	Amount
Arkansas	Little Rock Air Force Base	$30,178,000
Florida	Tyndall Air Force Base	$14,750,000
Georgia	Fort Stewart	$7,250,000
	Moody Air Force Base	$8,500,000
New Mexico	Holloman Air Force Base	$25,000,000
North Dakota	Minot Air Force Base	$4,600,000
Texas	Joint Base San Antonio	$18,000,000
Utah	Hill Air Force Base	$13,530,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Greenland	Thule Air Base	$24,500,000
Guam	Andersen Air Force Base	$58,000,000
Italy	Aviano Air Base	$9,400,000
Portugal	Lajes Field	$2,000,000

SEC. 2302. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $4,253,000.

SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $79,571,000.

SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section

2301 of this Act and the project described in paragraph (2) of this subsection may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

(2) $205,000,000 (the balance of the amount authorized under section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1670) for the United States Strategic Command Headquarters at Offutt Air Force Base, Nebraska).

SEC. 2305. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2010 PROJECTS.

Termination date.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), authorizations set forth in the table in subsection (b), as provided in section 2301 of that Act (123 Stat. 2636), shall remain in effect until October 1, 2013, or the date of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air Force: Extension of 2010 Project Authorization

State	Installation or Location	Project	Amount
Missouri	Whiteman Air Force Base.	Land Acquisition North & South Boundary	$5,500,000
Montana	Malmstrom Air Force Base.	Weapons Storage Area (WSA), Phase 2	$10,600,000

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

Subtitle A—Defense Agency Authorizations

Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.
Sec. 2402. Authorized energy conservation projects.
Sec. 2403. Authorization of appropriations, Defense Agencies.
Sec. 2404. Modification of authority to carry out certain fiscal year 2012 projects.
Sec. 2405. Extension of authorization of certain fiscal year 2010 project.

Subtitle B—Chemical Demilitarization Authorizations

Sec. 2411. Authorization of appropriations, chemical demilitarization construction, defense-wide.
Sec. 2412. Modification of authority to carry out certain fiscal year 1997 project.

Subtitle A—Defense Agency Authorizations

SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military

construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Arizona	Marana	$6,477,000
	Yuma	$1,300,000
California	Coronado	$55,259,000
	DEF Fuel Support Point-San Diego	$91,563,000
	Edwards Air Force Base	$27,500,000
	Twentynine Palms	$27,400,000
Colorado	Buckley Air Force Base	$30,000,000
	Fort Carson	$56,673,000
	Pikes Peak	$3,600,000
Delaware	Dover Air Force Base	$2,000,000
Florida	Eglin Air Force Base	$41,695,000
	Hurlburt Field	$16,000,000
	MacDill Air Force Base	$34,409,000
Hawaii	Joint Base Pearl Harbor-Hickam	$24,289,000
Illinois	Great Lakes	$28,700,000
	Scott Air Force Base	$86,711,000
Indiana	Grissom Army Reserve Base	$26,800,000
Kentucky	Fort Campbell	$71,639,000
Louisiana	Barksdale Air Force Base	$11,700,000
Maryland	Annapolis	$66,500,000
	Bethesda Naval Hospital	$69,200,000
	Fort Meade	$128,600,000
Missouri	Fort Leonard Wood	$18,100,000
New Mexico	Cannon Air Force Base	$93,085,000
New York	Fort Drum	$43,200,000
North Carolina	Camp Lejeune	$80,064,000
	Fort Bragg	$130,422,000
	Seymour Johnson Air Force Base	$55,450,000
Pennsylvania	DEF Distribution Depot New Cumberland	$17,400,000
South Carolina	Shaw Air Force Base	$57,200,000
Texas	Red River Army Depot	$16,715,000
Virginia	Joint Expeditionary Base Little Creek-Fort Story	$11,132,000
	Norfolk	$8,500,000
Washington	Fort Lewis	$50,520,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Defense Agencies: Outside the United States

Country	Installation or Location	Amount
Belgium	Brussels	$26,969,000

Defense Agencies: Outside the United States—Continued

Country	Installation or Location	Amount
Germany	Stuttgart-Patch Barracks	$2,413,000
	Vogelweh	$61,415,000
	Weisbaden	$52,178,000
Guam	Andersen Air Force Base	$67,500,000
Guantanamo Bay, Cuba.	Guantanamo Bay	$40,200,000
Japan	Camp Zama	$13,273,000
	Kadena Air Base	$143,545,000
	Sasebo	$35,733,000
	Zukeran	$79,036,000
Korea	Kunsan Air Base	$13,000,000
	Osan Air Base	$77,292,000
Romania	Deveselu	$220,800,000
United Kingdom	Menwith Hill Station	$50,283,000
	Royal Air Force Feltwell	$30,811,000
	Royal Air Force Mildenhall	$6,490,000

SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Energy Conservation Projects: Inside the United States

State	Installation or Location	Amount
Alaska	Clear	$15,337,000
California	Fort Hunter Liggett	$9,600,000
	Parks RFTA	$9,256,000
Colorado	Aerospace Data Facility	$3,310,000
	Fort Carson	$4,000,000
Hawaii	Joint Base Pearl Harbor Hickam	$6,610,000
Missouri	Whiteman	$6,000,000
North Carolina	Fort Bragg	$2,700,000
	MCB Camp Lejeune	$5,701,000
New Jersey	Sea Girt	$3,000,000
Pennsylvania	NSA Mechanicsburg	$19,926,000
	Susquehanna	$2,550,000
	Tobyhanna Army Depot	$3,950,000
Tennessee	Arnold	$3,606,000
Texas	Fort Bliss	$5,700,000
	Fort Bliss	$2,600,000
	Laughlin	$4,800,000
Virginia	MCB Quantico	$7,943,000
	Pentagon Reservation	$2,360,000
	Pentagon Reservation	$2,120,000
Various Locations	Various Locations	$12,886,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Energy Conservation Projects: Outside the United States

Country	Installation or Location	Amount
Italy	Naval Air Station Sigonella	$6,121,000
Spain	Naval Station Rota	$2,671,000
Various Locations	Various Locations	$7,253,000

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act and the projects described in paragraphs (2) through (9) of this subsection may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

(2) $13,965,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007(division B of Public Law 119–364; 120 Stat. 2457) for the Army Medical Research Institute of Infectious Diseases Stage I at Fort Detrick, Maryland).

(3) $103,600,000 (the balance of the amount authorized under section 2401(a) for NSAW Recapitalize Building #1 at Fort Meade, Maryland).

(4) $556,639,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672), as amended by section 2404(a) of this Act, for a data center at Fort Meade, Maryland).

(5) $512,969,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2640) for a hospital at Fort Bliss, Texas).

(6) $134,900,000 (the balance of the amount authorized under section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672) for an Ambulatory Care Center Phase III at Joint Base San Antonio, Texas).

(7) $41,913,000 (the balance of the amount authorized as a Military Construction, Defense-Wide project by title X of

the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1888) for a data center at Camp Williams, Utah).

(8) $792,408,000 (the balance of the amount authorized under section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1673), as amended by section 2404(b) of this Act, for a hospital at the Rhine Ordnance Barracks, Germany).

(9) $100,800,000 (the balance of the amount authorized under section 2401(b) for the Aegis Ashore Missile Defense System Complex at Deveselu, Romania).

SEC. 2404. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECTS.

(a) MARYLAND.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672), is amended in the item relating to Fort Meade, Maryland, by striking "$29,640,000" in the amount column and inserting "$792,200,000".

(b) GERMANY.—

(1) PROJECT AUTHORIZATION.—The table in section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1673), is amended in the item relating to Rhine Ordnance Barracks, Germany, by striking "$750,000,000" in the amount column and inserting "$990,000,000".

(2) CERTIFICATION REQUIRED.—The Secretary of Defense may not obligate additional funds made available pursuant to the amendment made by paragraph (1) until the Secretary certifies to the congressional defense committees that both of the following directly support the proposed scope for the hospital at the Rhine Ordnance Barracks, Germany:

(A) A sufficient enduring beneficiary population.

(B) The fiscal year 2014 force structure assessment, incorporated in the budget submitted by the President to Congress for fiscal year 2014.

SEC. 2405. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2010 PROJECT.

Termination date.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), the authorization set forth in the table in subsection (b), as provided in section 2401(a) of that Act (123 Stat. 2640), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Extension of 2010 Project Authorization

State	Installation or Location	Project	Amount
Virginia	Pentagon Reservation.	Pentagon electrical upgrade	$19,272,000

Subtitle B—Chemical Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEMICAL DEMILITARIZATION CONSTRUCTION, DEFENSE-WIDE.

(a) AUTHORIZATION OF APPROPRIATIONS.— Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for military construction and land acquisition for chemical demilitarization, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.— Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under subsection (a) and the project described in paragraph (2) of this subsection may not exceed the sum of the following:

(1) The total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

(2) $158,969,000 (the balance of the amount authorized for ammunition demilitarization at Blue Grass, Kentucky, by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 835), as most recently amended by section 2412 of the Military Construction Authorization Act for Fiscal Year 2011 (division B Public Law 111–383; 124 Stat. 4450).

SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.

(a) MODIFICATIONS.—The table in section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), section 2407 of the Military Construction Authorization Act for Fiscal Year 2003 (division B of Public Law 107–314; 116 Stat. 2699), and section 2413 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4697), is further amended—

(1) under the agency heading relating to Chemical Demilitarization Program, in the item relating to Pueblo Army Depot, Colorado, by striking "$484,000,000" in the amount column and inserting "$520,000,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$866,454,000".

(b) CONFORMING AMENDMENT.—Section 2406(b)(2) of the Military Construction Authorization Act for Fiscal Year 1997 (110 Stat. 2779), as so amended, is further amended by striking "$484,000,000" and inserting "$520,000,000".

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

Subtitle A—Project Authorizations and Authorization of Appropriations

Sec. 2601. Authorized Army National Guard construction and land acquisition projects.
Sec. 2602. Authorized Army Reserve construction and land acquisition projects.
Sec. 2603. Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects.
Sec. 2604. Authorized Air National Guard construction and land acquisition projects.
Sec. 2605. Authorized Air Force Reserve construction and land acquisition project.
Sec. 2606. Authorization of appropriations, National Guard and Reserve.

Subtitle B—Other Matters

Sec. 2611. Modification of authority to carry out certain fiscal year 2010 projects.
Sec. 2612. Modification of authority to carry out certain fiscal year 2011 projects.
Sec. 2613. Extension of authorization of certain fiscal year 2009 project.
Sec. 2614. Extension of authorization of certain fiscal year 2010 projects.

Subtitle A—Project Authorizations and Authorization of Appropriations

SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction

projects for the Army National Guard locations inside the United States, and in the amounts, set forth in the following table:

Army National Guard: Inside the United States

State	Location	Amount
Alabama	Fort McClellan	$5,400,000
Arkansas	Searcy	$6,800,000
California	Fort Irwin	$25,000,000
Connecticut	Camp Hartell	$32,000,000
Delaware	Bethany Beach	$5,500,000
Florida	Camp Blanding	$9,000,000
	Miramar	$20,000,000
Hawaii	Kapolei	$28,000,000
Idaho	Orchard Training Area	$40,000,000
Indiana	South Bend	$21,000,000
	Terra Haute	$9,000,000
Iowa	Camp Dodge	$3,000,000
Kansas	Topeka	$9,500,000
Kentucky	Frankfort	$32,000,000
Massachusetts	Camp Edwards	$22,000,000
Minnesota	Camp Ripley	$17,000,000
	Arden Hills	$17,000,000
Missouri	Fort Leonard Wood	$18,000,000
	Kansas City	$1,900,000
	Monett	$820,000
	Perryville	$700,000
Montana	Miles City	$11,000,000
New Jersey	Sea Girt	$34,000,000
New York	Stormville	$24,000,000
Ohio	Chillicothe	$3,100,000
	Delaware	$12,000,000
Oklahoma	Camp Gruber	$25,000,000
Utah	Camp Williams	$36,000,000
Washington	Fort Lewis	$35,000,000
West Virginia	Logan	$14,200,000
Wisconsin	Wausau	$10,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations outside the United States, and in the amounts, set forth in the following table:

Army National Guard: Outside the United States

Country	Location	Amount
Guam	Barrigada	$8,500,000
Puerto Rico	Camp Santiago	$3,800,000
	Ceiba	$2,200,000
	Guaynabo	$15,000,000
	Gurabo	$14,700,000

SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

Army Reserve

State	Location	Amount
California	Fort Hunter Liggett	$68,300,000
	Tustin	$27,000,000
Illinois	Fort Sheridan	$28,000,000
Maryland	Aberdeen Proving Ground	$21,000,000
	Baltimore	$10,000,000
Massachusetts	Devens Reserve Forces Training Area	$8,500,000
Nevada	Las Vegas	$21,000,000
New Jersey	Joint Base McGuire-Dix-Lakehurst	$7,400,000
Washington	Joint Base Lewis-McChord	$40,000,000
Wisconsin	Fort McCoy	$47,800,000

SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

Navy Reserve and Marine Corps Reserve

State	Location	Amount
Arizona	Yuma	$5,379,000
Iowa	Fort Des Moines	$19,162,000
Louisiana	New Orleans	$7,187,000
New York	Brooklyn	$4,430,000
Texas	Fort Worth	$11,256,000

SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

Air National Guard

State	Location	Amount
California	Fresno Yosemite International Airport Air National Guard	$11,000,000
Hawaii	Joint Base Pearl Harbor-Hickam	$6,500,000
New Mexico	Kirtland Air Force Base	$8,500,000
Wyoming	Cheyenne Municipal Airport	$6,486,000

SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECT.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out a military construction project for the Air Force Reserve location inside the United States, and in the amount, set forth in the following table:

Air Force Reserve

State	Location	Amount
New York	Niagara Falls International Airport	$6,100,000

SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

Subtitle B—Other Matters

SEC. 2611. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD READINESS CENTER PROJECT, NORTH LAS VEGAS, NEVADA.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2648) for North Las Vegas, Nevada, for construction of a Readiness Center, the Secretary of the Army may construct up to 68,593 square feet of readiness center, 10,000 square feet of unheated equipment storage area, and 25,000 square feet of unheated vehicle storage, consistent with the Army's construction guidelines for readiness centers.

(b) AUTHORITY TO CARRY OUT ARMY RESERVE CENTER PROJECT, MIRAMAR, CALIFORNIA.—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2649) for Camp Pendleton, California, for construction

of an Army Reserve Center, the Secretary of the Army may construct an Army Reserve Center in the vicinity of the Marine Corps Air Station, Miramar, California.

(c) AUTHORITY TO CARRY OUT ARMY RESERVE CENTER PROJECT, BRIDGEPORT, CONNECTICUT.—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2649) for Bridgeport, Connecticut, for construction of an Army Reserve Center/Land, the Secretary of the Army may construct an Army Reserve Center and acquire land in the vicinity of Bridgeport, Connecticut.

SEC. 2612. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECTS.

(a) AUTHORITY TO CARRY OUT ARMY RESERVE CENTER PROJECT, FORT STORY, VIRGINIA.—In the case of the authorization contained in the table in section 2602 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4453) for Fort Story, Virginia, for construction of an Army Reserve Center, the Secretary of the Army may construct an Army Reserve Center in the vicinity of Fort Story, Virginia.

(b) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, FORT CHAFFEE, ARKANSAS.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Fort Chaffee, Arkansas, for construction of a Live Fire Shoot House, the Secretary of the Army may construct up to 5,869 square feet of Live Fire Shoot House.

(c) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, WINDSOR LOCKS, CONNECTICUT.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Windsor Locks, Connecticut, for construction of a Readiness Center, the Secretary of the Army may construct up to 119,510 square feet of a Readiness Center.

(d) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, KALAELOA, HAWAII.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Kalaeloa, Hawaii, for construction of a Combined Support Maintenance Shop, the Secretary of the Army may construct up to 137,548 square feet of a Combined Support Maintenance Shop.

(e) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, WICHITA, KANSAS.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Wichita, Kansas, for construction of a Field Maintenance Shop, the Secretary of the Army may construct up to 62,102 square feet of a Field Maintenance Shop.

(f) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, MINDEN, LOUISIANA.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Minden, Louisiana, for construction of a Readiness Center, the Secretary of the Army may construct up to 90,944 square feet of a Readiness Center.

(g) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, SAINT INIGOES, MARYLAND.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Saint Inigoes, Maryland, for construction of a Tactical Unmanned Aircraft System Facility, the Secretary of the Army may construct up to 10,298 square feet of a Tactical Unmanned Aircraft System Facility.

(h) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, CAMP GRAFTON, NORTH DAKOTA.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Camp Grafton, North Dakota, for construction of a Readiness Center, the Secretary of the Army may construct up to 68,671 square feet of a Readiness Center.

(i) AUTHORITY TO CARRY OUT ARMY NATIONAL GUARD PROJECT, WATERTOWN, SOUTH DAKOTA.—In the case of the authorization contained in the table in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4451) for Watertown, South Dakota, for construction of a Readiness Center, the Secretary of the Army may construct up to 97,865 square feet of a Readiness Center.

(j) AUTHORITY TO CARRY OUT AIR NATIONAL GUARD PROJECT, NASHVILLE, TENNESSEE.—In the case of the authorization contained in the table in section 2604 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4453) for Nashville International Airport, Tennessee, for renovation of an Intelligence Squadron Facility, the Secretary of the Air Force may convert up to 4,023 square meters of existing facilities to bed down Intelligence Group and Remotely Piloted Aircraft Remote Split Operations Group missions, consistent with the Air National Guard's construction guidelines for these missions.

SEC. 2613. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2009 PROJECT.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2604 of that Act (122 Stat. 4706), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air National Guard: Extension of 2009 Project Authorizations

State	Installation or Location	Project	Amount
Mississippi	Gulfport-Biloxi International Airport.	Relocate Munitions Complex	$3,400,000

SEC. 2614. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2010 PROJECTS.

(a) EXTENSION.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2627), the authorizations set forth

in the tables in subsection (b), as provided in sections 2602 and 2604 of that Act (123 Stat. 2649, 2651), shall remain in effect until October 1, 2013, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The tables referred to in subsection (a) are as follows:

Army Reserve: Extension of 2010 Project Authorizations

State	Installation or Location	Project	Amount
California	Camp Pendleton.	Army Reserve Center	$19,500,000
Connecticut	Bridgeport	Army Reserve Center/Land	$18,500,000

Air National Guard: Extension of 2010 Project Authorization

State	Installation or Location	Project	Amount
Mississippi	Gulfport-Biloxi Airport.	Relocate Base Entrance	$6,500,000

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

Subtitle A—Authorization of Appropriations

Sec. 2701. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990.
Sec. 2702. Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 2005.

Subtitle B—Other Matters

Sec. 2711. Consolidation of Department of Defense base closure accounts and authorized uses of base closure account funds.
Sec. 2712. Revised base closure and realignment restrictions and Comptroller General assessment of Department of Defense compliance with codified base closure and realignment restrictions.

Subtitle A—Authorization of Appropriations

SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 1990.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 1990 established by section 2906 of such Act as specified in the funding table in section 4601.

SEC. 2702. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account 2005 established by section 2906A of such Act as specified in the funding table in section 4601.

Subtitle B—Other Matters

SEC. 2711. CONSOLIDATION OF DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNTS AND AUTHORIZED USES OF BASE CLOSURE ACCOUNT FUNDS.

(a) ESTABLISHMENT OF SINGLE DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT; USE OF FUNDS.—The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking sections 2906 and 2906A and inserting the following new section 2906:

"SEC. 2906. DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.

"(a) ESTABLISHMENT.—There is hereby established on the books of the Treasury an account to be known as the 'Department of Defense Base Closure Account' which shall be administered by the Secretary as a single account.

"(b) CREDITS TO ACCOUNT.—There shall be credited to the Account the following:

"(1) Funds authorized for and appropriated to the Account.

"(2) Funds transferred to the Account pursuant to section 2711(b) of the Military Construction Authorization Act for Fiscal Year 2013.

"(3) Funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Account from funds appropriated to the Department of Defense for any purpose, except that funds may be transferred under the authority of this paragraph only after the date on which the Secretary transmits written notice of, and justification for, such transfer to the congressional defense committees.

"(4) Proceeds received from the lease, transfer, or disposal of any property at a military installation closed or realigned under this part or the 1988 BRAC law.

"(c) USE OF ACCOUNT.—

"(1) AUTHORIZED PURPOSES.—The Secretary may use the funds in the Account only for the following purposes:

"(A) To carry out the Defense Environmental Restoration Program under section 2701 of title 10, United States Code, and other environmental restoration and mitigation activities at military installations closed or realigned under this part or the 1988 BRAC law.

"(B) To cover property management, disposal, and caretaker costs incurred at military installations closed or realigned under this part or the 1988 BRAC law.

"(C) To cover costs associated with supervision, inspection, overhead, engineering, and design of military construction projects undertaken under this part or the 1988 BRAC law before September 30, 2013, and subsequent claims, if any, related to such activities.

"(D) To record, adjust, and liquidate obligations properly chargeable to the following accounts:

"(i) The Department of Defense Base Closure Account 2005 established by section 2906A of this part, as in effect on September 30, 2013.

"(ii) The Department of Defense Base Closure Account 1990 established by this section, as in effect on September 30, 2013.

"(iii) The Department of Defense Base Closure Account established by section 207 of the 1988 BRAC law, as in effect on September 30, 2013.

"(2) SOLE SOURCE OF FUNDS.—The Account shall be the sole source of Federal funds for the activities specified in paragraph (1) at a military installation closed or realigned under this part or the 1988 BRAC law.

"(3) PROHIBITION ON USE OF ACCOUNT FOR NEW MILITARY CONSTRUCTION.—Except as provided in paragraph (1), funds in the Account may not be used, directly or by transfer to another appropriations account, to carry out a military construction project, including a minor military construction project, under section 2905(a) or any other provision of law at a military installation closed or realigned under this part or the 1988 BRAC law.

"(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—

"(1) DEPOSIT OF PROCEEDS IN RESERVE ACCOUNT.—If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this part, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(7)(C) of the 1988 BRAC law.

"(2) The amount so deposited under paragraph (1) shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary.

"(3) USE OF RESERVE FUNDS.—Subject to the limitation contained in section 204(b)(7)(C)(iii) of the 1988 BRAC law, amounts in the reserve account are hereby made available to the Secretary, without appropriation and until expended, for the purpose of acquiring, constructing, and improving—

"(A) commissary stores; and

"(B) real property and facilities for nonappropriated fund instrumentalities.

"(e) CONSOLIDATED BUDGET JUSTIFICATION DISPLAY FOR ACCOUNT.—

"(1) CONSOLIDATED BUDGET INFORMATION REQUIRED.—The Secretary shall establish a consolidated budget justification display in support of the Account that for each fiscal year—

"(A) details the amount and nature of credits to, and expenditures from, the Account during the preceding fiscal year;

"(B) separately details the caretaker and environmental remediation costs associated with each military installation for which a budget request is made;

"(C) specifies the transfers into the Account and the purposes for which these transferred funds will be further obligated, to include caretaker and environment remediation costs associated with each military installation;

"(D) specifies the closure or realignment recommendation, and the base closure round in which the recommendation was made, that precipitated the inclusion of the military installation; and

"(E) details any intra-budget activity transfers within the Account that exceeded $1,000,000 during the preceding fiscal year or that are proposed for the next fiscal year and will exceed $1,000,000.

"(2) SUBMISSION.—The Secretary shall include the information required by paragraph (1) in the materials that the Secretary submits to Congress in support of the budget for a fiscal year submitted by the President pursuant to section 1105 of title 31, United States Code.

"(f) CLOSURE OF ACCOUNT; TREATMENT OF REMAINING FUNDS.—

"(1) CLOSURE.—The Account shall be closed at the time and in the manner provided for appropriation accounts under section 1555 of title 31, United States Code, except that unobligated funds which remain in the Account upon closure shall be held by the Secretary of the Treasury until transferred by law after the congressional defense committees receive the final report transmitted under paragraph (2).

"(2) FINAL REPORT.—No later than 60 days after the closure of the Account under paragraph (1), the Secretary shall transmit to the congressional defense committees a report containing an accounting of—

"(A) all the funds credited to and expended from the Account or otherwise expended under this part or the 1988 BRAC law; and

"(B) any funds remaining in the Account.

"(g) DEFINITIONS.—In this section:

"(1) The term 'commissary store funds' means funds received from the adjustment of, or surcharge on, selling prices at commissary stores fixed under section 2685 of title 10, United States Code.

"(2) The term 'nonappropriated funds' means funds received from a nonappropriated fund instrumentality.

"(3) The term 'nonappropriated fund instrumentality' means an instrumentality of the United States under the jurisdiction of the Armed Forces (including the Army and Air Force Exchange Service, the Navy Resale and Services Support Office, and the Marine Corps exchanges) which is conducted for the comfort, pleasure, contentment, or physical or mental improvement of members of the Armed Forces.

"(4) The term '1988 BRAC law' means title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note).".

(b) CLOSURE OF EXISTING CURRENT ACCOUNTS; TRANSFER OF FUNDS.— 10 USC 2687 note.

(1) CLOSURE.—Subject to paragraph (2), the Secretary of the Treasury shall close, pursuant to section 1555 of title 31, United States Code, the following accounts on the books of the Treasury:

(A) The Department of Defense Base Closure Account 2005 established by section 2906A of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as in effect on the effective date of this section.

(B) The Department of Defense Base Closure Account 1990 established by section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), as in effect on the effective date of this section.

(C) The Department of Defense Base Closure Account established by section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note), as in effect on the effective date of this section.

(2) TRANSFER OF FUNDS.—All amounts remaining in the three accounts specified in paragraph (1) as of the effective date of this section, shall be transferred, effective on that date, to the Department of Defense Base Closure Account established by section 2906 of the Defense Base Closure and Realignment Act of 1990, as added by subsection (a).

(3) CROSS REFERENCES.—Except as provided in this subsection or the context requires otherwise, any reference in a law, regulation, document, paper, or other record of the United States to an account specified in paragraph (1) shall be deemed to be a reference to the Department of Defense Base Closure Account established by section 2906 of the Defense Base Closure and Realignment Act of 1990, as added by subsection (a).

(c) CONFORMING AMENDMENTS.—

(1) REPEAL OF FORMER ACCOUNT.—Section 207 of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is repealed.

(2) REPEAL OF OBSOLETE REPORTING REQUIREMENT.—Section 2907 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is repealed.

(3) DEFINITION.—

(A) 1990 LAW.—Section 2910(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by striking "1990 established by section 2906(a)(1)" and inserting "established by section 2906(a)".

(B) 1988 LAW.—The Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note) is amended—

(i) in section 204(b)(7)(A), by striking "established by section 207(a)(1)"; and

(ii) in section 209(1), by striking "established by section 207(a)(1)" and inserting "established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note)".

(4) ENVIRONMENTAL RESTORATION.—Chapter 160 of title 10, United States Code, is amended—

(A) in section 2701(d)(2), by striking "Department of Defense Base Closure Account 1990 or the Department of Defense Base Closure Account 2005 established under sections 2906 and 2906A" and inserting "Department of Defense Base Closure Account established by section 2906";

(B) in section 2703(h)—

(i) by striking "the applicable Department of Defense base closure account" and inserting "the Department of Defense Base Closure Account established under section 2906 of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note)"; and

(ii) by striking "the applicable base closure account" and inserting "such base closure account"; and

(C) in section 2705(g)(2), by striking "Closure Account 1990" and inserting "Closure Account".

(5) DEPARTMENT OF DEFENSE HOUSING FUNDS.—Section 2883 of such title is amended—

(A) in subsection (c)—

(i) by striking subparagraph (G) of paragraph (1); and

(ii) by striking subparagraph (G) of paragraph (2); and

(B) in subsection (f)—

(i) in the first sentence, by striking "or (G)" both places it appears; and

(ii) by striking the second sentence.

10 USC 2701 note.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the later of—

(1) October 1, 2013; and

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2014.

SEC. 2712. REVISED BASE CLOSURE AND REALIGNMENT RESTRICTIONS AND COMPTROLLER GENERAL ASSESSMENT OF DEPARTMENT OF DEFENSE COMPLIANCE WITH CODIFIED BASE CLOSURE AND REALIGNMENT RESTRICTIONS.

(a) CIVILIAN PERSONNEL REDUCTIONS BELOW PRESCRIBED THRESHOLDS.—Section 2687 of title 10, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (g) and moving such subsection to the end of the section;

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following new subsection (c):

"(c) No action described in subsection (a) with respect to the closure of, or realignment with respect to, any military installation referred to in such subsection may be taken within five years after the date on which a decision is made to reduce the civilian personnel thresholds below the levels prescribed in such subsection.".

(b) COMPTROLLER GENERAL ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report reviewing the process and criteria used by the Department of Defense to make decisions relating to closures and realignments at military installations, including closures and realignments occurring both above and below the threshold levels specified in section 2687 of title 10, United States Code.

Deadline. Reports.

(c) CONFORMING AMENDMENTS RELATING TO REDESIGNATION OF DEFINITIONS SUBSECTION.—Title 10, United States Code, is amended as follows:

(1) Section 2391(d)(1) is amended by striking "section 2687(e)" and inserting "section 2687".

(2) Section 2667(i)(3) is amended by striking "section 2687(e)(1)" and inserting "section 2687".

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

Sec. 2801. Authorized cost and scope variations.
Sec. 2802. Preparation of master plans for major military installations.
Sec. 2803. Oversight and accountability for military housing privatization projects and related annual reporting requirements.
Sec. 2804. Extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States.
Sec. 2805. Comptroller General report on in-kind payments.

Subtitle B—Real Property and Facilities Administration

Sec. 2811. Clarification of parties with whom Department of Defense may conduct exchanges of real property at certain military installations.
Sec. 2812. Identification requirements for access to military installations.
Sec. 2813. Report on property disposals at certain closed military installations and additional authorities to assist local communities in the vicinity of such installations.
Sec. 2814. Report on reorganization of Air Force Materiel Command organizations.

Subtitle C—Energy Security

Sec. 2821. Congressional notification for contracts for the provision and operation of energy production facilities authorized to be located on real property under the jurisdiction of a military department.
Sec. 2822. Availability and use of Department of Defense energy cost savings to promote energy security.
Sec. 2823. Continuation of limitation on use of funds for Leadership in Energy and Environmental Design (LEED) gold or platinum certification.
Sec. 2824. Guidance on financing for renewable energy projects.
Sec. 2825. Energy savings performance contract report.

Subtitle D—Provisions Related to Asia-Pacific Military Realignment

Sec. 2831. Certification of military readiness need for a Live Fire Training Range Complex on Guam as condition on establishment of range complex.
Sec. 2832. Realignment of Marine Corps forces in Asia-Pacific region.

Subtitle E—Land Conveyances

Sec. 2841. Modification of authorized consideration, Broadway Complex of the Department of the Navy, San Diego, California.

Sec. 2842. Use of proceeds, land conveyance, Tyndall Air Force Base, Florida.
Sec. 2843. Land conveyance, John Kunkel Army Reserve Center, Warren, Ohio.
Sec. 2844. Land conveyance, Castner Range, Fort Bliss, Texas.
Sec. 2845. Modification of land conveyance, Fort Hood, Texas.
Sec. 2846. Land conveyance, Local Training Area for Browning Army Reserve Center, Utah.

Subtitle F—Other Matters

Sec. 2851. Modification of notice requirements in advance of permanent reduction of sizable numbers of members of the Armed Forces at military installations.
Sec. 2852. Acceptance of gifts and services to support military museum programs and use of cooperative agreements with nonprofit entities for military museum and military educational institution programs.
Sec. 2853. Additional exemptions from certain requirements applicable to funding for data servers and centers.
Sec. 2854. Redesignation of the Center for Hemispheric Defense Studies as the William J. Perry Center for Hemispheric Defense Studies.
Sec. 2855. Sense of Congress regarding establishment of military divers memorial at Washington Navy Yard.
Sec. 2856. Limitation on availability of funds pending report regarding acquisition of land and development of a training range facility adjacent to the Marine Corps Air Ground Combat Center Twentynine Palms, California.
Sec. 2857. Oversight and maintenance of closed base cemeteries overseas containing the remains of members of the Armed Forces or citizens of the United States.
Sec. 2858. Report on establishment of joint Armed Forces historical storage and preservation facility.
Sec. 2859. Establishment of commemorative work to Gold Star Mothers.
Sec. 2860. Establishment of commemorative work to slaves and free Black persons who served in American Revolution.

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. AUTHORIZED COST AND SCOPE VARIATIONS.

Section 2853 of title 10, United States Code, is amended—

(1) in subsection (a), by striking "was approved originally" and inserting "was authorized";

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: "Any reduction in scope of work for a military construction project shall not result in a facility or item of infrastructure that is not complete and useable or does not fully meet the mission requirement contained in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition."; and

(B) by adding at the end the following new paragraph:

"(3) In this subsection, the term 'scope of work' refers to the function, size, or quantity of a facility or item of complete and useable infrastructure contained in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition.";

(3) in subsection (c)(1)(A), by striking "and the reasons therefor, including a description" and inserting ", the reasons therefor, a certification that the mission requirement identified in the justification data provided to Congress can be still be met with the reduced scope, and a description"; and

(4) by adding at the end the following new subsection:

"(e) Notwithstanding the authority under subsections (a) through (d), the Secretary concerned shall ensure compliance of

contracts for military construction projects and for the construction, improvement, and acquisition of military family housing projects with section 1341 of title 31 (commonly referred to as the 'Anti-Deficiency Act').".

SEC. 2802. PREPARATION OF MASTER PLANS FOR MAJOR MILITARY INSTALLATIONS.

(a) MILITARY INSTALLATION MASTER PLANS.—Subchapter III of chapter 169 of title 10, United States Code, is amended by inserting after section 2863 the following new section:

"§ 2864. Master plans for major military installations

"(a) PLANS REQUIRED.—At a time interval prescribed by the Secretary concerned (but not less frequently than once every 10 years), the commander of each major military installation under the jurisdiction of the Secretary shall ensure that an installation master plan is developed to address environmental planning, sustainable design and development, sustainable range planning, real property master planning, and transportation planning.

Time period.

"(b) TRANSPORTATION COMPONENT.—The transportation component of the master plan for a major military installation shall be developed and updated in consultation with the metropolitan planning organization designated for the metropolitan planning area in which the military installation is located.

"(c) DEFINITIONS.—In this section:

"(1) The term 'major military installation' has the meaning given to the term 'large site' in the most recent version of the Department of Defense Base Structure Report issued before the time interval prescribed for development of installation master plans arises under subsection (a).

"(2) The terms 'metropolitan planning area' and 'metropolitan planning organization' have the meanings given those terms in section 134(b) of title 23 and section 5303(b) of title 49.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter III of chapter 169 of such title is amended by inserting after the item relating to section 2863 the following new item:

"2864. Master plans for major military installations.".

SEC. 2803. OVERSIGHT AND ACCOUNTABILITY FOR MILITARY HOUSING PRIVATIZATION PROJECTS AND RELATED ANNUAL REPORTING REQUIREMENTS.

(a) FINANCIAL INTEGRITY AND ACCOUNTABILITY MEASURES FOR SUSTAINMENT OF PRIVATIZATION PROJECTS.—

(1) FINANCIAL INTEGRITY AND ACCOUNTABILITY MEASURES REQUIRED.—Section 2885 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(f) FINANCIAL INTEGRITY AND ACCOUNTABILITY MEASURES.—(1) The regulations required by subsection (a) shall address the following requirements for each military housing privatization project upon the completion of the construction or renovation of the housing units:

"(A) The financial health and performance of the privatization project, including the debt-coverage ratio of the project and occupancy rates for the housing units.

"(B) An assessment of the backlog of maintenance and repair of the housing units.

"(2) If the debt service coverage for a military housing privatization project falls below 1.0 or the occupancy rates for the housing units of the project are below 75 percent for more than one year, the Secretary concerned shall require the development of a plan to address the financial risk of the project.".

(2) CONFORMING AMENDMENT.—Subsection (a) of such section is amended in the matter preceding paragraph (1) by inserting before the period at the end of the first sentence the following: "during the course of the construction or renovation of the housing units".

(b) ANNUAL REPORTING REQUIREMENTS.—Section 2884 of such title is amended by striking subsection (b) and inserting the following new subsections:

"(b) ANNUAL REPORTS TO ACCOMPANY BUDGET MATERIALS.—The Secretary of Defense shall include each year in the materials that the Secretary submits to Congress in support of the budget submitted by the President pursuant to section 1105 of title 31 the following:

"(1) A separate report on the expenditures and receipts during the preceding fiscal year covering each of the Funds established under section 2883 of this title, including a description of the specific construction, acquisition, or improvement projects from which funds were transferred and the privatization projects or contracts to which those funds were transferred. Each report shall also include, for each military department or defense agency, a description of all funds to be transferred to such Funds for the current fiscal year and the next fiscal year.

"(2) A report setting forth, by armed force, the following:

"(A) An estimate of the amounts of basic allowance for housing under section 403 of title 37 that will be paid, during the current fiscal year and the fiscal year for which the budget is submitted, to members of the armed forces living in housing provided under the authorities in this subchapter.

"(B) The number of units of military family housing and military unaccompanied housing upon which the estimate under subparagraph (A) for the current fiscal year and the next fiscal year is based.

"(3) A description of the plans for housing privatization activities to be carried out under this subchapter—

"(A) during the fiscal year for which the budget is submitted; and

"(B) during the period covered by the then-current future-years defense plan under section 221 of this title.

"(4) A report identifying each family housing unit acquired or constructed under this subchapter that is used, or intended to be used, as quarters for a general officer or flag officer and for which the total operation, maintenance, and repair costs for the unit exceeded $50,000. For each housing unit so identified, the report shall also include the total of such operation, maintenance, and repair costs.

"(c) ANNUAL REPORT ON PRIVATIZATION PROJECTS.—The Secretary of Defense shall submit to the congressional defense committees a semi-annual report containing on evaluation of the status of oversight and accountability measures under section 2885 of this title for military housing privatization projects. To the extent

each Secretary concerned has the right to attain the information described in this subsection, each report shall include, at a minimum, the following:

"(1) An assessment of the backlog of maintenance and repair at each military housing privatization project where a significant backlog exists, including an estimation of the cost of eliminating the maintenance and repair backlog.

"(2) If the debt associated with a privatization project exceeds net operating income or the occupancy rates for the housing units are below 75 percent for more than one year, the plan developed to mitigate the financial risk of the project.

"(3) An assessment of any significant project variances between the actual and pro forma deposits in the recapitalization account.

"(4) The details of any significant withdrawals from a recapitalization account, including the purpose and rationale of the withdrawal and, if the withdrawal occurs before the normal recapitalization period, the impact of the early withdrawal on the financial health of the project.

"(5) An assessment of the extent to which the information required to comply with paragraphs (1) through (4) has been requested by the Secretaries, but has not been made available.

"(6) An assessment of cost assessed to members of the armed forces for utilities compared to utility rates in the local area.".

SEC. 2804. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS IN CERTAIN AREAS OUTSIDE THE UNITED STATES.

Section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136; 117 Stat. 1723), as most recently amended by section 2804 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1685), is further amended—

(1) in subsection (c)—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2), as so redesignated, by striking the second sentence; and

(2) in subsection (h)—

(A) in paragraph (1), by striking "September 30, 2012" and inserting "September 30, 2013"; and

(B) in paragraph (2), by striking "fiscal year 2013" and inserting "fiscal year 2014".

SEC. 2805. COMPTROLLER GENERAL REPORT ON IN-KIND PAYMENTS.

(a) REPORTS REQUIRED.—

(1) INITIAL REPORT.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the construction or renovation of Department of Defense facilities with in-kind payments. The report shall cover construction or renovation projects begun during the preceding two years.

(2) UPDATES.—Not later than one year after submitting the report required under paragraph (1), and annually thereafter for three years, the Comptroller General shall submit to the congressional defense committees a report covering projects begun since the most recent report.

(b) CONTENT.—Each report required under subsection (a) shall include the following elements:

(1) A listing of each facility constructed or renovated for the Department of Defense as payment in kind.

(2) The value in United States dollars of that construction or renovation.

(3) The source of the in-kind payment.

(4) The agreement pursuant to which the in-kind payment was made.

(5) A description of the purpose and need for the construction or renovation.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. CLARIFICATION OF PARTIES WITH WHOM DEPARTMENT OF DEFENSE MAY CONDUCT EXCHANGES OF REAL PROPERTY AT CERTAIN MILITARY INSTALLATIONS.

Section 2869(a)(1) of title 10, United States Code, is amended—

(1) by striking "any eligible entity" and inserting "any person";

(2) by striking "the entity" and inserting "the person"; and

(3) by striking "their control" and inserting "the person's control".

10 USC 113 note.

SEC. 2812. IDENTIFICATION REQUIREMENTS FOR ACCESS TO MILITARY INSTALLATIONS.

Deadline. Publication.

(a) PROCEDURAL REQUIREMENTS FOR IDENTIFICATION VERIFICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall publish procedural requirements regarding access to military installations in the United States by individuals, including individuals performing work under a contract awarded by the Department of Defense. The procedural requirements may vary between military installations, or parts of installations, depending on the nature of the installation, the nature of the access granted, and the level of security required.

(b) ISSUES ADDRESSED.—The procedures required by subsection (a) shall address, at a minimum, the following:

(1) The forms of identification to be required to permit entry.

(2) The measures to be used to verify the authenticity of such identification and identify individuals who seek unauthorized access to a military installation through the use of fraudulent identification or other means.

(3) The measures to be used to notify Department of Defense security personnel of any attempt to gain unauthorized access to a military installation.

SEC. 2813. REPORT ON PROPERTY DISPOSALS AT CERTAIN CLOSED MILITARY INSTALLATIONS AND ADDITIONAL AUTHORITIES TO ASSIST LOCAL COMMUNITIES IN THE VICINITY OF SUCH INSTALLATIONS.

(a) REPORT REQUIRED.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the disposition of any closure of an active-duty military installation since 1988 in the United States that—

(1) was not subject to the property disposal provisions contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note); and

(2) for which property disposals have not been completed as of the date of the enactment of this Act.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the status of property described in subsection (a).

(2) An assessment of the environmental conditions of, and plans and costs for environmental remediation for, each such property;

(3) The plan and schedule, if currently available, for the disposal of each such property.

(4) A description of additional future financial liability or other policy impacts to the Department of Defense that are likely to be incurred in the event that statutory authorities provided by Congress in connection with the disposition of military installations closed under a base closure law are extended to military installations closed apart from a base closure law and for which property disposals have not been completed as of the date of the enactment of this Act.

(5) Such recommendations, if any, as the Secretary of Defense considers appropriate for additional authorities to assist the Department in expediting the disposal of property at closed military installations in order to facilitate economic redevelopment for local communities.

(c) DEFINITIONS.—In this section:

(1) The term "base closure law" has the meaning given that term in section 101(a)(17) of title 10, United States Code.

(2) The term "military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense in the United States.

(3) The term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, and Guam.

SEC. 2814. REPORT ON REORGANIZATION OF AIR FORCE MATERIEL COMMAND ORGANIZATIONS.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the reorganization of Air Force Materiel Command organizations.

(b) ELEMENTS.—The report required under subsection (a) shall include the following elements:

(1) An assessment of the efficiencies and effectiveness associated with the reorganization of Air Force Materiel Command organizations.

(2) An assessment of the organizational construct to determine how institutional synergies that were previously available in a collocated center can be replicated in the new Air Force Materiel Command Center reorganization, including an assessment of the following Air Force Materiel Command capabilities:

(A) Science and Technology, Acquisition.

(B) Developmental Test and Evaluation.

(3) An assessment of synergistic efficiencies associated with capabilities of collocated organizations of other commands, including an assessment of the impact of the reorganization of the Air Force Materiel Command on the responsibilities of other commands regarding the following:

(A) Operational Test and Evaluation.

(B) Follow-on Operational Test and Evaluation.

(4) An assessment of how the Air Force reorganization of Air Force Materiel Command is in adherence with section 2687 of title 10, United States Code.

(5) An analysis of the extent to which the proposed changes in the Air Force management structure were coordinated with the Office of the Secretary of Defense and the degree to which any concerns raised by such Office were addressed in the approach selected by the Air Force.

Subtitle C—Energy Security

SEC. 2821. CONGRESSIONAL NOTIFICATION FOR CONTRACTS FOR THE PROVISION AND OPERATION OF ENERGY PRODUCTION FACILITIES AUTHORIZED TO BE LOCATED ON REAL PROPERTY UNDER THE JURISDICTION OF A MILITARY DEPARTMENT.

Section 2662(a)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

"(H) Any transaction or contract action for the provision and operation of energy production facilities on real property under the jurisdiction of the Secretary of a military department, as authorized by section 2922a(a)(2) of this title, if the term of the transaction or contract exceeds 20 years.".

SEC. 2822. AVAILABILITY AND USE OF DEPARTMENT OF DEFENSE ENERGY COST SAVINGS TO PROMOTE ENERGY SECURITY.

Section 2912(b)(1) of title 10, United States Code, is amended by inserting after "additional energy conservation" the following: "and energy security".

SEC. 2823. CONTINUATION OF LIMITATION ON USE OF FUNDS FOR LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) GOLD OR PLATINUM CERTIFICATION.

(a) ADDITIONAL REQUIREMENTS FOR REPORT ON ENERGY-EFFICIENCY STANDARDS.—Subsection (a) of section 2830 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1695) is amended—

(1) in paragraph (1), by striking "Not later than June 30, 2012, the" and inserting "The"; and

(2) by striking paragraph (3) and inserting the following new paragraph (3):

"(3) DEPARTMENT OF DEFENSE UNIFIED FACILITIES CRITERIA AND RELATED POLICIES.—The report shall also include the Department of Defense Unified Facilities Criteria and related Department of Defense policies, which shall be updated—

"(A) to reflect comprehensive guidance for the pursuit of design and building standards throughout the Department of Defense that specifically address energy- and water-efficient standards and sustainable design attributes for military construction based on the cost-benefit analysis, return on investment, total ownership costs, and demonstrated payback of the design standards specified in subparagraphs (A), (B), (C), and (D) of paragraph (2); and

"(B) to ensure that the building design and certification standards are applied to each military construction project based on geographic location and local circumstances to ensure maximum savings.".

(b) PROHIBITION ON USE OF FUNDS FOR LEED GOLD OR PLATINUM CERTIFICATION PENDING REPORT.—Subsection (b)(1) of such section is amended—

(1) by striking "for fiscal year 2012" and inserting "for fiscal year 2012 or 2013"; and

(2) by inserting before the period at the end the following: "until the report required by subsection (a) is submitted to the congressional defense committees".

SEC. 2824. GUIDANCE ON FINANCING FOR RENEWABLE ENERGY PROJECTS.

Deadlines.
10 USC 2911 note.

(a) GUIDANCE ON USE OF AVAILABLE FINANCING APPROACHES.—

(1) ISSUANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(A) issue guidance about the use of available financing approaches for financing renewable energy projects; and

(B) direct the Secretaries of the military departments to update their military department-wide guidance accordingly.

(2) ELEMENTS.—The guidance issued pursuant to paragraph (1) should describe the requirements and restrictions applicable to the underlying authorities and any Department of Defense-specific guidelines for using appropriated funds and alternative-financing approaches for renewable energy projects to maximize cost savings and energy efficiency for the Department of Defense.

(b) GUIDANCE ON USE OF BUSINESS CASE ANALYSES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance that establishes and clearly describes the processes used by the military departments to select financing approaches for renewable energy projects to ensure that business case analyses are completed to maximize cost savings and energy efficiency and mitigate drawbacks and risks associated with different financing approaches.

Web site.

(c) INFORMATION SHARING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop a formalized communications process, such as a shared Internet website, that will enable officials at military installations to have timely access on an ongoing basis to information related

to financing renewable energy projects on other installations, including best practices and lessons that officials at other installations have learned from their experiences in financing renewable energy projects.

(d) CONSULTATION.—The Secretary of Defense shall issue the guidance under subsections (a) and (b) and develop the communications process under subsection (c) in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Deputy Under Secretary of Defense for Installations and Environment. The Secretary of Defense shall also issue the guidance under subsection (b) in consultation with the Secretaries of the military departments.

SEC. 2825. ENERGY SAVINGS PERFORMANCE CONTRACT REPORT.

(a) REPORT REQUIRED.—Not later than June 30, 2013, the Secretary of Defense shall submit to the congressional defense committees a report on the use of energy savings performance contracts awarded by the Department of Defense during calendar years 2010, 2011, and 2012.

(b) ELEMENTS OF REPORT.—The report shall include the following (identified for each military department separately):

(1) The amount of appropriated funds that were obligated or expended during calendar years 2010, 2011, and 2012 for energy savings performance contracts and any funds remaining to be obligated or expended for such energy savings performance contracts.

(2) The amount of such funds that have been used for comprehensive retrofits.

(3) The amount of such funds that have been used to leverage private sector capital, including the amount of such capital.

(4) The amount of savings that have been achieved, or that are expected to be achieved, as a result of such energy savings performance contracts.

Subtitle D—Provisions Related to Asia-Pacific Military Realignment

SEC. 2831. CERTIFICATION OF MILITARY READINESS NEED FOR A LIVE FIRE TRAINING RANGE COMPLEX ON GUAM AS CONDITION ON ESTABLISHMENT OF RANGE COMPLEX.

A Live Fire Training Range Complex on Guam may not be established (including any construction or lease of lands related to such establishment) in coordination with the realignment of United States Armed Forces in the Pacific until the Secretary of Defense certifies to the congressional defense committees that there is a military training and readiness requirement for the Live Fire Training Range Complex.

SEC. 2832. REALIGNMENT OF MARINE CORPS FORCES IN ASIA-PACIFIC REGION.

Plans.

(a) RESTRICTION ON USE OF FUNDS FOR REALIGNMENT.—Except as provided in subsection (c), none of the funds authorized to be appropriated under this Act, and none of the amounts provided by the Government of Japan for construction activities on land

under the jurisdiction of the Department of Defense, may be obligated to implement the realignment of Marine Corps forces from Okinawa to Guam or Hawaii until each of the following occurs:

Assessment.

(1) The Commander of the United States Pacific Command provides to the congressional defense committees an assessment of the strategic and logistical resources needed to ensure the distributed lay-down of members of the Marine Corps in the United States Pacific Command Area of Responsibility meets the contingency operations plans.

(2) The Secretary of Defense submits to the congressional defense committees master plans for the construction of facilities and infrastructure to execute the Marine Corps distributed lay-down on Guam and Hawaii, including a detailed description of costs and the schedule for such construction.

(3) The Secretary of the Navy submits a plan to the congressional defense committees detailing the proposed investments and schedules required to restore facilities and infrastructure at Marine Corps Air Station Futenma.

(4) A plan coordinated by all pertinent Federal agencies is provided to the congressional defense committees detailing descriptions of work, costs, and a schedule for completion of construction, improvements, and repairs to the non-military utilities, facilities, and infrastructure, if any, on Guam affected by the realignment of forces.

Determination.

(b) RESTRICTION ON DEVELOPMENT OF PUBLIC INFRASTRUCTURE.—If the Secretary of Defense determines that any grant, cooperative agreement, transfer of funds to another Federal agency, or supplement of funds available in fiscal year 2012 or 2013 under Federal programs administered by agencies other than the Department of Defense will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, acquisition, or construction) of public infrastructure on Guam, the Secretary of Defense may not carry out such grant, transfer, cooperative agreement, or supplemental funding unless such grant, transfer, cooperative agreement, or supplemental funding is specifically authorized by law.

(c) EXCEPTIONS TO FUNDING RESTRICTION.—The Secretary of Defense may use funds described in subsection (a)—

(1) to complete additional analysis or studies required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for proposed actions on Guam or Hawaii;

(2) to initiate planning and design of construction projects at Andersen Air Force Base and Andersen South; and

(3) to carry out any military construction project for which an authorization of appropriations is provided in section 2204, as specified in the funding table in section 4601.

(d) DEFINITIONS.—In this section:

(1) DISTRIBUTED LAY-DOWN.—The term "distributed lay-down" refers to the planned distribution of members of the Marine Corps in Okinawa, Guam, Hawaii, Australia, and possibly elsewhere that is contemplated in support of the joint statement of the United States–Japan Security Consultative Committee issued April 26, 2012, in the District of Columbia (April 27, 2012, in Tokyo).

(2) PUBLIC INFRASTRUCTURE.—The term "public infrastructure" means any utility, method of transportation, item of equipment, or facility under the control of a public entity or

State or local government that is used by, or constructed for the benefit of, the general public.

(e) REPEAL OF SUPERSEDED LAW.—Section 2207 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112-81; 125 Stat. 1668) is repealed.

Subtitle E—Land Conveyances

SEC. 2841. MODIFICATION OF AUTHORIZED CONSIDERATION, BROADWAY COMPLEX OF THE DEPARTMENT OF THE NAVY, SAN DIEGO, CALIFORNIA.

Section 2732(b)(1)(A) of the Military Construction Authorization Act, 1987 (division B of Public 99–661; 100 Stat. 4046) is amended by striking "constructed on such real property by the lessees." and inserting the following: "constructed by the lessees—

"(i) on such real property; or

"(ii) on other real property within the boundaries of the metropolitan San Diego, California, area.".

SEC. 2842. USE OF PROCEEDS, LAND CONVEYANCE, TYNDALL AIR FORCE BASE, FLORIDA.

Section 2862(c) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 869) is amended by striking "construct or improve military family housing units" and all that follows through the period at the end and inserting "improve or repair facilities at Tyndall Air Force Base.".

SEC. 2843. LAND CONVEYANCE, JOHN KUNKEL ARMY RESERVE CENTER, WARREN, OHIO.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Village of Lordstown, Ohio (in this section referred to as the "Village"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 6.95 acres and containing the John Kunkel Army Reserve Center located at 4967 Tod Avenue in Warren, Ohio, for the purpose of permitting the Village to use the parcel for public purposes.

(b) INTERIM LEASE.—Until such time as the real property described in subsection (a) is conveyed to the Village, the Secretary may lease the property to the Village.

Determination.

(c) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance specified in subsection (a) or that the Village has violated a condition imposed by subsection (e), all right, title, and interest in and to such real property, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(d) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Village to cover costs (except costs for environmental remediation of the property) to be incurred by the Secretary, or to

reimburse the Secretary for such costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs for environmental documentation, and any other administrative costs related to the conveyance. If amounts are collected from the Village in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Village.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover those costs incurred by the Secretary in carrying out the conveyance. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(e) CONDITIONS OF CONVEYANCE.—The conveyance of the real property under subsection (a) shall be subject to the following conditions:

(1) That the Village not use any Federal funds to cover any portion of the conveyance costs required by subsection (d) to be paid by the Village or to cover the costs for the design or construction of any facility on the property.

(2) That the Village begin using the property for public purposes before the end of the five-year period beginning on the date of conveyance.

(f) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(g) ADDITIONAL TERMS.—The Secretary may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2844. LAND CONVEYANCE, CASTNER RANGE, FORT BLISS, TEXAS.

(a) CONVEYANCE AUTHORIZED.—

(1) CONVEYANCE AUTHORITY.—The Secretary of the Army may convey, without consideration, to the Parks and Wildlife Department of the State of Texas (in this section referred to as the "Department") all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 7,081 acres at Fort Bliss, Texas, for the purpose of permitting the Department to establish and operate a park as an element of the Franklin Mountains State Park.

(2) PIECEMEAL CONVEYANCES.—In anticipation of the conveyance of the entire parcel of real property described in paragraph (1), the Secretary may subdivide the parcel and convey to the Department portions of the real property as the Secretary determines that the condition of the real property is compatible with the Department's intended use of the property.

(b) REVERSIONARY INTEREST.—If the Secretary determines at any time that the real property conveyed under subsection (a) is not being used in accordance with the purpose of the conveyance, all right, title, and interest in and to such real property, including

Determination.

any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such real property. A determination by the Secretary under this subsection shall be made on the record after an opportunity for a hearing.

(c) PAYMENT OF COSTS OF CONVEYANCES.—

(1) PAYMENT REQUIRED.—The Secretary shall require the Department to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the land conveyance under this section, including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts are collected from the Department in advance of the Secretary incurring the actual costs, and the amount collected exceeds the costs actually incurred by the Secretary to carry out the land exchange, the Secretary shall refund the excess amount to Department. This paragraph does not apply to costs associated with the environmental remediation of the property to be conveyed.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursements under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the land exchange. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal descriptions of the parcels of real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyances under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2845. MODIFICATION OF LAND CONVEYANCE, FORT HOOD, TEXAS.

Section 2848(a) of the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375; 118 Stat. 2140) is amended by striking "for the sole purpose" and all that follows through "Central Texas." and inserting the following: "for the purpose of permitting the University System to use the property—

"(1) for the establishment of a State-supported university, separate from other universities of the University System, designated as Texas A&M University, Central Texas; and

"(2) for such other educational purposes as the University System considers to be appropriate and the Secretary of the Army determines to be compatible with military activities in the vicinity of the property.".

SEC. 2846. LAND CONVEYANCE, LOCAL TRAINING AREA FOR BROWNING ARMY RESERVE CENTER, UTAH.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Utah Department of Veterans Affairs (in this section referred to as the "Department") all right, title, and interest of the United States in and to a parcel

of unimproved real property consisting of approximately five acres of the Local Training Area for the Browning Army Reserve Center, Utah, for the purpose of constructing and operating a Community Based Outpatient Clinic adjacent to the George E. Wahlen Veterans Home in Ogden, Utah.

(b) PAYMENT OF COSTS OF CONVEYANCE.—

(1) PAYMENT REQUIRED.—The Secretary may require the Department to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Department.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Department. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Subtitle F—Other Matters

SEC. 2851. MODIFICATION OF NOTICE REQUIREMENTS IN ADVANCE OF PERMANENT REDUCTION OF SIZABLE NUMBERS OF MEMBERS OF THE ARMED FORCES AT MILITARY INSTALLATIONS.

(a) CALCULATION OF NUMBER OF AFFECTED MEMBERS.—Subsection (a) of section 993 of title 10, United States Code, is amended by adding at the end the following new sentence: "In calculating the number of members to be reduced, the Secretary shall take into consideration both direct reductions and indirect reductions.".

(b) NOTICE REQUIREMENTS.—Subsection (b) of such section is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

"(1) the Secretary of Defense or the Secretary of the military department concerned—

"(A) submits to Congress a notice of the proposed reduction and the number of military and civilian personnel assignments affected, including reductions in base operations support services and personnel to occur because of the proposed reduction; and

"(B) includes in the notice a justification for the reduction and an evaluation of the costs and benefits of the reduction and of the local economic, strategic, and operational consequences of the reduction; and

Time period.

"(2) a period of 90 days expires following the day on which the notice is submitted to Congress.".

(c) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

"(d) DEFINITIONS.—In this section:

"(1) The term 'indirect reduction' means subsequent planned reductions or relocations in base operations support services and personnel able to occur due to the direct reductions.

"(2) The term 'military installation' means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.".

SEC. 2852. ACCEPTANCE OF GIFTS AND SERVICES TO SUPPORT MILITARY MUSEUM PROGRAMS AND USE OF COOPERATIVE AGREEMENTS WITH NONPROFIT ENTITIES FOR MILITARY MUSEUM AND MILITARY EDUCATIONAL INSTITUTION PROGRAMS.

(a) ACCEPTANCE OF GIFTS AND SERVICES.—

(1) IN GENERAL.—Subsection (a) of section 2601 of title 10, United States Code, is amended—

(A) by striking "Subject to subsection (d)(2), the" and inserting "(1) The"; and

(B) by adding at the end the following new paragraph:

"(2)(A) Notwithstanding section 1342 of title 31, the Secretary concerned may accept a gift of services for a military museum program from a nonprofit entity established for the purpose of supporting a military museum program. Employees or personnel of a nonprofit entity who provide a gift of services under this subparagraph may not be considered to be employees of the United States.

"(B) For the use and benefit of a military museum program, the Secretary concerned may solicit from a bona fide collector a gift of books, manuscripts, works of art, historical artifacts, drawings, plans, models, or condemned or obsolete combat materiel.".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in subsection (b)(1), by striking "Subject to subsection (d)(2), the" and inserting "The";

(B) in subsection (d)—

(i) in paragraph (1), by striking "subsection (b)" and inserting "such subsections"; and

(ii) in paragraph (2), by striking "and money may not be accepted under subsection (a) and property, money, and services may not be accepted under subsection" and inserting ", money, and services may not be accepted under subsection (a) or"; and

(C) in subsection (f), by striking "or money accepted under subsection (a) and any property, money, or services

accepted under subsection" and inserting ", money, or services accepted under subsection (a) or".

(b) AUTHORITY FOR COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—Chapter 155 of such title is amended by adding at the end the following new section:

"§ 2615. Military museums and military education programs: cooperative agreement authority

"(a) USE AUTHORIZED.—The Secretary concerned may enter into a cooperative agreement with a nonprofit entity for purposes related to—

"(1) a military museum program; or

"(2) the support of a military educational institution program.

"(b) COOPERATIVE AGREEMENT DESCRIBED.—For purposes of subsection (a), an authorized cooperative agreement is described in section 6305 of title 31, except that the use of a cooperative agreement by the Secretary concerned is limited to nonprofit entities.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2615. Military museums and military education programs: cooperative agreement authority.".

SEC. 2853. ADDITIONAL EXEMPTIONS FROM CERTAIN REQUIREMENTS APPLICABLE TO FUNDING FOR DATA SERVERS AND CENTERS.

Section 2867(c) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1706; 10 U.S.C. 2223a note) is amended—

(1) by striking "EXCEPTION.—The Chief" and inserting the following: "EXCEPTIONS.—

"(1) INTELLIGENCE COMPONENTS.—The Chief"; and

(2) by inserting at the end the following new paragraph:

"(2) RESEARCH, DEVELOPMENT, TEST, AND EVALUATION PROGRAMS.—The Chief Information Officer of the Department may exempt from the applicability of this section research, development, test, and evaluation programs that use authorization of appropriations for the High Performance Computing Modernization Program (Program Element 0603461A) if the Chief Information Officer determines that the exemption is in the best interest of national security.".

SEC. 2854. REDESIGNATION OF THE CENTER FOR HEMISPHERIC DEFENSE STUDIES AS THE WILLIAM J. PERRY CENTER FOR HEMISPHERIC DEFENSE STUDIES.

(a) REDESIGNATION.—The Department of Defense regional center for security studies known as the Center for Hemispheric Defense Studies is hereby renamed the "William J. Perry Center for Hemispheric Defense Studies". 10 USC 184 note.

(b) CONFORMING AMENDMENTS.—

(1) REFERENCE TO REGIONAL CENTERS FOR STRATEGIC STUDIES.—Section 184 of title 10, United States Code, is amended—

(A) in subsection (b)(2)(C), by striking "The Center for Hemispheric Defense Studies" and inserting "The William J. Perry Center for Hemispheric Defense Studies"; and

(B) in subsection (f)(5), by striking "the Center for Hemispheric Defense Studies" and inserting "the William J. Perry Center for Hemispheric Defense Studies".

(2) ACCEPTANCE OF GIFTS AND DONATIONS.—Section 2611(a)(2)(C) of such title is amended by striking "Center for Hemispheric Defense Studies." and inserting "William J. Perry Center for Hemispheric Defense Studies.".

10 USC 184 note.

(c) REFERENCES.—Any reference to the Department of Defense Center for Hemispheric Defense Studies in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the William J. Perry Center for Hemispheric Defense Studies.

SEC. 2855. SENSE OF CONGRESS REGARDING ESTABLISHMENT OF MILITARY DIVERS MEMORIAL AT WASHINGTON NAVY YARD.

It is the sense of Congress that the Secretary of the Navy should provide an appropriate site at the former Navy Dive School at the Washington Navy Yard for a memorial to honor the members of the Armed Forces who have served as divers and whose service in defense of the United States has been carried out beneath the waters of the world, subject to the conditions that—

(1) the memorial be paid for with private funds; and

(2) the Secretary of the Navy retain exclusive authority to approve the design and site of the memorial.

SEC. 2856. LIMITATION ON AVAILABILITY OF FUNDS PENDING REPORT REGARDING ACQUISITION OF LAND AND DEVELOPMENT OF A TRAINING RANGE FACILITY ADJACENT TO THE MARINE CORPS AIR GROUND COMBAT CENTER TWENTYNINE PALMS, CALIFORNIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The Marine Corps has studied the feasibility of acquiring land and developing a training range facility to conduct Marine Expeditionary Brigade level live-fire training on or near the West Coast.

(2) The Bureau of Land Management estimates on national economic impact show $261,500,000 in commerce at risk.

(3) Economic impact on the local community is estimated to be $71,100,000.

(b) LIMITATION OF FUNDS PENDING REPORT.—

(1) IN GENERAL.—The Secretary of the Navy may not obligate or expend funds for the transfer of land or development of a new training range on land adjacent to the Marine Corps Air Ground Combat Center Twentynine Palms, California, until the Secretary of the Navy has provided the congressional defense committees a report on the Marine Corps' efforts with respect to the proposed training range.

(2) ELEMENTS OF REPORT.—The report required under paragraph (1) shall be submitted not later than 90 days after the date of the enactment of this Act and shall include the following:

(A) A description of the actual training requirements for the proposed range and where those training requirements are currently being met to support combat deployments.

(B) Identification of the impact on off-road vehicle recreational users of the land, the economic impact on the local economy, the recreation industry, and any other stakeholders.

(C) Identification of any concerns discussed with the Bureau of Land Management regarding their assessments of the impact on other users.

(D) Identification of the impact on the State of California's 1980 Desert Conservation Plan regarding allocation of the Off Highway Vehicle Recreation Areas.

(E) An evaluation of the potential to use the same land without transfer, but under specific permits for use provided by the Bureau of Land Management (as such permits are used at other locations from the Forest Service and Bureau of Land Management).

(F) An evaluation of any potential impacts on other Bureau of Land Management lands proximate to Marine Corps Air Ground Combat Center Twentynine Palms or other locations in the geographic region.

(3) SECRETARY OF DEFENSE WAIVER.—In the event of urgent national need, the Secretary of Defense may notify the congressional defense committees and waive the requirement for the report required under paragraph (1).

SEC. 2857. OVERSIGHT AND MAINTENANCE OF CLOSED BASE CEMETERIES OVERSEAS CONTAINING THE REMAINS OF MEMBERS OF THE ARMED FORCES OR CITIZENS OF THE UNITED STATES.

Deadline. Reports.

(a) OVERSIGHT AND MAINTENANCE PLAN REQUIRED.—Not later than 30 days after the closure of a United States military installation located outside of the United States that includes a cemetery containing the remains of members of the Armed Forces or citizens of the United States, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report containing a plan to ensure the oversight and continued operation and maintenance of the cemetery.

(b) PLAN ELEMENTS.—The plan for a military installation cemetery outside of the United States required by subsection (a) shall—

(1) specify the Federal agency or private entity that will assume responsibility for the operation and maintenance of the cemetery following the closure of the installation; and

(2) describe the information with regard to the cemetery that has been provided to the responsible agency or private entity.

SEC. 2858. REPORT ON ESTABLISHMENT OF JOINT ARMED FORCES HISTORICAL STORAGE AND PRESERVATION FACILITY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the feasability and advisability of establishing a joint Armed Forces historical storage and preservation facility. The report shall include a description and assessment of the current capacities and qualities

of the historical storage and preservation installations of each of the Armed Forces, including the following:

(1) An identification of any excess capacity at any such installation.

(2) An identification of any shortfalls in the capacity or quality of such installations of any Armed Force, and a description of possible actions to address such shortfalls.

40 USC 8903 note.

SEC. 2859. ESTABLISHMENT OF COMMEMORATIVE WORK TO GOLD STAR MOTHERS.

(a) ELIGIBLE FEDERAL LAND.—In this section, the term "eligible Federal land" means Federal land depicted as "Area I" or "Area II" on the map numbered 869/86501 B and dated June 24, 2003. The term does not include the Reserve (as defined in section 8902(a) of title 40, United States Code).

(b) COMMEMORATIVE WORK AUTHORIZED.—The Gold Star Mothers National Monument Foundation may establish a commemorative work on eligible Federal land to commemorate the sacrifices made by mothers, and made by their sons and daughters who as members of the Armed Forces make the ultimate sacrifice, in defense of the United States.

Applicability.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—Chapter 89 of title 40, United States Code, and other applicable Federal laws and regulations shall apply to the establishment of the commemorative work authorized by this section.

(d) PROHIBITION ON USE OF FEDERAL FUNDS.—The Gold Star Mothers National Monument Foundation may not use Federal funds to establish the commemorative work authorized by this section.

(e) DEPOSIT OF EXCESS FUNDS.—

(1) UPON ESTABLISHMENT OF COMMEMORATIVE WORK.—If, upon payment of all expenses for the establishment of the commemorative work authorized by this section (including the maintenance and preservation amounts required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the commemorative work, the Gold Star Mothers National Monument Foundation shall transmit the amount of the balance to the account provided for in section 8906(b)(3) of such title.

(2) UPON EXPIRATION OF AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.—If, upon expiration of the authority for the commemorative work under section 8903(e) of title 40, United Sates Code, there remains a balance of funds received for the establishment of the commemorative work, the Gold Star Mothers National Monument Foundation shall transmit the amount of the balance to a separate account with the National Park Foundation for memorials, to be available to the Secretary of the Interior or Administrator of General Services (as appropriate) following the process provided in section 8906(b)(4) of such title for accounts established under section 8906(b)(3) of such title.

40 USC 8903 note.

SEC. 2860. ESTABLISHMENT OF COMMEMORATIVE WORK TO SLAVES AND FREE BLACK PERSONS WHO SERVED IN AMERICAN REVOLUTION.

(a) ELIGIBLE FEDERAL LAND.—In this section, the term "eligible Federal land" means Federal land depicted as "Area I" or "Area II" on the map numbered 869/86501 B and dated June 24, 2003.

The term does not include the Reserve (as defined in section 8902(a) of title 40, United States Code).

(b) COMMEMORATIVE WORK AUTHORIZED.—The National Mall Liberty Fund D.C. may establish a memorial on eligible Federal land to honor the more than 5,000 courageous slaves and free Black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution.

(c) COMPLIANCE WITH STANDARDS FOR COMMEMORATIVE WORKS.—Chapter 89 of title 40, United States Code, and other applicable Federal laws and regulations shall apply to the establishment of the commemorative work authorized by this section.

Applicability.

(d) PROHIBITION ON USE OF FEDERAL FUNDS.—The National Mall Liberty Fund D.C. may not use Federal funds to establish the commemorative work authorized by this section.

(e) DEPOSIT OF EXCESS FUNDS.—

(1) UPON ESTABLISHMENT OF COMMEMORATIVE WORK.—If, upon payment of all expenses for the establishment of the commemorative work authorized by this section (including the maintenance and preservation amounts required by section 8906(b)(1) of title 40, United States Code), there remains a balance of funds received for the establishment of the commemorative work, the National Mall Liberty Fund D.C. shall transmit the amount of the balance to the account provided for in section 8906(b)(3) of such title.

(2) UPON EXPIRATION OF AUTHORITY TO ESTABLISH COMMEMORATIVE WORK.—If, upon expiration of the authority for the commemorative work under section 8903(e) of title 40, United Sates Code, there remains a balance of funds received for the establishment of the commemorative work, the National Mall Liberty Fund D.C. shall transmit the amount of the balance to a separate account with the National Park Foundation for memorials, to be available to the Secretary of the Interior or Administrator of General Services (as appropriate) following the process provided in section 8906(b)(4) of such title for accounts established under section 8906(b)(3) of such title.

(f) REPEAL OF JOINT RESOLUTIONS.—Public Law 99–558 (110 Stat. 3144; 40 U.S.C. 8903 note) and Public Law 100–265 (102 Stat. 39; 40 U.S.C. 8903 note) are repealed.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

Sec. 2901. Authorized Navy construction and land acquisition project.

SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECT.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Navy may acquire real property and carry out the military construction project for the installation outside the United States, and in the amount, set forth in the following table:

Navy: Outside the United States

Country	Installation	Amount
Djibouti	Camp Lemonier	$99,420,000

(b) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for the military construction project outside the United States authorized by subsection (a) as specified in the funding table in section 4602.

DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Subtitle A—National Security Programs Authorizations

Sec. 3101. National Nuclear Security Administration.
Sec. 3102. Defense environmental cleanup.
Sec. 3103. Other defense activities.

Subtitle B—Program Authorizations, Restrictions, and Limitations

Sec. 3111. Authorized personnel levels of the Office of the Administrator.
Sec. 3112. Budget justification materials.
Sec. 3113. National Nuclear Security Administration Council.
Sec. 3114. Replacement project for Chemistry and Metallurgy Research Building, Los Alamos National Laboratory, New Mexico.
Sec. 3115. Design and use of prototypes of nuclear weapons.
Sec. 3116. Two-year extension of schedule for disposition of weapons-usable plutonium at Savannah River Site, Aiken, South Carolina.
Sec. 3117. Transparency in contractor performance evaluations by the National Nuclear Security Administration leading to award fees.
Sec. 3118. Modification and extension of authority on acceptance of contributions for acceleration of removal or security of fissile materials, radiological materials, and related equipment at vulnerable sites worldwide.
Sec. 3119. Limitation on availability of funds for Center of Excellence on Nuclear Security.
Sec. 3120. Improvement and streamlining of the missions and operations of the Department of Energy and National Nuclear Security Administration.
Sec. 3121. Cost-benefit analyses for competition of management and operating contracts.
Sec. 3122. Program on scientific engagement for nonproliferation.
Sec. 3123. Cost containment for Uranium Capabilities Replacement Project.

Subtitle C—Improvements to National Security Energy Laws

Sec. 3131. Improvements to the Atomic Energy Defense Act.
Sec. 3132. Improvements to the National Nuclear Security Administration Act.
Sec. 3133. Consolidated reporting requirements relating to nuclear stockpile stewardship, management, and infrastructure.
Sec. 3134. Repeal of certain reporting requirements.

Subtitle D—Reports

Sec. 3141. Reports on lifetime extension programs.
Sec. 3142. Notification of nuclear criticality and non-nuclear incidents.
Sec. 3143. Quarterly reports to Congress on financial balances for atomic energy defense activities.
Sec. 3144. National Academy of Sciences study on peer review and design competition related to nuclear weapons.
Sec. 3145. Report on defense nuclear nonproliferation programs.

Sec. 3146. Study on reuse of plutonium pits.
Sec. 3147. Assessment of nuclear weapon pit production requirement.
Sec. 3148. Study on a multiagency governance model for national security laboratories.
Sec. 3149. Report on efficiencies in facilities and functions of the National Nuclear Security Administration.
Sec. 3150. Study on regional radiological security zones.
Sec. 3151. Report on abandoned uranium mines.

Subtitle E—Other Matters

Sec. 3161. Use of probabilistic risk assessment to ensure nuclear safety.
Sec. 3162. Submittal to Congress of selected acquisition reports and independent cost estimates on life extension programs and new nuclear facilities.
Sec. 3163. Classification of certain restricted data.
Sec. 3164. Advice to President and Congress regarding safety, security, and reliability of United States nuclear weapons stockpile and nuclear forces.
Sec. 3165. Pilot program on technology commercialization.
Sec. 3166. Congressional advisory panel on the governance of the nuclear security enterprise.

Subtitle F—American Medical Isotopes Production

Sec. 3171. Short title.
Sec. 3172. Definitions.
Sec. 3173. Improving the reliability of domestic medical isotope supply.
Sec. 3174. Exports.
Sec. 3175. Report on disposition of exports.
Sec. 3176. Domestic medical isotope production.
Sec. 3177. Annual Department reports.
Sec. 3178. National Academy of Sciences report.

Subtitle A—National Security Programs Authorizations

SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 13–D–301, Electrical Infrastructure Upgrades, Lawrence Livermore National Laboratory, Livermore, California, and Los Alamos National Laboratory, Los Alamos, New Mexico, $23,000,000.

Project 13–D–903, Kesselring Site Prototype Staff Building, Kesselring Site, West Milton, New York, $14,000,000.

Project 13–D–904, Kesselring Site Radiological Work and Storage Building, Kesselring Site, West Milton, New York, $2,000,000.

Project 13–D–905, Remote-Handled Low-Level Waste Disposal Project, Idaho National Laboratory, $8,890,000.

SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

SEC. 3103. OTHER DEFENSE ACTIVITIES.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 for other defense activities in carrying out programs as specified in the funding table in section 4701.

Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. AUTHORIZED PERSONNEL LEVELS OF THE OFFICE OF THE ADMINISTRATOR.

(a) CAP ON FULL-TIME EQUIVALENT POSITIONS.—

(1) IN GENERAL.—Subtitle C of the National Nuclear Security Administration Act (50 U.S.C. 2441 et seq.) is amended by inserting after section 3241 the following new section:

50 USC 2441a.

"SEC. 3241A. AUTHORIZED PERSONNEL LEVELS OF THE OFFICE OF THE ADMINISTRATOR.

"(a) FULL-TIME EQUIVALENT PERSONNEL LEVELS.—

Deadline.

"(1) TOTAL NUMBER.—By October 1, 2014, the total number of employees of the Office of the Administrator may not exceed 1,825.

Reports.

"(2) EXCESS.—For fiscal year 2015 and each fiscal year thereafter, the Administrator may not exceed the total number of employees authorized under paragraph (1) unless, during each fiscal year in which such total number exceeds 1,825, the Administrator submits to the congressional defense committees a report justifying such excess.

Determination.

"(b) COUNTING RULE.—(1) A determination of the number of employees in the Office of the Administrator under subsection (a) shall be expressed on a full-time equivalent basis.

"(2) Except as provided by paragraph (3), in determining the total number of employees in the Office of the Administrator under subsection (a), the Administrator shall count each employee of the Office without regard to whether the employee is located at the headquarters of the Administration, a site office of the Administration, a service or support center of the Administration, or any other location.

"(3) The following employees may not be counted for purposes of determining the total number of employees in the Office of the Administrator under subsection (a):

"(A) Employees of the Office of Naval Reactors.

"(B) Employees of the Office of Secure Transportation.

"(C) Members of the Armed Forces detailed to the Administration.

"(D) Personnel supporting the Office of the Administrator pursuant to the mobility program under subchapter VI of chapter 33 of title 5, United States Code (commonly referred to as the 'Intergovernmental Personnel Act Mobility Program').

"(c) VOLUNTARY EARLY RETIREMENT.—In accordance with section 3523 of title 5, United States Code, the Administrator may offer voluntary separation or retirement incentives to meet the total number of employees authorized under subsection (a).

"(d) USE OF IPA.—The Administrator shall ensure that the expertise of the national security laboratories and the nuclear

weapons production facilities is made available to the Administration, the Department of Energy, the Department of Defense, other Federal agencies, and Congress through the temporary assignment of personnel from such laboratories and facilities pursuant to the Intergovernmental Personnel Act Mobility Program and other similar programs.".

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 3241 the following new item:

"Sec. 3241A. Authorized personnel levels of the Office of the Administrator.".

(b) INCREASE IN EXCEPTED POSITIONS.—

(1) IN GENERAL.—Section 3241 of the National Nuclear Security Administration Act (50 U.S.C. 2441) is amended—

(A) by striking "300" and inserting "600";

(B) by inserting "contracting, program management," before "scientific"; and

(C) by adding at the end the following new sentence: "To ensure that the excepted positions established under this section are used, the Administrator, to the extent practicable, shall appoint an individual to such an excepted position to replace the vacancy of a nonexcepted position.". Appointment.

(2) CONFORMING AMENDMENT.—The heading of such section is amended by inserting **"CONTRACTING, PROGRAM MANAGEMENT,"** before **"SCIENTIFIC"**.

(3) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by striking the item relating to section 3241 and inserting the following new item:

"Sec. 3241. Authority to establish certain contracting, program management, scientific, engineering, and technical positions.".

SEC. 3112. BUDGET JUSTIFICATION MATERIALS.

Section 3251(b) of the National Nuclear Security Administration Act (50 U.S.C. 2451(b)) is amended—

(1) by striking "In the" and inserting "(1) In the"; and

(2) by adding at the end the following new paragraph:

"(2) In the budget justification materials submitted to Congress in support of each such budget, the Administrator shall include an assessment of how the budget maintains the core nuclear weapons skills of the Administration, including nuclear weapons design, engineering, production, testing, and prediction of stockpile aging.". Assessment.

SEC. 3113. NATIONAL NUCLEAR SECURITY ADMINISTRATION COUNCIL.

(a) NNSA COUNCIL.—Section 4102 of the Atomic Energy Defense Act (50 U.S.C. 2512) is amended to read as follows:

"SEC. 4102. MANAGEMENT STRUCTURE FOR NUCLEAR SECURITY ENTERPRISE.

"(a) IN GENERAL.—The Administrator shall establish a management structure for the nuclear security enterprise in accordance with the National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.).

"(b) NATIONAL NUCLEAR SECURITY ADMINISTRATION COUNCIL.—(1) The Administrator shall establish a council to be known as the 'National Nuclear Security Administration Council'. The Council may advise the Administrator on— Establishment.

"(A) scientific and technical issues relating to policy matters;

"(B) operational concerns;

"(C) strategic planning;

"(D) the development of priorities relating to the mission and operations of the Administration and the nuclear security enterprise; and

"(E) such other matters as the Administrator determines appropriate.

"(2) The Council shall be composed of the directors of the national security laboratories and the nuclear weapons production facilities.

"(3) The Council may provide the Administrator or the Secretary of Energy recommendations for improving the—

"(A) governance, management, effectiveness, and efficiency of the Administration; and

"(B) any other matter in accordance with paragraph (1).

Deadline.

"(4) Not later than 60 days after the date on which any recommendation under paragraph (3) is received, the Administrator or the Secretary, as the case may be, shall respond to the Council with respect to whether such recommendation will be implemented and the reasoning for implementing or not implementing such recommendation.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by striking the item relating to section 4102 and inserting the following new item:

"Sec. 4102. Management structure for nuclear security enterprise.".

SEC. 3114. REPLACEMENT PROJECT FOR CHEMISTRY AND METALLURGY RESEARCH BUILDING, LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.

(a) PROJECT REQUIRED.—

(1) IN GENERAL.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by adding at the end the following new section:

50 USC 2535.

"SEC. 4215. REPLACEMENT PROJECT FOR CHEMISTRY AND METALLURGY RESEARCH BUILDING, LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.

"(a) REPLACEMENT BUILDING REQUIRED.—The Secretary of Energy shall construct at Los Alamos National Laboratory, New Mexico, a building to replace the functions of the existing Chemistry and Metallurgy Research Building at Los Alamos National Laboratory associated with Department of Energy Hazard Category 2 special nuclear material operations.

Determination.

"(b) LIMITATION ON COST.—The cost of the building constructed under subsection (a) may not exceed $3,700,000,000. If the Secretary determines the cost will exceed such amount, the Secretary shall submit a detailed justification for such increase to the congressional defense committees.

"(c) PROJECT BASIS.—The construction authorized by subsection (a) shall use as its basis the facility project in the Department of Energy Readiness and Technical Base designated 04–D–125 (chemistry and metallurgy facility replacement project at Los Alamos National Laboratory).

Contracts.

"(d) ASSISTANCE.—(1) In carrying out this section, the Secretary shall procure the services of the Commander of the Naval Facilities

Engineering Command to assist the Secretary with respect to the program management, oversight, and design activities of the project authorized by subsection (a).

"(2) The Secretary shall carry out this subsection using funds made available for the National Nuclear Security Administration.

"(e) DEADLINE FOR COMMENCEMENT OF OPERATIONS.—The building constructed under subsection (a) shall commence operations by not later than December 31, 2026.".

(2) CLERICAL AND TECHNICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 4214, as added by section 3131(g)(2), the following new item:

"Sec. 4215. Replacement project for Chemistry and Metallurgy Research Building, Los Alamos National Laboratory, New Mexico.".

(b) FUNDING.—

(1) FISCAL YEAR 2013 FUNDS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), of the amounts authorized to be appropriated by this Act for fiscal year 2013 for the National Nuclear Security Administration, $70,000,000 shall be available for the construction of the building authorized by section 4215 of the Atomic Energy Defense Act, as added by subsection (a).

(B) EXCEPTION.—The following amounts authorized to be appropriated by this Act for fiscal year 2013 for the National Nuclear Security Administration shall not be available for the construction of the building:

(i) Amounts available for Directed Stockpile Work.

(ii) Amounts available for Naval Reactors.

(iii) Amounts available for the facility project in the Department of Energy Readiness and Technical Base designated 06–D–141.

(2) PRIOR FISCAL YEAR FUNDS.—Amounts authorized to be appropriated for the Department of Energy for a fiscal year before fiscal year 2013 and available for the facility project in the Department of Energy Readiness and Technical Base designated 04–D–125 (chemistry and metallurgy facility replacement project at Los Alamos National Laboratory, New Mexico) shall be available for the construction of the building authorized by section 4215 of the Atomic Energy Defense Act, as added by subsection (a).

(c) LIMITATION ON ALTERNATIVE PLUTONIUM STRATEGY.—No funds authorized to be appropriated by this Act or any other Act may be obligated or expended on any activities associated with a plutonium strategy for the National Nuclear Security Administration that does not include achieving full operational capability of the replacement project by December 31, 2026, as required by section 4215(e) of the Atomic Energy Defense Act, as added by subsection (a).

Deadline. 50 USC 2535 note.

(d) NAVAL REACTOR STUDY.—

50 USC 2535 note.

(1) IN GENERAL.—The Deputy Administrator for Naval Reactors shall conduct a study of the replacement project, including an analysis of the cost, benefits, and risks with respect to nuclear safety.

(2) SUBMISSION.—Not later than 18 months after the date of the enactment of this Act, the Deputy Administrator shall

Deadline. Reports. Recommendations.

submit to the congressional defense committees a report on the study under paragraph (1), including recommendations of the Deputy Administrator with respect to the project structure, oversight model, and potential cost savings of the replacement project.

(3) CONSIDERATION OF RECOMMENDATIONS.—In carrying out the replacement project, the Secretary of Energy shall consider the recommendations made by the Deputy Administrator in the report under paragraph (2) and incorporate such recommendations into the project as the Secretary considers appropriate.

(4) FUNDING.—The Secretary of Energy and the Deputy Administrator shall carry out this subsection using funds authorized to be appropriated by this Act or otherwise made available for the National Nuclear Security Administration that are not made available for the Naval Nuclear Propulsion Program.

50 USC 2535 note.

(e) REPLACEMENT PROJECT DEFINED.—In this section, the term "replacement project" means the replacement project for the Chemistry and Metallurgy Research Building authorized by section 4215 of the Atomic Energy Defense Act, as added by subsection (a).

SEC. 3115. DESIGN AND USE OF PROTOTYPES OF NUCLEAR WEAPONS.

(a) PROTOTYPES.—Subtitle A of title XLV of the Atomic Energy Defense Act (50 U.S.C. 2651 et seq.) is amended by adding at the end the following new section:

50 USC 2660.

"SEC. 4509. DESIGN AND USE OF PROTOTYPES OF NUCLEAR WEAPONS FOR INTELLIGENCE PURPOSES.

Plans.

"(a) PROTOTYPES.—The Administrator shall develop and carry out a plan for the national security laboratories and nuclear weapons production facilities to design and build prototypes of nuclear weapons to further intelligence estimates with respect to foreign nuclear weapons activities.

"(b) PROHIBITION ON PRODUCTION OF NUCLEAR YIELDS.—In carrying out subsection (a), the Administrator may not conduct any experiments that produce a nuclear yield.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 4508 the following new item:

"Sec. 4509. Design and use of prototypes of nuclear weapons for intelligence purposes.".

SEC. 3116. TWO-YEAR EXTENSION OF SCHEDULE FOR DISPOSITION OF WEAPONS-USABLE PLUTONIUM AT SAVANNAH RIVER SITE, AIKEN, SOUTH CAROLINA.

Section 4306 of the Atomic Energy Defense Act (50 U.S.C. 2566) is amended—

(1) in subsection (a)(3)—

(A) in subparagraph (C), by striking "2012" and inserting "2014"; and

(B) in subparagraph (D), by striking "2017" and inserting "2019";

(2) in subsection (b)—

(A) in paragraph (1), by striking "by January 1, 2012"; and

(B) in paragraph (5), by striking "2012" and inserting "2014";

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "2012" and inserting "2014";

(B) in paragraph (1), by striking "2014" and inserting "2016"; and

(C) in paragraph (2), by striking "2020" each place it appears and inserting "2022";

(4) in subsection (d)—

(A) in paragraph (1)—

(i) by striking "2014" and inserting "2016"; and

(ii) by striking "2019" and inserting "2021"; and

(B) in paragraph (2)(A), by striking "2020" each place it appears and inserting "2022"; and

(5) in subsection (e), by striking "2023" and inserting "2025".

SEC. 3117. TRANSPARENCY IN CONTRACTOR PERFORMANCE EVALUATIONS BY THE NATIONAL NUCLEAR SECURITY ADMINISTRATION LEADING TO AWARD FEES.

(a) PUBLICATION REQUIRED.—

(1) IN GENERAL.—Subtitle A of title XLVIII of the Atomic Energy Defense Act (50 U.S.C. 2781 et seq.) is amended by adding at the end the following new section:

"SEC. 4805. PUBLICATION OF CONTRACTOR PERFORMANCE EVALUATIONS LEADING TO AWARD FEES. 50 USC 2785.

"(a) IN GENERAL.—The Administrator shall take appropriate actions to make available to the public, to the maximum extent practicable, contractor performance evaluations conducted by the Administration of management and operating contractors of the nuclear security enterprise that results in the award of an award fee to the contractor concerned. Public information.

"(b) FORMAT.—Performance evaluations shall be made public under this section in a common format that facilitates comparisons of performance evaluations between and among similar management and operating contracts.".

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 4803 the following new items:

"Sec. 4804. Notice-and-wait requirement applicable to certain third-party financing arrangements.
"Sec. 4805. Publication of contractor performance evaluations leading to award fees.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contractor performance evaluations conducted by the National Nuclear Security Administration on or after that date. Applicability. 50 USC 2785 note.

SEC. 3118. MODIFICATION AND EXTENSION OF AUTHORITY ON ACCEPTANCE OF CONTRIBUTIONS FOR ACCELERATION OF REMOVAL OR SECURITY OF FISSILE MATERIALS, RADIOLOGICAL MATERIALS, AND RELATED EQUIPMENT AT VULNERABLE SITES WORLDWIDE.

(a) PROGRAMS FOR WHICH FUNDS MAY BE ACCEPTED.—Paragraph (2) of section 3132(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(f)) is amended to read as follows:

"(2) PROGRAMS COVERED.—The programs described in this paragraph are any programs within the Office of Defense Nuclear Nonproliferation of the National Nuclear Security Administration.".

(b) EXTENSION.—Paragraph (7) of such section is amended by striking "December 31, 2013" and inserting "December 31, 2018".

SEC. 3119. LIMITATION ON AVAILABILITY OF FUNDS FOR CENTER OF EXCELLENCE ON NUCLEAR SECURITY.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the National Nuclear Security Administration, not more than $7,000,000 may be obligated or expended for the United States-China Center of Excellence on Nuclear Security until the date on which the Secretary of Energy submits to the appropriate congressional committees the report under subsection (b)(2).

(b) NUCLEAR SECURITY.—

(1) REVIEW.—The Secretary of Energy, in coordination with the Secretary of Defense, shall conduct a review of the existing and planned nonproliferation activities with the People's Republic of China as of the date of the enactment of this Act to determine if the engagement is directly or indirectly supporting the proliferation of nuclear weapons development and technology to other nations.

(2) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy shall submit to the appropriate congressional committees a report certifying that the activities reviewed under paragraph (1) are not contributing to the proliferation of nuclear weapons development and technology to other nations.

(c) FORM.—The report under subsection (b)(2) may be submitted in unclassified form and may include a classified annex.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

42 USC 7251.

SEC. 3120. IMPROVEMENT AND STREAMLINING OF THE MISSIONS AND OPERATIONS OF THE DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION.

Review.
Revisions.

(a) IN GENERAL.—The Secretary of Energy and the Administrator for Nuclear Security shall review and, to the extent practicable, revise the Department of Energy Acquisition Regulation and other regulations, rules, directives, orders, and policies that apply to the administration, execution, and oversight of the missions and operations of the Department of Energy and the National Nuclear Security Administration to improve and streamline such administration, execution, and oversight.

Review.

(b) IMPROVEMENT AND STREAMLINING.—In carrying out subsection (a), the Secretary and the Administrator shall review and, to the extent practicable, carry out the following actions:

(1) Streamline business processes and structures to reduce unnecessary, burdensome, or duplicative approvals.

(2) Delegate approval for work for others agreements and cooperative research and development agreements (except those

that the Secretary or Administrator determine are high value or unique) to the lowest appropriate officials and streamline the approval processes.

(3) Establish processes for ensuring routine or low-risk procurement and subcontracting decisions are made at the discretion of the management and operating contractors while ensuring that the Secretary or Administrator apply appropriate oversight.

(4) Assess procurement thresholds as of the date of the enactment of this Act and take steps as appropriate to adjust such thresholds.

(5) Eliminate duplicative or low-value reports and data calls and ensure consistency in management and cost-accounting data.

(6) Actions to otherwise streamline, clarify, and eliminate redundancy in the regulations, rules, directives, orders, and policies described by subsection (a).

(c) BRIEFING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary and the Administrator shall provide to the appropriate congressional committees a briefing on the review conducted under subsection (a), including the status of such review and any actions taken or planned to be taken to improve and streamline the regulations, rules, directives, orders, and policies described in such subsection. Deadline.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

SEC. 3121. COST-BENEFIT ANALYSES FOR COMPETITION OF MANAGEMENT AND OPERATING CONTRACTS.

(a) REPORTS REQUIRED.—The Administrator for Nuclear Security shall submit to the congressional defense committees a report described in subsection (b) by not later than 30 days after the date on which the Administrator awards a contract to manage and operate a facility of the National Nuclear Security Administration.

(b) REPORT DESCRIBED.—A report described in this subsection is a report on a contract described by subsection (a) that includes—

(1) the expected cost savings resulting from the competition for the contract over the life of the contract;

(2) the costs of the competition for the contract, including the immediate costs of conducting the competition and any increased costs over the life of the contract;

(3) a description of—

(A) any disruption or delay in mission activities or deliverables resulting from the competition for the contract; and

(B) any benefits of the competition to mission performance or operations;

(4) how the competition for the contract complied with the Federal Acquisition Regulation regarding federally funded research and development centers, if applicable; and

(5) any other matters the Administrator considers appropriate.

Deadline.

(c) GAO REVIEW.—Not later than 90 days after each report is submitted to the congressional defense committees under subsection (a) or (d)(2), the Comptroller General of the United States shall submit to such committees a review of such report.

(d) APPLICABILITY.—

Time period.

(1) IN GENERAL.—The requirement for reports under subsection (a) shall apply with respect to a contract described by such subsection that is awarded by the Administrator during fiscal years 2013 through 2017.

Reports.
Deadline.

(2) FISCAL YEARS 2012 AND 2013 CONTRACTS.—For each contract described by subsection (a) that is awarded by the Administrator during fiscal years 2012 or 2013 before the date of the enactment of this Act, the Administrator shall submit to the congressional defense committees a report described in subsection (b) by not later than 90 days after the date of such enactment.

50 USC 2562.

SEC. 3122. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.

(a) PROGRAM REQUIRED.—

(1) SCIENTIFIC ENGAGEMENT.—The Secretary of Energy, acting through the Administrator for Nuclear Security, shall carry out a program on scientific engagement in countries selected by the Secretary for purposes of the program to advance global nonproliferation and nuclear security efforts.

(2) ELEMENTS.—The program under paragraph (1) shall include the following elements:

(A) Training and capacity-building to strengthen nonproliferation and security best practices.

(B) Engagement of scientists of the United States with foreign counterparts to advance nonproliferation goals.

(3) DISTINCT PROGRAM.—The program required by this subsection shall be a distinct program from the Global Initiatives for Proliferation Prevention program.

(b) LIMITATION.—

(1) REPORT ON COMMENCEMENT OF PROGRAM.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 or any fiscal year thereafter for the National Nuclear Security Administration, not more than 50 percent may be obligated or expended under the program under subsection (a) until the date on which the Administrator submits to the appropriate congressional committees a report setting forth the following:

(A) For each country selected for the program as of the date of such report—

(i) a proliferation threat assessment prepared by the Director of National Intelligence; and

(ii) metrics for evaluating the effectiveness of the program.

(B) Accounting standards for the conduct of the program approved by the Comptroller General of the United States.

(2) FORM.—The report under paragraph (1) may be submitted in unclassified form and may include a classified annex.

(c) REPORTS ON MODIFICATION OF PROGRAM.—

(1) IN GENERAL.—Not later than 15 days before making any modification in the program under subsection (a) (including selecting a new country for the program, ceasing the selection of a country for the program, or modifying an element of the program), the Administrator shall submit to the appropriate congressional committees a report on the modification.

(2) NEW COUNTRY.—If the modification covered by a report under paragraph (1) consists of the selection for the program of a country not previously selected for the program, the report shall include, for each such country, the matters described in subsection (b)(1)(A).

(3) FORM.—The report under paragraph (1) may be submitted in unclassified form and may include a classified annex.

(d) REPORT ON COORDINATION WITH OTHER U.S. NONPROLIFERATION PROGRAMS.—Not later than 180 days after the date of the enactment of this Act, the Administrator shall submit to the appropriate congressional committees a report describing the manner in which the program under subsection (a) coordinates with and complements, but does not duplicate, other nonproliferation programs of the Federal Government.

(e) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the program under subsection (a).

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include the following:

(A) An assessment by the Comptroller General of the effectiveness of the program, as determined in accordance with the metrics described in subsection (b)(1)(A)(ii).

(B) An assessment of how the program coordinates with, complements, or duplicates other nonproliferation programs of the Federal Government.

(C) Such other matters on the program as the Comptroller General considers appropriate.

(f) TERMINATION.—The authority to carry out the program under subsection (a) shall expire on September 30, 2016.

(g) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

SEC. 3123. COST CONTAINMENT FOR URANIUM CAPABILITIES REPLACEMENT PROJECT.

(a) EXECUTION PHASES FOR PROJECT.—Project 06–D–141 for the Y–12 Uranium Processing Facility, Y–12 National Security Complex, Oak Ridge, Tennessee, shall be hereafter known as the "Uranium Capabilities Replacement Project". The project shall be broken into separate execution phases as follows:

(1) Phase I, which shall consist of—

(A) processes and capabilities associated with building 9212, including uranium casting and uranium chemical processing; and

(B) the support, administration, and logistics facilities and the building structure and building-level utilities needed to carry out Phases II and III.

(2) Phase II, which shall consist of processes and capabilities associated with buildings 9215 and 9998, including uranium metal-working, machining, and inspection.

(3) Phase III, which shall consist of processes and capabilities associated with building 9204–2E, including radiography, assembly, disassembly, quality evaluation, and production certification operations of nuclear weapon secondaries.

(b) BUDGETING AND AUTHORIZATION FOR EACH PHASE.—

(1) BUDGETING FOR EACH PHASE REQUIRED.—The Secretary of Energy shall budget separately for each Phase under subsection (a) of the project referred to in that subsection.

(2) FUNDING PURSUANT TO SEPARATE AUTHORIZATIONS OF APPROPRIATIONS.—Except as provided by paragraph (3), the Secretary may not proceed with a Phase under subsection (a) of the project referred to in that subsection except with funds expressly authorized to be appropriated for that Phase by law.

Notification.

(3) UNUSED FUNDING FROM PHASE I.—After Phase I under subsection (a) is completed, the Secretary may use any unobligated funds made available for such Phase for Phase II or Phase III if the Secretary notifies the congressional defense committees before using such funds for Phase II or Phase III.

(c) COMPLIANCE OF PHASES WITH DOE ORDER ON PROGRAM AND PROJECT MANAGEMENT.—Each Phase under subsection (a) of the project referred to in that subsection shall comply with Department of Energy Order 413.3, relating to Program Management and Project Management for the Acquisition of Capital Assets.

(d) LIMITATION ON COST OF PHASE I.—The total cost of Phase I under subsection (a) of the project referred to in that subsection may not exceed $4,200,000,000. If the Administrator determines the total cost of Phase I will exceed $4,200,000,000, the Administrator shall submit to the congressional defense committees a detailed justification for such increase.

Determination.

(e) ASSISTANCE.—

Contracts.

(1) NAVFAC.—In carrying out this section, the Secretary shall procure the services of the Commander of the Naval Facilities Engineering Command to assist the Secretary with respect to the program management, oversight, and design activities of the project referred to in subsection (a).

(2) SOURCE OF FUNDING.—The Secretary shall carry out paragraph (1) using funds made available for the National Nuclear Security Administration.

(f) GAO QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and quarterly thereafter until the date on which the project referred to in subsection (a) is completed, the Comptroller General of the United States shall submit to the congressional defense committees a report on all Phases under such subsection.

(2) MATTERS INCLUDED.—The reports under paragraph (1) shall include—

(A) the progress on adhering to cost projections for the project referred to in subsection (a) and the progress on meeting the requirements of section 4713 of the Atomic Energy Defense Act (50 U.S.C. 2753);

(B) the status of the technology readiness levels for equipment and processes that will accompany each Phase under subsection (a);

(C) independent cost estimates of such Phases;

(D) the programmatic structure of the relationship between the prime contractor and subcontractors; and

(E) any other issue that the Comptroller General determines appropriate with respect to the requirements, cost, schedule, or technology readiness levels of such project.

(g) NAVAL REACTOR STUDY.—

(1) IN GENERAL.—The Deputy Administrator for Naval Reactors shall conduct a study of the project referred to in subsection (a), including an analysis of the cost, benefits, and risks with respect to nuclear safety.

(2) SUBMISSION.—Not later than one year after the date of the enactment of this Act, the Deputy Administrator shall submit to the congressional defense committees a report on the study under paragraph (1), including recommendations of the Deputy Administrator with respect to the project structure, oversight model, and potential cost savings of the project referred to in subsection (a).

Deadline. Reports. Recommendations.

(3) CONSIDERATION OF RECOMMENDATIONS.—In carrying out the project referred to in subsection (a), the Secretary of Energy shall consider the recommendations made by the Deputy Administrator in the report under paragraph (2) and incorporate such recommendations into the project as the Secretary considers appropriate.

(4) FUNDING.—The Secretary and the Deputy Administrator shall carry out this subsection using funds authorized to be appropriated by this Act or otherwise made available for the National Nuclear Security Administration that are not made available for the Naval Nuclear Propulsion Program.

(h) CAPE REVIEW.—Not later than 180 days after the date of the enactment of this Act, the Director of Cost Assessment and Program Evaluation of the Department of Defense shall submit to the congressional defense committees a review of the cost and schedule of the project referred to in subsection (a).

Subtitle C—Improvements to National Security Energy Laws

SEC. 3131. IMPROVEMENTS TO THE ATOMIC ENERGY DEFENSE ACT.

(a) DEFINITIONS.—

(1) IN GENERAL.—Section 4002 of the Atomic Energy Defense Act (50 U.S.C. 2501) is amended to read as follows:

"SEC. 4002. DEFINITIONS.

"In this division:

"(1) The term 'Administration' means the National Nuclear Security Administration.

"(2) The term 'Administrator' means the Administrator for Nuclear Security.

"(3) The term 'classified information' means any information that has been determined pursuant to Executive Order No. 12333 of December 4, 1981 (50 U.S.C. 401 note), Executive Order No. 12958 of April 17, 1995 (50 U.S.C. 435 note), or successor orders, to require protection against unauthorized disclosure and that is so designated.

"(4) The term 'congressional defense committees' means—

"(A) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

"(B) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

"(5) The term 'nuclear security enterprise' means the physical facilities, technology, and human capital of the national security laboratories and the nuclear weapons production facilities.

"(6) The term 'national security laboratory' means any of the following:

"(A) Los Alamos National Laboratory, Los Alamos, New Mexico.

"(B) Sandia National Laboratories, Albuquerque, New Mexico, and Livermore, California.

"(C) Lawrence Livermore National Laboratory, Livermore, California.

"(7) The term 'nuclear weapons production facility' means any of the following:

"(A) The Kansas City Plant, Kansas City, Missouri.

"(B) The Pantex Plant, Amarillo, Texas.

"(C) The Y–12 National Security Complex, Oak Ridge, Tennessee.

"(D) The Savannah River Site, Aiken, South Carolina.

"(E) The Nevada National Security Site, Nevada.

"(F) Any facility of the Department of Energy that the Secretary of Energy, in consultation with the Administrator and Congress, determines to be consistent with the mission of the Administration.

"(8) The term 'restricted data' has the meaning given such term in section 11 y. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(y)).".

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4002 and inserting the following new item:

"Sec. 4002. Definitions.".

(b) STOCKPILE STEWARDSHIP.—Section 4201(b)(5)(E) of the Atomic Energy Defense Act (50 U.S.C. 2521(b)(5)(E)) is amended by striking "(as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471))".

(c) ANNUAL ASSESSMENTS.—Section 4205 of the Atomic Energy Defense Act (50 U.S.C. 2525) is amended by striking subsection (i).

(d) TESTING OF NUCLEAR WEAPONS.—

(1) IN GENERAL.—Section 4210 of the Atomic Energy Defense Act (50 U.S.C. 2530) is amended to read as follows:

"SEC. 4210. TESTING OF NUCLEAR WEAPONS.

"(a) UNDERGROUND TESTING.—No underground test of nuclear weapons may be conducted by the United States after September 30, 1996, unless a foreign state conducts a nuclear test after this date, at which time the prohibition on United States nuclear testing is lifted.

"(b) ATMOSPHERIC TESTING.—None of the funds appropriated pursuant to the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1547) or any other Act for any fiscal year may be available to maintain the capability of the United States to conduct atmospheric testing of a nuclear weapon.".

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the items relating to sections 4210 and 4211 and inserting the following new item:

"Sec. 4210. Testing of nuclear weapons.".

(3) CONFORMING AMENDMENT.—Section 4211 of the Atomic Energy Defense Act (50 U.S.C. 2531) is repealed. Repeal.

(e) MANUFACTURING INFRASTRUCTURE.—Section 4212 of the Atomic Energy Defense Act (50 U.S.C. 2532) is amended by striking subsections (d) and (e).

(f) CRITICAL DIFFICULTIES REPORT.—

(1) IN GENERAL.—Section 4213 of the Atomic Energy Defense Act (50 U.S.C. 2533) is amended—

(A) in the heading, by striking "**NUCLEAR WEAPONS LABORATORIES AND NUCLEAR WEAPONS PRODUCTION PLANTS**" and inserting "**NATIONAL SECURITY LABORATORIES AND NUCLEAR WEAPONS PRODUCTION FACILITIES**";

(B) in subsection (a)—

(i) by striking "Assistant Secretary of Energy for Defense Programs" and inserting "Administrator";

(ii) by striking "nuclear weapons laboratory" and inserting "national security laboratory"; and

(iii) by striking "production plant" and inserting "production facility";

(C) in subsection (b)—

(i) in the heading, by striking "ASSISTANT SECRETARY" and inserting "ADMINISTRATOR"; and

(ii) by striking "Assistant Secretary" each place it appears and inserting "Administrator"; and

(D) by striking subsection (e).

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4213 and inserting the following new item:

"Sec. 4213. Reports on critical difficulties at national security laboratories and nuclear weapons production facilities.".

(g) PLAN FOR TRANSFORMATION.—

(1) IN GENERAL.—Section 4214 of the Atomic Energy Defense Act (50 U.S.C. 2534) is amended—

(A) by striking "nuclear weapons complex" each place it appears (including the section heading) and inserting "nuclear security enterprise";

(B) by striking subsections (b) and (d); and

(C) by redesignating subsection (c) as subsection (b).

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by inserting after the item relating to section 4213, as inserted by subsection (f)(2), the following new item:

"Sec. 4214. Plan for transformation of National Nuclear Security Administration nuclear security enterprise.".

(h) TRITIUM PRODUCTION PROGRAM.—Section 4231 of the Atomic Energy Defense Act (50 U.S.C. 2541) is amended to read as follows:

"SEC. 4231. TRITIUM PRODUCTION PROGRAM.

"(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Energy shall establish a tritium production program that is capable of meeting the tritium requirements of the United States for nuclear weapons.

"(b) LOCATION OF TRITIUM PRODUCTION FACILITY.—The Secretary shall locate any new tritium production facility of the Department of Energy at the Savannah River Site, South Carolina.".

(i) TRITIUM RECYCLING FACILITIES.—Section 4234 of the Atomic Energy Defense Act (50 U.S.C. 2544) is amended—

(1) by striking "(a) IN GENERAL.—The Secretary of Energy" and inserting "The Secretary of Energy"; and

(2) by striking subsection (b).

(j) RESTRICTED DATA.—Section 4501 of the Atomic Energy Defense Act (50 U.S.C. 2651) is amended by striking subsection (c).

(k) FOREIGN VISITORS.—

(1) IN GENERAL.—Section 4502 of the Atomic Energy Defense Act (50 U.S.C. 2652) is amended—

(A) in the heading, by striking "**NATIONAL LABORATORIES**" and inserting "**NATIONAL SECURITY LABORATORIES**";

(B) by striking "national laboratory" each place it appears and inserting "national security laboratory"; and

(C) in subsection (g), by striking paragraphs (3) and (4).

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4502 and inserting the following new item:

"Sec. 4502. Restrictions on access to national security laboratories by foreign visitors from sensitive countries.".

(l) BACKGROUND INVESTIGATIONS.—Section 4503 of the Atomic Energy Defense Act (50 U.S.C. 2653) is amended—

(1) by striking "(a) IN GENERAL.—";

(2) by striking subsections (b) and (c); and

(3) by striking "national laboratory" and inserting "national security laboratory".

(m) NUCLEAR DEFENSE INTELLIGENCE LOSSES.—

(1) IN GENERAL.—Section 4505 of the Atomic Energy Defense Act (50 U.S.C. 2656) is amended—

(A) in the heading, by striking "**NUCLEAR**" and inserting **"ATOMIC"**;

(B) in the heading of subsection (b), by striking "NUCLEAR" and inserting "ATOMIC ENERGY"; and

(C) by striking "nuclear defense" each place it appears and inserting "atomic energy defense".

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4505 and inserting the following new item:

"Sec. 4505. Notice to congressional committees of certain security and counterintelligence failures within atomic energy defense programs.".

(n) COUNTERINTELLIGENCE REPORT.—

(1) IN GENERAL.—Section 4507 of the Atomic Energy Defense Act (50 U.S.C. 2658) is amended—

(A) in the heading, by striking "**NATIONAL LABORATORIES**" and inserting "**NATIONAL SECURITY LABORATORIES**";

(B) in subsection (a), by striking "national laboratories" and inserting "national security laboratories";

(C) in subsection (b), by striking "national laboratory" and inserting "national security laboratory"; and

(D) by striking subsection (c).

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4507 and inserting the following new item:

"Sec. 4507. Report on counterintelligence and security practices at national security laboratories.".

(o) COMPUTER SECURITY REPORT.—

(1) IN GENERAL.—Section 4508 of the Atomic Energy Defense Act (50 U.S.C. 2659)—

(A) in the heading, by striking "**NATIONAL LABORATORY**" and inserting "**NATIONAL SECURITY LABORATORY**";

(B) in subsection (a) and (b), by striking "national laboratories" each place it appears and inserting "national security laboratories"; and

(C) by striking subsections (e) and (f).

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4508 and inserting the following new item:

"Sec. 4508. Report on security vulnerabilities of national security laboratory computers.".

(p) DOCUMENT REVIEW.—Section 4521 of the Atomic Energy Defense Act (50 U.S.C. 2671) is amended by striking subsection (c).

(q) REPORTS ON LOCAL IMPACT ASSISTANCE.—

(1) IN GENERAL.—Section 4604(f) of the Atomic Energy Defense Act (50 U.S.C. 2704(f)) is amended by adding at the end the following new paragraph:

"(3) In addition to the plans submitted under paragraph (1), the Secretary shall submit to Congress every six months a report setting forth a description of, and the amount or value of, all local impact assistance provided during the preceding six months under subsection (c)(6).".

(2) CONFORMING AMENDMENT.—Section 4851 of the Atomic Energy Defense Act (50 U.S.C. 2821) is repealed. Repeal.

(3) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4851.

(r) RECRUITMENT AND TRAINING.—Section 4622 of the Atomic Energy Defense Act (50 U.S.C. 2722) is amended—

(1) in subsection (b)—

(A) by striking "(1) As part of" and inserting "As part of"; and

(B) by striking paragraph (2); and

(2) by striking subsection (d).

(s) FELLOWSHIP PROGRAM.—

(1) IN GENERAL.—Section 4623 of the Atomic Energy Defense Act (50 U.S.C. 2723) is amended—

(A) in the heading, by striking "**DEPARTMENT OF ENERGY NUCLEAR WEAPONS COMPLEX**" and inserting "**NUCLEAR SECURITY ENTERPRISE**";

(B) in subsection (a), by striking "Department of Energy nuclear weapons complex" each place it appears and inserting "nuclear security enterprise";

(C) in subsection (c), by striking "following" and all that follows through the period at the end and inserting "national security laboratories and nuclear weapons production facilities."; and

(D) in subsection (f)(2), by striking "the Department of Energy for" and inserting "the nuclear security enterprise for".

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4623 and inserting the following new item:

"Sec. 4623. Fellowship program for development of skills critical to the nuclear security enterprise.".

(t) COST OVERRUNS.—Section 4713(a)(1)(A) of the Atomic Energy Defense Act (50 U.S.C. 2753(a)(1)(A)) is amended—

(1) by striking "for Nuclear Security"; and

(2) by striking "National Nuclear Security".

(u) BUDGET REQUEST.—

Repeal.

(1) IN GENERAL.—Section 4731 of the Atomic Energy Defense Act (50 U.S.C. 2771) is repealed.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4731.

(v) CONTRACTOR BONUSES.—Section 4802 of the Atomic Energy Defense Act (50 U.S.C. 2782) is amended—

(2) by striking subsection (b); and

(3) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(w) FUNDS FOR RESEARCH AND DEVELOPMENT.—Section 4812 of the Atomic Energy Defense Act (50 U.S.C. 2792) is amended—

(1) by striking subsections (b) through (d); and

(2) by redesignating subsection (e) as subsection (b).

(x) TECHNOLOGY PARTNERSHIPS.—Section 4813(c) of the Atomic Energy Defense Act (50 U.S.C. 2794(c)) is amended by striking paragraph (5).

(y) UNIVERSITY COLLABORATION.—Section 4814 of the Atomic Energy Defense Act (50 U.S.C. 2795) is amended by striking subsection (c).

(z) ENGINEERING AND MANUFACTURING RESEARCH.—Section 4832 of the Atomic Energy Defense Act (50 U.S.C. 2812) is amended—

(1) in subsection (b), by striking "nuclear weapons complex" and inserting "nuclear security enterprise"; and

(2) by striking subsections (c) through (e).

(aa) PILOT PROGRAM REPORT.—Section 4833 of the Atomic Energy Defense Act (50 U.S.C. 2813) is amended by striking subsection (e).

(bb) TECHNICAL AMENDMENTS.—

(1) IN GENERAL.—The Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended as follows:

(A) In section 4604(g)(3) (50 U.S.C. 2704(g)(3)), by striking "; the Pinnellas Plant, Florida;".

(B) In the heading of section 4852 (50 U.S.C. 2822), by striking "**NEVADA TEST SITE**" and inserting "**NEVADA NATIONAL SECURITY SITE**".

(C) By striking "Nevada Test Site" each place it appears and inserting "Nevada National Security Site". 50 USC 2521, 2704, 2822.

(D) By striking "Director of Central Intelligence" each place it appears and inserting "Director of National Intelligence". 50 USC 2562, 2652, 2656.

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is further amended by striking the item relating to section 4852 and inserting the following new item:

"Sec. 4852. Payment of costs of operation and maintenance of infrastructure at Nevada National Security Site.".

SEC. 3132. IMPROVEMENTS TO THE NATIONAL NUCLEAR SECURITY ADMINISTRATION ACT.

(a) NUCLEAR SECURITY ENTERPRISE REFERENCE.—

(1) FUTURE-YEARS NUCLEAR SECURITY PROGRAM.—Section 3253(b) of the National Nuclear Security Administration Act (50 U.S.C. 2453(b)) is amended by striking "nuclear weapons complex" each place it appears and inserting "nuclear security enterprise".

(2) GAO REPORTS.—Section 3255 of the National Nuclear Security Administration Act (50 U.S.C. 2455) is amended—

(A) in subsection (a), by striking "nuclear security complex" each place it appears and inserting "nuclear security enterprise"; and

(B) in subsection (b), by striking paragraph (3).

(3) DEFINITION.—Section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471) is amended by adding at the end the following new paragraph:

"(6) The term 'nuclear security enterprise' means the physical facilities, technology, and human capital of the national security laboratories and the nuclear weapons production facilities.".

(b) TRANSFER OF FUNCTIONS.—

(1) FUNDS AND PERSONNEL.—Section 3291 of the National Nuclear Security Administration Act (50 U.S.C. 2481) is amended—

(A) in subsection (c), by striking "specified in subsection (a)" and inserting "of the Administration"; and

(B) by adding at the end the following new subsections:

"(d) TRANSFER OF FUNDS.—(1) Any balance of appropriations that the Secretary of Energy determines is available and needed to finance or discharge a function, power, or duty or an activity that is transferred to the Administration shall be transferred to the Administration and used for any purpose for which those appropriations were originally available. Balances of appropriations so transferred shall—

"(A) be credited to any applicable appropriation account of the Administration; or

"(B) be credited to a new account that may be established on the books of the Department of the Treasury;

and shall be merged with the funds already credited to that account and accounted for as one fund.

"(2) Balances of appropriations credited to an account under paragraph (1)(A) are subject only to such limitations as are specifically applicable to that account. Balances of appropriations credited to an account under paragraph (1)(B) are subject only to such limitations as are applicable to the appropriations from which they are transferred.

"(e) PERSONNEL.—(1) With respect to any function, power, or duty or activity of the Department of Energy that is transferred to the Administration, those employees of the element of the Department of Energy from which the transfer is made that the Secretary of Energy determines are needed to perform that function, power, or duty, or for that activity, as the case may be, shall be transferred to the Administration.

"(2) The authorized strength in civilian employees of any element of the Department of Energy from which employees are transferred under this section is reduced by the number of employees so transferred.".

(2) APPLICABILITY OF EXISTING LAWS AND REGULATIONS.—Section 3296 of the National Nuclear Security Administration Act (50 U.S.C. 2484) is amended to read as follows:

"SEC. 3296. APPLICABILITY OF PREEXISTING LAWS AND REGULATIONS.

"With respect to any facility, mission, or function of the Department of Energy that the Secretary of Energy transfers to the Administrator under section 3291, unless otherwise provided in this title, all provisions of law and regulations in effect immediately before the date of the transfer that are applicable to such facility, mission, or function shall continue to apply to the corresponding functions of the Administration.".

50 USC 2481 note.

(3) RULE OF CONSTRUCTION.—Nothing in section 3291 of the National Nuclear Security Administration Act (50 U.S.C. 2481), as amended by paragraph (1), may be construed to affect any function or activity transferred by the Secretary of Energy to the Administrator for Nuclear Security before the date of the enactment of this Act.

(c) REPEAL OF EXPIRED PROVISIONS.—

(1) IN GENERAL.—The following sections of the National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.) are repealed:

(A) Section 3242 (50 U.S.C. 2442).

(B) Section 3292 (50 U.S.C. 2482).

(C) Section 3295 (50 U.S.C. 2483).

(D) Section 3297 (50 U.S.C. 2401 note).

(2) CLERICAL AMENDMENTS.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by striking the items relating to sections 3242, 3292, 3295, and 3297.

(d) TECHNICAL AMENDMENTS TO THE NNSA ACT.—The National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.) is amended as follows:

(1) In section 3212(a)(2) (50 U.S.C. 2402(a)(2)), by striking "as added by section 3202 of this Act,".

(2) In section 3253(b)(3) (50 U.S.C. 2453(b)(3)), by striking "section 3158 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (42 U.S.C. 2121 note)" and inserting "section 4202(a) of the Atomic Energy Defense Act (50 U.S.C. 2522(a))".

(3) In section 3281(2) (50 U.S.C. 2471(2))—

(A) in subparagraph (C), by striking "Y–12 Plant" and inserting "Y–12 National Security Complex"; and

(B) in subparagraph (D), by striking "tritium operations facilities at the".

(4) By striking "Nevada Test Site" each place it appears and inserting "Nevada National Security Site". 50 USC 2455, 2471.

(e) TECHNICAL AMENDMENT TO THE DOE ORGANIZATION ACT.—Section 643 of the Department of Energy Organization Act (42 U.S.C. 7253) is amended by redesignating the second subsection (b) as subsection (c).

SEC. 3133. CONSOLIDATED REPORTING REQUIREMENTS RELATING TO NUCLEAR STOCKPILE STEWARDSHIP, MANAGEMENT, AND INFRASTRUCTURE.

(a) CONSOLIDATED PLAN FOR STEWARDSHIP, MANAGEMENT, AND CERTIFICATION OF WARHEADS IN THE NUCLEAR WEAPONS STOCKPILE.—

(1) IN GENERAL.—Section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523) is amended to read as follows:

"SEC. 4203. NUCLEAR WEAPONS STOCKPILE STEWARDSHIP, MANAGEMENT, AND INFRASTRUCTURE PLAN.

"(a) PLAN REQUIREMENT.—The Administrator, in consultation with the Secretary of Defense and other appropriate officials of the departments and agencies of the Federal Government, shall develop and annually update a plan for sustaining the nuclear weapons stockpile. The plan shall cover, at a minimum, stockpile stewardship, stockpile management, stockpile surveillance, program direction, infrastructure modernization, human capital, and nuclear test readiness. The plan shall be consistent with the programmatic and technical requirements of the most recent annual Nuclear Weapons Stockpile Memorandum. Consultation. Deadline.

"(b) SUBMISSIONS TO CONGRESS.—(1) In accordance with subsection (c), not later than March 15 of each even-numbered year, the Administrator shall submit to the congressional defense committees a summary of the plan developed under subsection (a). Deadlines. Reports.

"(2) In accordance with subsection (d), not later than March 15 of each odd-numbered year, the Administrator shall submit to the congressional defense committees a detailed report on the plan developed under subsection (a).

"(3) The summaries and reports required by this subsection shall be submitted in unclassified form, but may include a classified annex.

"(c) ELEMENTS OF BIENNIAL PLAN SUMMARY.—Each summary of the plan submitted under subsection (b)(1) shall include, at a minimum, the following:

"(1) A summary of the status of the nuclear weapons stockpile, including the number and age of warheads (including both active and inactive) for each warhead type.

"(2) A summary of the status, plans, budgets, and schedules for warhead life extension programs and any other programs to modify, update, or replace warhead types.

"(3) A summary of the methods and information used to determine that the nuclear weapons stockpile is safe and reliable, as well as the relationship of science-based tools to the collection and interpretation of such information.

"(4) A summary of the status of the nuclear security enterprise, including programs and plans for infrastructure modernization and retention of human capital, as well as associated budgets and schedules.

"(5) Identification of any modifications or updates to the plan since the previous summary or detailed report was submitted under subsection (b).

"(6) Such other information as the Administrator considers appropriate.

"(d) ELEMENTS OF BIENNIAL DETAILED REPORT.—Each detailed report on the plan submitted under subsection (b)(2) shall include, at a minimum, the following:

"(1) With respect to stockpile stewardship and management—

"(A) the status of the nuclear weapons stockpile, including the number and age of warheads (including both active and inactive) for each warhead type;

"(B) for each five-year period occurring during the period beginning on the date of the report and ending on the date that is 20 years after the date of the report—

"(i) the planned number of nuclear warheads (including active and inactive) for each warhead type in the nuclear weapons stockpile; and

"(ii) the past and projected future total lifecycle cost of each type of nuclear weapon;

"(C) the status, plans, budgets, and schedules for warhead life extension programs and any other programs to modify, update, or replace warhead types;

"(D) a description of the process by which the Administrator assesses the lifetimes, and requirements for life extension or replacement, of the nuclear and non-nuclear components of the warheads (including active and inactive warheads) in the nuclear weapons stockpile;

"(E) a description of the process used in recertifying the safety, security, and reliability of each warhead type in the nuclear weapons stockpile;

"(F) any concerns of the Administrator that would affect the ability of the Administrator to recertify the safety, security, or reliability of warheads in the nuclear weapons stockpile (including active and inactive warheads);

"(G) mechanisms to provide for the manufacture, maintenance, and modernization of each warhead type in the nuclear weapons stockpile, as needed;

"(H) mechanisms to expedite the collection of information necessary for carrying out the stockpile management program required by section 4204, including information relating to the aging of materials and components, new manufacturing techniques, and the replacement or substitution of materials;

"(I) mechanisms to ensure the appropriate assignment of roles and missions for each national security laboratory and nuclear weapons production facility, including mechanisms for allocation of workload, mechanisms to ensure the carrying out of appropriate modernization activities, and mechanisms to ensure the retention of skilled personnel;

"(J) mechanisms to ensure that each national security laboratory has full and complete access to all weapons data to enable a rigorous peer-review process to support the annual assessment of the condition of the nuclear weapons stockpile required under section 4205;

"(K) mechanisms for allocating funds for activities under the stockpile management program required by section 4204, including allocations of funds by weapon type and facility; and

"(L) for each of the five fiscal years following the fiscal year in which the report is submitted, an identification of the funds needed to carry out the program required under section 4204.

"(2) With respect to science-based tools—

"(A) a description of the information needed to determine that the nuclear weapons stockpile is safe and reliable;

"(B) for each science-based tool used to collect information described in subparagraph (A), the relationship between such tool and such information and the effectiveness of such tool in providing such information based on the criteria developed pursuant to section 4202(a); and

"(C) the criteria developed under section 4202(a) (including any updates to such criteria).

"(3) An assessment of the stockpile stewardship program under section 4201 by the Administrator, in consultation with the directors of the national security laboratories, which shall set forth—

"(A) an identification and description of—

"(i) any key technical challenges to the stockpile stewardship program; and

"(ii) the strategies to address such challenges without the use of nuclear testing;

"(B) a strategy for using the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory to ensure that the nuclear weapons stockpile is safe, secure, and reliable without the use of nuclear testing;

"(C) an assessment of the science-based tools (including advanced simulation and computing capabilities) of each national security laboratory that exist at the time of the

assessment compared with the science-based tools expected to exist during the period covered by the future-years nuclear security program; and

"(D) an assessment of the core scientific and technical competencies required to achieve the objectives of the stockpile stewardship program and other weapons activities and weapons-related activities of the Administration, including—

"(i) the number of scientists, engineers, and technicians, by discipline, required to maintain such competencies; and

"(ii) a description of any shortage of such individuals that exists at the time of the assessment compared with any shortage expected to exist during the period covered by the future-years nuclear security program.

"(4) With respect to the nuclear security infrastructure—

"(A) a description of the modernization and refurbishment measures the Administrator determines necessary to meet the requirements prescribed in—

"(i) the national security strategy of the United States as set forth in the most recent national security strategy report of the President under section 108 of the National Security Act of 1947 (50 U.S.C. 404a) if such strategy has been submitted as of the date of the plan;

"(ii) the most recent quadrennial defense review if such strategy has not been submitted as of the date of the plan; and

"(iii) the most recent Nuclear Posture Review as of the date of the plan;

"(B) a schedule for implementing the measures described under subparagraph (A) during the 10-year period following the date of the plan; and

"(C) the estimated levels of annual funds the Administrator determines necessary to carry out the measures described under subparagraph (A), including a discussion of the criteria, evidence, and strategies on which such estimated levels of annual funds are based.

"(5) With respect to the nuclear test readiness of the United States—

"(A) an estimate of the period of time that would be necessary for the Administrator to conduct an underground test of a nuclear weapon once directed by the President to conduct such a test;

"(B) a description of the level of test readiness that the Administrator, in consultation with the Secretary of Defense, determines to be appropriate;

"(C) a list and description of the workforce skills and capabilities that are essential to carrying out an underground nuclear test at the Nevada National Security Site;

"(D) a list and description of the infrastructure and physical plants that are essential to carrying out an underground nuclear test at the Nevada National Security Site; and

"(E) an assessment of the readiness status of the skills and capabilities described in subparagraph (C) and the

infrastructure and physical plants described in subparagraph (D).

"(6) Identification of any modifications or updates to the plan since the previous summary or detailed report was submitted under subsection (b).

"(e) NUCLEAR WEAPONS COUNCIL ASSESSMENT.—(1) For each detailed report on the plan submitted under subsection (b)(2), the Nuclear Weapons Council established by section 179 of title 10, United States Code, shall conduct an assessment that includes the following:

"(A) An analysis of the plan, including—

"(i) whether the plan supports the requirements of the national security strategy of the United States or the most recent quadrennial defense review, as applicable under subsection (d)(4)(A), and the Nuclear Posture Review; and

"(ii) whether the modernization and refurbishment measures described under subparagraph (A) of subsection (d)(4) and the schedule described under subparagraph (B) of such subsection are adequate to support such requirements.

"(B) An analysis of whether the plan adequately addresses the requirements for infrastructure recapitalization of the facilities of the nuclear security enterprise.

"(C) If the Nuclear Weapons Council determines that the plan does not adequately support modernization and refurbishment requirements under subparagraph (A) or the nuclear security enterprise facilities infrastructure recapitalization requirements under subparagraph (B), a risk assessment with respect to—

"(i) supporting the annual certification of the nuclear weapons stockpile; and

"(ii) maintaining the long-term safety, security, and reliability of the nuclear weapons stockpile.

Deadline. Reports.

"(2) Not later than 180 days after the date on which the Administrator submits the plan under subsection (b)(2), the Nuclear Weapons Council shall submit to the congressional defense committees a report detailing the assessment required under paragraph (1).

"(f) DEFINITIONS.—In this section:

"(1) The term 'budget', with respect to a fiscal year, means the budget for that fiscal year that is submitted to Congress by the President under section 1105(a) of title 31, United States Code.

"(2) The term 'future-years nuclear security program' means the program required by section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453).

"(3) The term 'nuclear security budget materials', with respect to a fiscal year, means the materials submitted to Congress by the Administrator in support of the budget for that fiscal year.

"(4) The term 'quadrennial defense review' means the review of the defense programs and policies of the United States that is carried out every four years under section 118 of title 10, United States Code.

"(5) The term 'weapons activities' means each activity within the budget category of weapons activities in the budget of the Administration.

"(6) The term 'weapons-related activities' means each activity under the Department of Energy that involves nuclear weapons, nuclear weapons technology, or fissile or radioactive materials, including activities related to—

"(A) nuclear nonproliferation;

"(B) nuclear forensics;

"(C) nuclear intelligence;

"(D) nuclear safety; and

"(E) nuclear incident response.".

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4203 and inserting the following new item:

"Sec. 4203. Nuclear weapons stockpile stewardship, management, and infrastructure plan.".

(b) REPEAL OF REQUIREMENT FOR BIENNIAL REPORT ON STOCKPILE STEWARDSHIP CRITERIA.—

(1) IN GENERAL.—Section 4202 of the Atomic Energy Defense Act (50 U.S.C. 2522) is amended by striking subsections (c) and (d).

(2) TECHNICAL AMENDMENT.—The heading of such section is amended to read as follows: "**STOCKPILE STEWARDSHIP CRITERIA**".

(3) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4202 and inserting the following new item:

"Sec. 4202. Stockpile stewardship criteria.".

(c) REPEAL OF REQUIREMENT FOR BIENNIAL PLAN ON MODERNIZATION AND REFURBISHMENT OF THE NUCLEAR SECURITY COMPLEX.—

50 USC 2523a.

(1) IN GENERAL.—Section 4203A of the Atomic Energy Defense Act (50 U.S.C. 2523A) is repealed.

(2) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4203A.

(d) REPEAL OF REQUIREMENT FOR ANNUAL UPDATE TO STOCKPILE MANAGEMENT PROGRAM PLAN.—Section 4204 of the Atomic Energy Defense Act (50 U.S.C. 2524) is amended—

(1) in subsection (b)(2)(B), by striking "nuclear complex" and inserting "nuclear security enterprise";

(2) by striking subsections (c) and (d); and

(3) by redesignating subsection (e) as subsection (c).

(e) REPEAL OF REQUIREMENT FOR REPORTS ON NUCLEAR TEST READINESS.—

(1) AEDA.—

(A) IN GENERAL.—Section 4208 of the Atomic Energy Defense Act (50 U.S.C. 2528) is repealed.

(B) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4208.

(2) NDAA FISCAL YEAR 1996.—Section 3152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 623) is repealed.

50 USC 2528.

SEC. 3134. REPEAL OF CERTAIN REPORTING REQUIREMENTS.

(a) GAO ENVIRONMENTAL MANAGEMENT REPORTS.—Section 3134 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2713) is amended—

(1) in subsection (c)—

(A) in paragraph (1), by striking "The Comptroller" and all that follows through "(2)," and inserting "Beginning on the date on which the report under subsection (b)(2) is submitted, the Comptroller General shall conduct a review";

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as so redesignated, by striking "the end of the period described in paragraph (2)" and inserting "August 30, 2012"; and

(2) in subsection (d)—

(A) in paragraph (1), by striking "subsection (c)(3)" and inserting "subsection (c)(2)"; and

(B) in paragraph (2), by striking "90 days" and all that follows through "(c)(3)" and inserting "April 30, 2016, or the date that is 210 days after the date on which the Secretary of Energy notifies the Comptroller General that all American Recovery and Reinvestment Act funds have been expended, whichever is earlier".

(b) WORKFORCE RESTRUCTURING PLAN UPDATES.—

(1) IN GENERAL.—Section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704), as amended by section 3131(q), is amended—

(A) in subsection (b)(1), by striking "and any updates of the plan under subsection (e)";

(B) by striking subsection (e);

(C) in subsection (f)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraph (3), as added by such section 3131(q), as paragraph (2); and

(D) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(2) CONFORMING AMENDMENT.—Section 4643(d)(1) of the Atomic Energy Defense Act (50 U.S.C. 2733(d)(1)) is amended by striking "section 4604(g)" and inserting "section 4604(f)".

(c) UNCLASSIFIED CONTROLLED NUCLEAR INFORMATION QUARTERLY REPORT.—Section 148 of the Atomic Energy Act of 1954 (42 U.S.C. 2168) is amended by striking subsection e.

Subtitle D—Reports

SEC. 3141. REPORTS ON LIFETIME EXTENSION PROGRAMS.

(a) PROTOTYPES.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by inserting after section 4215, as added by section 3114(a)(1), the following new section:

50 USC 2536.

"SEC. 4216. REPORTS ON LIFETIME EXTENSION PROGRAMS.

"(a) REPORTS REQUIRED.—Before proceeding beyond phase 6.2 activities with respect to any lifetime extension program, the Nuclear Weapons Council established by section 179 of title 10, United States Code, shall submit to the congressional defense committees a report on such phase 6.2 activities, including—

"(1) an assessment of the lifetime extension options considered for the phase 6.2 activities, including whether the subsystems and components in each option are considered to be a refurbishment, reuse, or replacement of such subsystem or component; and

"(2) an assessment of the option selected for the phase 6.2 activities, including—

"(A) whether the subsystems and components will be refurbished, reused, or replaced; and

"(B) the advantages and disadvantages of refurbishment, reuse, and replacement for each such subsystem and component.

"(b) PHASE 6.2 ACTIVITIES DEFINED.—In this section, the term 'phase 6.2 activities' means, with respect to a lifetime extension program, the phase 6.2 feasibility study and option down-select.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 4215, as added by section 3114(a)(2), the following new item:

"Sec. 4216. Reports on lifetime extension programs.".

SEC. 3142. NOTIFICATION OF NUCLEAR CRITICALITY AND NON-NUCLEAR INCIDENTS.

(a) NOTIFICATION.—

(1) IN GENERAL.—Subtitle C of title XLVI of the Atomic Energy Defense Act (50 U.S.C. 2731 et seq.), as amended by section 3161(a), is amended by adding at the end the following new section:

50 USC 2736.

"SEC. 4646. NOTIFICATION OF NUCLEAR CRITICALITY AND NON-NUCLEAR INCIDENTS.

"(a) NOTIFICATION.—The Secretary of Energy and the Administrator, as the case may be, shall submit to the appropriate congressional committees a notification of a nuclear criticality incident resulting from a covered program that results in an injury or fatality or results in the shutdown, or partial shutdown, of a covered facility by not later than 15 days after the date of such incident.

"(b) ELEMENTS OF NOTIFICATION.—Each notification submitted under subsection (a) shall include the following:

"(1) A description of the incident, including the cause of the incident.

"(2) In the case of a criticality incident, whether the incident caused a facility, or part of a facility, to be shut down.

"(3) The effect, if any, on the mission of the Administration or the Office of Environmental Management of the Department of Energy.

"(4) Any corrective action taken in response to the incident.

"(c) DATABASE.—(1) The Secretary shall maintain a record of incidents described in paragraph (2).

"(2) An incident described in this paragraph is any of the following incidents resulting from a covered program:

"(A) A nuclear criticality incident that results in an injury or fatality or results in the shutdown, or partial shutdown, of a covered facility.

"(B) A non-nuclear incident that results in serious bodily injury or fatality at a covered facility.

"(d) COOPERATION.—In carrying out this section, the Secretary and the Administrator shall ensure that each management and operating contractor of a covered facility cooperates in a timely manner.

"(e) DEFINITIONS.—In this section:

"(1) The term 'appropriate congressional committees' means—

"(A) the congressional defense committees; and

"(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

"(2) The term 'covered facility' means—

"(A) a facility of the nuclear security enterprise; and

"(B) a facility conducting activities for the defense environmental cleanup program of the Office of Environmental Management of the Department of Energy.

"(3) The term 'covered program' means—

"(A) programs of the Administration; and

"(B) defense environmental cleanup programs of the Office of Environmental Management of the Department of Energy.".

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 4645, as added by section 3161(b), the following new item:

"Sec. 4646. Notification of nuclear criticality and non-nuclear incidents.".

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Energy and the Administrator for Nuclear Security shall each submit to the appropriate congressional committees a report detailing any incidents described in paragraph (2) that occurred during the 10-year period before the date of the report.

(2) INCIDENTS DESCRIBED.—An incident described in this paragraph is any of the following incidents that occurred as a result of programs of the National Nuclear Security Administration or defense environmental cleanup programs of the Office of Environmental Management of the Department of Energy:

(A) A nuclear criticality incident that resulted in an injury or fatality or resulted in the shutdown, or partial shutdown, of a facility of the nuclear security enterprise or a facility conducting activities for such defense environmental cleanup programs.

(B) A non-nuclear incident that results in serious bodily injury or fatality at such a facility.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the congressional defense committees; and

(B) the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 3143. QUARTERLY REPORTS TO CONGRESS ON FINANCIAL BALANCES FOR ATOMIC ENERGY DEFENSE ACTIVITIES.

(a) REPORTS REQUIRED.—Subtitle C of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2771 et seq.) is amended by adding at the end the following new section:

50 USC 2772.

"SEC. 4732. QUARTERLY REPORTS ON FINANCIAL BALANCES FOR ATOMIC ENERGY DEFENSE ACTIVITIES.

"(a) REPORTS REQUIRED.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Energy shall submit to the congressional defense committees a report on the financial balances for each atomic energy defense program at the budget control levels used in the report accompanying the most current Act appropriating funds for energy and water development.

"(b) ELEMENTS.—Each report under subsection (a) shall set forth, for each program covered by such report, the following as of the end of the fiscal year quarter covered by such report:

"(1) The total amount authorized to be appropriated, including amounts authorized to be appropriated in the current fiscal year and amounts authorized to be appropriated for prior fiscal years.

"(2) The amount unobligated.

"(3) The amount unobligated but committed.

"(4) The amount obligated but uncosted.

"(c) PRESENTATION.—Each report under subsection (a) shall present information as follows:

"(1) For each program, in summary form and by fiscal year.

"(2) With financial balances in connection with funding under recurring DOE national security authorizations (as that term is defined in section 4701(1)) presented separately from balances in connection with funding under any other provisions of law.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 4731, as in effect before the amendment made by section 3131(u)(2) takes effect, the following new item:

"Sec. 4732. Quarterly reports on financial balances for atomic energy defense activities.".

SEC. 3144. NATIONAL ACADEMY OF SCIENCES STUDY ON PEER REVIEW AND DESIGN COMPETITION RELATED TO NUCLEAR WEAPONS.

(a) STUDY.—Not later than 60 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall enter into an agreement with the National Academy of Sciences to conduct a study of peer review and design competition related to nuclear weapons.

(b) ELEMENTS.—The study required by subsection (a) shall include an assessment of—

(1) the quality and effectiveness of peer review of designs, development plans, engineering and scientific activities, and priorities related to both nuclear and non-nuclear aspects of nuclear weapons;

(2) incentives for effective peer review;

(3) the potential effectiveness, efficiency, and cost of alternative methods of conducting peer review and design competition related to both nuclear and non-nuclear aspects of nuclear weapons, as compared to current methods;

(4) the known instances where current peer review practices and design competition succeeded or failed to find problems or potential problems; and

(5) such other matters related to peer review and design competition related to nuclear weapons as the Administrator considers appropriate.

(c) COOPERATION AND ACCESS TO INFORMATION AND PERSONNEL.—The Administrator shall ensure that the National Academy of Sciences receives full and timely cooperation, including full access to information and personnel, from the National Nuclear Security Administration and the management and operating contractors of the Administration for the purposes of conducting the study under subsection (a).

(d) REPORT.—

(1) IN GENERAL.—The National Academy of Sciences shall submit to the Administrator a report containing the results of the study conducted under subsection (a) and any recommendations resulting from the study.

(2) SUBMITTAL TO CONGRESS.—Not later than September 30, 2014, the Administrator shall submit to the Committees on Armed Services of the House of Representatives and the Senate the report submitted under paragraph (1) and any comments or recommendations of the Administrator with respect to the report.

Recommendations.

(3) FORM.—The report submitted under paragraph (1) shall be in unclassified form, but may include a classified annex.

SEC. 3145. REPORT ON DEFENSE NUCLEAR NONPROLIFERATION PROGRAMS.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1 of each year from 2013 through 2015, the Administrator for Nuclear Security shall submit to the appropriate congressional committees a report on the budget, objectives, and metrics of the defense nuclear nonproliferation programs of the National Nuclear Security Administration.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An identification and explanation of uncommitted balances that are more than the acceptable carryover thresholds, as determined by the Secretary of Energy, on a program-by-program basis.

(B) An identification of foreign countries that are sharing the cost of implementing defense nuclear nonproliferation programs, including an explanation of such cost sharing.

(C) A description of objectives and measurements for each defense nuclear nonproliferation program.

(D) A description of the proliferation of nuclear weapons threat and how each defense nuclear nonproliferation program activity counters the threat.

(E) A description and assessment of nonproliferation activities coordinated with the Department of Defense to maximize efficiency and avoid redundancies.

(F) A description of how the defense nuclear nonproliferation programs are prioritized to meet the most urgent nonproliferation requirements.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives; and

(2) the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

(c) FORM.—The report required by subsection (a)(1) shall be submitted in unclassified form, but may include a classified annex.

SEC. 3146. STUDY ON REUSE OF PLUTONIUM PITS.

(a) STUDY.—Not later than 270 days after the date of the enactment of this Act, the Administrator for Nuclear Security, in coordination with the Nuclear Weapons Council established by section 179 of title 10, United States Code, shall submit to the congressional defense committees a study of plutonium pits, including—

(1) the availability of plutonium pits—

(A) as of the date of the report; and

(B) after such date as a result of the dismantlement of nuclear weapons; and

(2) an assessment of the potential for reusing plutonium pits in future life extension programs.

(b) MATTERS INCLUDED.—The study submitted under subsection (a) shall include the following:

(1) The feasibility and practicability of potential full or partial reuse options with respect to plutonium pits.

(2) The benefits and risks of reusing plutonium pits.

(3) A list of technical challenges that must be resolved to certify aged plutonium under dynamic loading conditions and the full stockpile-to-target sequence of weapons, including a program plan and timeline for resolving such technical challenges and an assessment of the importance of resolving outstanding materials issues on certifying aged plutonium pits.

(4) A list of the facilities that will perform the testing and experiments required to resolve the technical challenges identified under paragraph (3).

(5) The potential costs and cost savings of such reuse.

(6) The effects of such reuse on the requirements for plutonium pit manufacturing.

(7) An assessment of how such reuse affects plans to build a responsive nuclear weapons infrastructure.

SEC. 3147. ASSESSMENT OF NUCLEAR WEAPON PIT PRODUCTION REQUIREMENT.

(a) ASSESSMENT.—The Secretary of Defense, in coordination with the Secretary of Energy and the Commander of the United States Strategic Command, shall assess the annual plutonium pit production requirement needed to sustain a safe, secure, and reliable nuclear weapon arsenal.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Energy and the Commander of the United States Strategic Command, shall submit to the congressional defense committees a report regarding the assessment conducted under subsection (a), including—

(A) an explanation of the rationale and assumptions that led to the current 50 to 80 plutonium pit production requirement, including the factors considered in determining such requirement;

(B) an analysis of whether there are any changes to the current 50 to 80 plutonium pit production requirement, including the reasons for any such changes;

(C) the cost and implications for national security of various smaller and larger pit production capacities, including with respect to—

(i) the ability to respond to geopolitical and technical risks;

(ii) the sustainment of the nuclear weapons stockpile, including options available for life extension programs; and

(iii) impacts on the requirements for the inactive and reserve nuclear weapons stockpile.

(2) UPDATE.—If the report under paragraph (1) does not incorporate the results of the Nuclear Posture Review Implementation Study, the Secretary of Defense, in coordination with the Secretary of Energy and the Commander of the United States Strategic Command, shall submit to the congressional defense committees an update to the report under paragraph (1) that incorporates the results of such study by not later than 90 days after the date on which such committees receive such study.

(c) FORM.—The reports under paragraphs (1) and (2) of subsection (b) shall be submitted in unclassified form, but may include a classified annex.

SEC. 3148. STUDY ON A MULTIAGENCY GOVERNANCE MODEL FOR NATIONAL SECURITY LABORATORIES.

(a) INDEPENDENT ASSESSMENT.—

(1) IN GENERAL.—The Administrator for Nuclear Security shall commission an independent assessment regarding the transition of the national security laboratories to multiagency federally funded research and development centers with direct sustainment and sponsorship by multiple national security agencies. The organization selected to conduct the independent assessment shall have recognized credentials and expertise in national security science and engineering laboratories.

(2) BACKGROUND MATERIAL.—The assessment shall leverage previous studies, including—

(A) the report published in 2009 by the Stimson Center titled "Leveraging Science for Security: A Strategy for the Nuclear Weapons Laboratories in the 21st Century"; and

(B) the Phase 1 report published in 2012 by the National Academy of Sciences titled "Managing for High-Quality Science and Engineering at the NNSA National Security laboratories".

(3) ELEMENTS.—The assessment conducted pursuant to paragraph (1) shall include the following elements:

(A) An assessment of a new governance structure that—

(i) gives multiple national security agencies, including the Department of Defense, the Department of Homeland Security, the Department of Energy, and the intelligence community, direct sponsorship of the national security laboratories as federally funded research and development centers so that such agencies have more direct and rapid access to the assets available at the laboratories and the responsibility to provide sustainable support for the science and technology needs of the agencies at the laboratories;

(ii) reduces costs to the Federal Government for the use of the resources of the laboratories, while enhancing the stewardship of these national resources and maximizing their service to the Nation;

(iii) enhances the overall quality of the scientific research and engineering capability of the laboratories, including their ability to recruit and retain top scientists and engineers; and

(iv) maintains as paramount the capabilities required to support the nuclear stockpile stewardship and related nuclear missions.

(B) A recommendation as to which, if any, other laboratories associated with any national security agency should be included in the new governance structure.

(C) Options for implementing the new governance structure that minimize disruption of performance and costs to the government while rapidly achieving anticipated gains.

(D) Legislative changes and executive actions that would need to be made in order to implement the new governance structure.

(b) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2014, the organization selected to conduct the independent assessment under subsection (a)(1) shall submit to the Administrator and the congressional defense committees a report that contains the findings of the assessment.

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITION.—In this section, the term "national security laboratory" has the meaning given that term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

SEC. 3149. REPORT ON EFFICIENCIES IN FACILITIES AND FUNCTIONS OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Nuclear Weapons Council established by section 179 of title 10, United States Code, shall submit to the congressional defense committees a report setting forth the assessment of the Council as to the feasibility of finding further efficiencies in the facilities and functions of the National Nuclear Security Administration in order to reduce costs.

(b) PROCESS.—If the assessment of the Council in the report under subsection (a) is that excess facilities or duplicative functions exist and seeking efficiencies in the facilities and functions of the Administration is feasible and would reduce cost, the report shall include recommendations for a process to determine the manner in which such efficiencies should be accomplished, including an estimate of the time required to complete the process.

(c) LIMITATION ON AVAILABILITY OF CERTAIN FUNDS PENDING REPORT.—Amounts authorized to be appropriated by this title and available for the facility projects in the Department of Energy Readiness and Technical Base designated 04–D–125 and 06–D–141 may not be obligated or expended for CD–3, Start of Construction (as found in Department of Energy Order 413.3 B Program and Project Management for the Acquisition of Capital Assets), until the submittal under subsection (a) of the report required by that subsection.

SEC. 3150. STUDY ON REGIONAL RADIOLOGICAL SECURITY ZONES.

(a) STUDY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a study in accordance with paragraph (3).

(2) CONSULTATION.—The Comptroller General may, in conducting the study required under paragraph (1), consult with the Secretary of Energy, the Secretary of Homeland Security, the Secretary of State, the Nuclear Regulatory Commission, and such other departments and agencies of the United States Government as the Comptroller General considers appropriate.

(3) MATTERS INCLUDED.—The study under paragraph (1) shall include the following:

(A) An assessment of the radioactive isotopes and associated activity levels that present the greatest risk to national and international security.

(B) A review of current efforts by the Federal Government to secure radiological materials abroad, including coordination with foreign governments, the European Union, the International Atomic Energy Agency, other international programs, and nongovernmental organizations that identify, register, secure, remove, and provide for the disposition of high-risk radiological materials worldwide.

(C) A review of current efforts of the Federal Government to secure radiological materials domestically at civilian sites, including hospitals, industrial sites, and other locations.

(D) A definition of regional radiological security zones, including the subset of the materials of concern to be the immediate focus and the security best practices required to achieve that goal.

(E) An assessment of the feasibility, cost, desirability, and added benefit of establishing regional radiological security zones in high priority areas worldwide in order to facilitate regional collaboration in—

(i) identifying and inventorying high-activity radiological sources at high-risk sites;

(ii) reviewing national level regulations, inspections, transportation security, and security upgrade options; and

(iii) assessing opportunities for the harmonization of regulations and security practices among the nations of the region.

(F) An assessment of the feasibility, cost, desirability, and added benefit of establishing remote regional monitoring centers that would receive real-time data from radiological security sites, would be staffed by trained personnel from the countries in the region, and would alert local law enforcement in the event of a potential or actual terrorist incident or other emergency.

(G) An assessment of the feasibility and cost of securing radiological materials in the United States and through regional monitoring centers, taking into account the threat and consequences of a terrorist attack using fissile materials as compared to the threat and consequences of a terrorist attack using radiological materials.

(H) A list and assessment of the best practices used in the United States that are most critical in enhancing domestic radiological material security and could be used to enhance radiological security worldwide.

(I) An assessment of the United States entity or entities that would be best suited to lead efforts to establish a radiological security zone program.

(J) An estimate of the costs associated with the implementation of a radiological security zone program.

(K) An assessment of the known locations outside the United States housing high-risk radiological materials in excess of 1,000 curies.

(L) An assessment of how efforts to secure radiological materials might impact the available resources, capabilities, and capacity of the United States that would be used to secure fissile materials.

(4) FORM.—The study required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Foreign Affairs of the House of Representatives.

SEC. 3151. REPORT ON ABANDONED URANIUM MINES.

(a) REPORT.—

(1) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of the Interior and the Administrator of the Environmental Protection Agency, shall undertake a review of, and prepare a report on, abandoned uranium mines in the United States that provided uranium ore for atomic energy defense activities of the United States.

(2) MATTERS TO BE ADDRESSED.—The report shall describe and analyze—

(A) the location of the abandoned uranium mines described in paragraph (1) on Federal, State, tribal, and private land, taking into account any existing inventories undertaken by Federal agencies, States, and Indian tribes, and any additional information available to the Secretary;

(B) the extent to which the abandoned uranium mines—

(i) pose, or may pose, a significant radiation hazard or other significant threat to public health and safety; and

(ii) have caused, or may cause, significant water quality degradation or other environmental degradation;

(C) a ranking of priority by category for the remediation and reclamation of the abandoned uranium mines;

(D) the potential cost and feasibility of remediating and reclaiming, in accordance with applicable Federal law, each category of abandoned uranium mines; and

(E) the status of any efforts to remediate and reclaim abandoned uranium mines.

(b) CONSULTATION.—In preparing the report under subsection (a), the Secretary shall consult with any other relevant Federal agencies, affected States and Indian tribes, and interested members of the public.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees the report under subsection (a)(1).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term "appropriate congressional committees" means—

(A) the Committees on Armed Services of the Senate and the House of Representatives; and

(B) the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Natural Resources of the House of Representatives.

(d) CONSTRUCTION.—Nothing in this section may be construed to affect any responsibility or liability of the Federal Government, a State, an Indian tribe, or a person with respect to the remediation of an abandoned uranium mine.

Subtitle E—Other Matters

SEC. 3161. USE OF PROBABILISTIC RISK ASSESSMENT TO ENSURE NUCLEAR SAFETY.

(a) IN GENERAL.—Subtitle C of title XLVI of the Atomic Energy Defense Act (50 U.S.C. 2731 et seq.) is amended by adding at the end the following new section:

50 USC 2735.

"SEC. 4645. USE OF PROBABILISTIC RISK ASSESSMENT TO ENSURE NUCLEAR SAFETY OF FACILITIES OF THE ADMINISTRATION AND THE OFFICE OF ENVIRONMENTAL MANAGEMENT.

"(a) NUCLEAR SAFETY AT NNSA AND DOE FACILITIES.—The Administrator and the Secretary of Energy shall ensure that the methods for assessing, certifying, and overseeing nuclear safety at the facilities specified in subsection (c) use national and international standards and nuclear industry best practices, including probabilistic or quantitative risk assessment if sufficient data exist.

"(b) ADEQUATE PROTECTION.—The use of probabilistic or quantitative risk assessment under subsection (a) shall be to support, rather than replace, the requirement under section 182 of the Atomic Energy Act of 1954 (42 U.S.C. 2232) that the utilization or production of special nuclear material will be in accordance with the common defense and security and will provide adequate protection to the health and safety of the public.

Applicability.

"(c) FACILITIES SPECIFIED.—Subsection (a) shall apply—

"(1) to the Administrator with respect to the national security laboratories and the nuclear weapons production facilities; and

"(2) to the Secretary of Energy with respect to defense nuclear facilities of the Office of Environmental Management of the Department of Energy.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to section 4644 the following new item:

"Sec. 4645. Use of probabilistic risk assessment to ensure nuclear safety of facilities of the Administration and the Office of Environmental Management.".

SEC. 3162. SUBMITTAL TO CONGRESS OF SELECTED ACQUISITION REPORTS AND INDEPENDENT COST ESTIMATES ON LIFE EXTENSION PROGRAMS AND NEW NUCLEAR FACILITIES.

(a) SUBMITTAL REQUIRED.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by inserting after section 4216, as added by section 3141(a), the following new section:

50 USC 2537.

"SEC. 4217. SELECTED ACQUISITION REPORTS AND INDEPENDENT COST ESTIMATES ON LIFE EXTENSION PROGRAMS AND NEW NUCLEAR FACILITIES.

"(a) SELECTED ACQUISITION REPORTS.—(1) At the end of each fiscal-year quarter, the Secretary of Energy, acting through the Administrator, shall submit to the congressional defense committees a report on each nuclear weapon system undergoing life extension. The reports shall be known as Selected Acquisition Reports for the weapon system concerned.

"(2) The information contained in the Selected Acquisition Report for a fiscal-year quarter for a nuclear weapon system shall be the information contained in the Selected Acquisition Report for such fiscal-year quarter for a major defense acquisition program under section 2432 of title 10, United States Code, expressed in terms of the nuclear weapon system.

"(b) INDEPENDENT COST ESTIMATES.—(1) The Secretary, acting through the Administrator, shall submit to the congressional defense committees and the Nuclear Weapons Council established

under section 179 of title 10, United States Code, an independent cost estimate of the following:

"(A) Each nuclear weapon system undergoing life extension at the completion of phase 6.2A, relating to design definition and cost study.

"(B) Each nuclear weapon system undergoing life extension before initiation of phase 6.5, relating to first production.

"(C) Each new nuclear facility within the nuclear security enterprise that is estimated to cost more than $500,000,000 before such facility achieves critical decision 2 in the acquisition process.

"(2) A cost estimate for purposes of this subsection may not be prepared by the Department of Energy or the Administration.

"(c) AUTHORITY FOR FURTHER ASSESSMENTS.—Upon the request of the Administrator, the Secretary of Defense, acting through the Director of Cost Assessment and Program Evaluation and in consultation with the Administrator, may conduct an independent cost assessment of any initiative or program of the Administration that is estimated to cost more than $500,000,000.".

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of such Act is amended by inserting after the item relating to 4216, as added by section 3141(b), the following new item:

"Sec. 4217. Selected Acquisition Reports and independent cost estimates on life extension programs and new nuclear facilities.".

SEC. 3163. CLASSIFICATION OF CERTAIN RESTRICTED DATA.

Section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162) is amended—

(1) in subsection d.—

(A) by inserting "(1)" before "The Commission"; and

(B) by adding at the end the following:

"(2) The Commission may restore to the Restricted Data category any information related to the design of nuclear weapons removed under paragraph (1) if the Commission and the Department of Defense jointly determine that— Determination.

"(A) the programmatic requirements that caused the information to be removed from the Restricted Data category are no longer applicable or have diminished;

"(B) the information would be more appropriately protected as Restricted Data; and

"(C) restoring the information to the Restricted Data category is in the interest of national security.

"(3) In carrying out paragraph (2), information related to the design of nuclear weapons shall be restored to the Restricted Data category in accordance with regulations prescribed for purposes of such paragraph."; and

(2) in subsection e.—

(A) by inserting "(1)" before "The Commission";

(B) by striking "Central" and inserting "National"; and

(C) by adding at the end the following:

"(2) The Commission may restore to the Restricted Data category any information concerning atomic energy programs of other nations removed under paragraph (1) if the Commission and the Director of National Intelligence jointly determine that— Determination.

"(A) the programmatic requirements that caused the information to be removed from the Restricted Data category are no longer applicable or have diminished;

"(B) the information would be more appropriately protected as Restricted Data; and

"(C) restoring the information to the Restricted Data category is in the interest of national security.

"(3) In carrying out paragraph (2), information concerning atomic energy programs of other nations shall be restored to the Restricted Data category in accordance with regulations prescribed for purposes of such paragraph.".

SEC. 3164. ADVICE TO PRESIDENT AND CONGRESS REGARDING SAFETY, SECURITY, AND RELIABILITY OF UNITED STATES NUCLEAR WEAPONS STOCKPILE AND NUCLEAR FORCES.

(a) IN GENERAL.—Section 1305 of the National Defense Authorization Act for Fiscal Year 1998 (42 U.S.C. 7274p) is—

(1) transferred to the Atomic Energy Defense Act (50 U.S.C. 2501 et seq.);

(2) inserted after section 4217 of such Act, as added by section 3162(a);

50 USC 2538.

(3) redesignated as section 4218; and

(4) amended by amending subsection (f) to read as follows:

"(f) EXPRESSION OF INDIVIDUAL VIEWS.—

"(1) IN GENERAL.—No individual, including representatives of the President, may take any action against, or otherwise constrain, a director of a national security laboratory or a nuclear weapons production facility, a member of the Nuclear Weapons Council established under section 179 of title 10, United States Code, or the Commander of the United States Strategic Command from presenting the professional views of the director, member, or Commander, as the case may be, to the President, the National Security Council, or Congress regarding—

"(A) the safety, security, reliability, or credibility of the nuclear weapons stockpile and nuclear forces; or

"(B) the status of, and plans for, the capabilities and infrastructure that support and sustain the nuclear weapons stockpile and nuclear forces.

"(2) CONSTRUCTION.—Nothing in paragraph (1)(B) may be construed to affect the interagency budget process.".

(b) CONFORMING AMENDMENTS.—Section 4218 of the Atomic Energy Defense Act, as added by subsection (a), is amended—

(1) by striking "nuclear weapons laboratories" each place it appears and inserting "national security laboratories";

(2) by striking "nuclear weapons laboratory" each place it appears and inserting "national security laboratory";

(3) by striking "nuclear weapons production plants" each place it appears and inserting "nuclear weapons production facilities";

(4) by striking "nuclear weapons production plant" each place it appears and inserting "nuclear weapons production facility"; and

(5) by amending subsection (g) to read as follows:

"(g) REPRESENTATIVE OF THE PRESIDENT DEFINED.—In this section, the term 'representative of the President' means the following:

"(1) Any official of the Department of Defense or the Department of Energy who is appointed by the President and confirmed by the Senate.

"(2) Any member or official of the National Security Council.

"(3) Any member or official of the Joint Chiefs of Staff.

"(4) Any official of the Office of Management and Budget.".

(c) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by inserting after the item relating to section 4217, as added by section 3162(b), the following new item:

"Sec. 4218. Advice to President and Congress regarding safety, security, and reliability of United States nuclear weapons stockpile.".

SEC. 3165. PILOT PROGRAM ON TECHNOLOGY COMMERCIALIZATION. 50 USC 2794.

(a) PILOT PROGRAM.—The Secretary of Energy, in consultation with the Technology Transfer Coordinator appointed under section 1001(a) of the Energy Policy Act of 2005 (42 U.S.C. 16391(a)), may carry out a pilot program at a national security laboratory for the purpose of accelerating technology transfer from such laboratories to the marketplace with respect to technologies that directly advance the mission of the National Nuclear Security Administration. Consultation.

(b) TERMINATION.—The authority to carry out the pilot program under subsection (a) shall terminate on the date that is two years after the date of the enactment of this Act.

(c) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the appropriate congressional committees a report on the pilot program under subsection (a).

(2) ELEMENTS.—The report under paragraph (1) shall include the following:

(A) An identification of opportunities for accelerating technology transfer from national security laboratories to the marketplace.

(B) If the Secretary chooses to carry out the pilot program under subsection (a), a description of the plan to carry out such program.

(C) If the Secretary chooses not to carry out the pilot program under subsection (a), a description of why the program will not be carried out.

(d) DEFINITIONS.—In this section:

(1) The term "appropriate congressional committees" means the following:

(A) The Committees on Armed Services of the Senate and House of Representatives.

(B) The Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives.

(C) The Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives.

(2) The term "national security laboratory" has the meaning given that term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

SEC. 3166. CONGRESSIONAL ADVISORY PANEL ON THE GOVERNANCE OF THE NUCLEAR SECURITY ENTERPRISE.

(a) ESTABLISHMENT.—There is established a congressional advisory panel to be known as the "Congressional Advisory Panel on the Governance of the Nuclear Security Enterprise" (in this section referred to as the "advisory panel"). The purpose of the advisory panel is to examine options and make recommendations for revising the governance structure, mission, and management of the nuclear security enterprise.

(b) COMPOSITION AND MEETINGS.—

(1) MEMBERSHIP.—The advisory panel shall be composed of 12 members appointed as follows:

(A) Two by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Two by the ranking minority member of the Committee on Armed Services of the House of Representatives.

(C) Two by the chairman of the Committee on Armed Services of the Senate.

(D) Two by the ranking minority member of the Committee on Armed Services of the Senate.

(E) One by the Speaker of the House of Representatives.

(F) One by the minority leader of the House of Representatives.

(G) One by the majority leader of the Senate.

(H) One by the minority leader of the Senate.

(2) CO-CHAIRMEN.—Two members of the advisory panel shall serve as co-chairmen of the advisory panel. The co-chairmen shall be designated as follows:

(A) The chairman of the Committee on Armed Services of the House of Representatives and the ranking minority member of the Committee on Armed Services of the Senate, in consultation with the Speaker of the House of Representatives and the minority leader of the Senate, shall jointly designate one member of the advisory panel to serve as co-chairman of the advisory panel.

(B) The chairman of the Committee on Armed Services of the Senate and the ranking minority member of the Committee on Armed Services of the House of Representatives, in consultation with the majority leader of the Senate and the minority leader of the House of Representatives, shall jointly designate one member of the advisory panel to serve as co-chairman of the advisory panel.

(3) SECURITY CLEARANCE REQUIRED.—Each individual appointed as a member of the advisory panel shall possess (or have recently possessed before the date of such appointment) the appropriate security clearance necessary to carry out the duties of the advisory panel.

(4) PERIOD OF APPOINTMENT; VACANCIES.—Each member of the advisory panel shall be appointed for the life of the advisory panel. Any vacancy in the advisory panel shall be filled in the same manner as the original appointment.

Deadline.

(5) MEETINGS.—The advisory panel shall commence its first meeting by not later than March 1, 2013, so long as at least two members have been appointed under paragraph (1) by such date.

(c) COOPERATION FROM GOVERNMENT.—

(1) COOPERATION.—The advisory panel shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other Federal official in providing the advisory panel with analyses, briefings, and other information, including access to classified information, necessary for the advisory panel to carry out its duties under this section. With respect to access to classified information, the Director of National Intelligence may determine which information is necessary under this paragraph.

(2) LIAISON.—The following heads of Federal agencies shall each designate at least one officer or employee of the respective agency to serve as a liaison officer between the agency and the advisory panel:

(A) The Secretary of State.

(B) The Secretary of Defense.

(C) The Secretary of Energy.

(D) The Secretary of Homeland Security.

(E) The Director of National Intelligence.

(d) REPORTS REQUIRED.—

(1) INTERIM REPORT.—Not later than 180 days after the date of the enactment of this Act, the advisory panel shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Committees on Armed Services and Energy and Natural Resources of the Senate, and the Committees on Armed Services and Energy and Commerce of the House of Representatives an interim report on the initial findings, conclusions, and recommendations of the advisory panel. To the extent practicable, the interim report shall address the matters described in paragraph (2) and focus on the immediate, near-term actions the advisory panel recommends be taken.

(2) REPORT.—Not later than February 1, 2014, the advisory panel shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Committees on Armed Services and Energy and Natural Resources of the Senate, and the Committees on Armed Services and Energy and Commerce of the House of Representatives a report on the findings, conclusions, and recommendations of the advisory panel. The report shall include the following:

(A) An assessment of each option considered by the advisory panel for revising the governance structure, mission, and management of the nuclear security enterprise, including the advantages, disadvantages, costs, risks, and benefits of each such option.

(B) The recommendation of the advisory panel with respect to the most appropriate governance structure, mission, and management of the nuclear security enterprise.

(C) Recommendations of the advisory panel with respect to—

(i) the appropriate missions of the nuclear security enterprise, including how complementary missions should be managed while ensuring focus on core missions;

(ii) the organization and structure of the nuclear security enterprise and the Federal agency responsible for such enterprise;

(iii) the roles, responsibilities, and authorities of Federal agencies, Federal officials, the national security laboratories and nuclear weapons production facilities, and the directors of such laboratories and facilities, including mechanisms for holding such officials and directors accountable;

(iv) the allocation of roles and responsibilities with respect to the mission, operations, safety, and security of the nuclear security enterprise;

(v) the relationships among the Federal agency responsible for the nuclear security enterprise and the National Security Council, the Nuclear Weapons Council, the Department of Energy, the Department of Defense, and other Federal agencies;

(vi) the interagency planning, programming, and budgeting process for the nuclear security enterprise;

(vii) the appropriate means for managing and overseeing the nuclear security enterprise, including the role of federally funded research and development centers, the role and impact of various contracting and fee structures, the appropriate role of contract competition and nonprofit and for-profit contractors, and the use of performance-based and transactional oversight;

(viii) the appropriate means for ensuring the health of the intellectual capital of the nuclear security enterprise, including recruitment and retention of personnel and enhancement of a robust professional culture of excellence;

(ix) the appropriate means for ensuring the health and sustainment of the critical capabilities and physical infrastructure of the nuclear security enterprise;

(x) infrastructure, rules, regulations, best practices, standards, and appropriate oversight mechanisms to ensure robust protection of the health and safety of workers and the public while also providing such workers the ability to effectively and efficiently carry out their mission;

(xi) the appropriate congressional committee structure for oversight of the nuclear security enterprise;

(xii) the length of the terms and suggested qualifications for senior officials of the Federal agency responsible for the nuclear security enterprise;

(xiii) contracting, budget planning, program management, and regulatory changes to reduce the cost of programs and administration without eroding mission effectiveness or requirements and ensuring robust protection of the health and safety of workers and the public; and

(xiv) statutory, regulatory, and policy changes necessary for implementing the recommendations of the advisory panel.

(D) An assessment of if and how the recommendations of the advisory panel will lead to greater mission focus and more effective and efficient program management for the nuclear security enterprise.

(E) Any other information or recommendations relating to the future of the nuclear security enterprise that the advisory panel considers appropriate.

(e) FUNDING.—Of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense, not more than $3,000,000 shall be made available to the advisory panel to carry out this section.

(f) TERMINATION.—The advisory panel shall terminate not later than June 1, 2014.

(g) DEFINITIONS.—In this section:

(1) The term "national security laboratory" has the meaning given that term in section 4002(6) of the Atomic Energy Defense Act, as amended by section 3131(a).

(2) The term "nuclear security enterprise" has the meaning given that term in section 4002(5) of the Atomic Energy Defense Act, as amended by section 3131(a).

(3) The term "nuclear weapons production facility" has the meaning given that term in section 4002(7) of the Atomic Energy Defense Act, as amended by section 3131(a).

Subtitle F—American Medical Isotopes Production

American Medical Isotopes Production Act of 2012.

SEC. 3171. SHORT TITLE.

42 USC 2011 note.

This subtitle may be cited as the "American Medical Isotopes Production Act of 2012".

SEC. 3172. DEFINITIONS.

42 USC 2065 note.

In this subtitle:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

(2) HIGHLY ENRICHED URANIUM.—The term "highly enriched uranium" means uranium enriched to 20 percent or greater in the isotope U–235.

(3) LOW ENRICHED URANIUM.—The term "low enriched uranium" means uranium enriched to less than 20 percent in the isotope U–235.

(4) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 3173. IMPROVING THE RELIABILITY OF DOMESTIC MEDICAL ISOTOPE SUPPLY.

42 USC 2065.

(a) MEDICAL ISOTOPE DEVELOPMENT PROJECTS.—

(1) IN GENERAL.—The Secretary shall carry out a technology-neutral program—

(A) to evaluate and support projects for the production in the United States, without the use of highly enriched uranium, of significant quantities of molybdenum-99 for medical uses;

(B) to be carried out in cooperation with non-Federal entities; and

(C) the costs of which shall be shared in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(2) CRITERIA.—Projects shall be evaluated against the following primary criteria:

(A) The length of time necessary for the proposed project to begin production of molybdenum-99 for medical uses within the United States.

(B) The capability of the proposed project to produce a significant percentage of United States demand for molybdenum-99 for medical uses.

(C) The capability of the proposed project to produce molybdenum-99 in a cost-effective manner.

(D) The cost of the proposed project.

(3) EXEMPTION.—An existing reactor in the United States fueled with highly enriched uranium shall not be disqualified from the program if the Secretary determines that—

(A) there is no alternative nuclear reactor fuel, enriched in the isotope U–235 to less than 20 percent, that can be used in that reactor;

(B) the reactor operator has provided assurances that, whenever an alternative nuclear reactor fuel, enriched in the isotope U–235 to less than 20 percent, can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

(C) the reactor operator has provided a current report on the status of its efforts to convert the reactor to an alternative nuclear reactor fuel enriched in the isotope U–235 to less than 20 percent, and an anticipated schedule for completion of conversion.

(4) PUBLIC PARTICIPATION AND REVIEW.—The Secretary shall—

Plan.
Deadlines.

(A) develop a program plan and annually update the program plan through public workshops; and

Recommendations.

(B) use the Nuclear Science Advisory Committee to conduct annual reviews of the progress made in achieving the program goals and make recommendations to improve program effectiveness.

(b) DEVELOPMENT ASSISTANCE.—The Secretary shall carry out a program to provide assistance for—

(1) the development of fuels, targets, and processes for domestic molybdenum-99 production that do not use highly enriched uranium; and

(2) commercial operations using the fuels, targets, and processes described in paragraph (1).

(c) URANIUM LEASE AND TAKE-BACK.—

(1) IN GENERAL.—The Secretary shall establish a program to make low enriched uranium available, through lease contracts, for irradiation for the production of molybdenum-99 for medical uses.

(2) TITLE.—The lease contracts shall provide for the producers of the molybdenum-99 to take title to and be responsible for the molybdenum-99 created by the irradiation, processing, or purification of uranium leased under this section.

(3) DUTIES.—

(A) SECRETARY.—The lease contracts shall require the Secretary—

(i) to retain responsibility for the final disposition of spent nuclear fuel created by the irradiation, processing, or purification of uranium leased under this section for the production of medical isotopes; and

(ii) to take title to and be responsible for the final disposition of radioactive waste created by the irradiation, processing, or purification of uranium leased under this section for which the Secretary determines the producer does not have access to a disposal path.

(B) PRODUCER.—The producer of the spent nuclear fuel and radioactive waste shall accurately characterize, appropriately package, and transport the spent nuclear fuel and radioactive waste prior to acceptance by the Department.

(4) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the lease contracts shall provide for compensation in cash amounts equivalent to prevailing market rates for the sale of comparable uranium products and for compensation in cash amounts equivalent to the net present value of the cost to the Federal Government for—

(i) the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); and

(ii) other costs associated with carrying out the uranium lease and take-back program authorized by this subsection.

(B) DISCOUNT RATE.—The discount rate used to determine the net present value of costs described in subparagraph (A)(ii) shall be not greater than the average interest rate on marketable Treasury securities.

(5) AUTHORIZED USE OF FUNDS.—Subject to the availability of appropriations, the Secretary may obligate and expend funds received under leases entered into under this subsection, which shall remain available until expended, for the purpose of carrying out the activities authorized by this subtitle, including activities related to the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3).

(6) EXCHANGE OF URANIUM FOR SERVICES.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for—

(A) services related to the final disposition of the spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); or

(B) any other services associated with carrying out the uranium lease and take-back program authorized by this subsection.

(d) COORDINATION OF ENVIRONMENTAL REVIEWS.—The Department and the Nuclear Regulatory Commission shall ensure to the maximum extent practicable that environmental reviews for the production of the medical isotopes shall complement and not duplicate each review.

(e) OPERATIONAL DATE.—The Secretary shall establish a program as described in subsection (c)(3) not later than 3 years after the date of enactment of this Act. Deadline.

(f) RADIOACTIVE WASTE.—Notwithstanding section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101), radioactive material resulting from the production of medical isotopes that has been permanently removed from a reactor or subcritical assembly and for which there is no further use shall be considered

low-level radioactive waste if the material is acceptable under Federal requirements for disposal as low-level radioactive waste.

SEC. 3174. EXPORTS.

Section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) is amended by striking subsection c. and inserting the following:

Time period.

"c. MEDICAL PRODUCTION LICENSE SUNSET.—Effective 7 years after the date of enactment of the American Medical Isotopes Production Act of 2012, the Commission may not issue a license for the export of highly enriched uranium from the United States for the purposes of medical isotope production.

"d. MEDICAL PRODUCTION LICENSE EXTENSION.—The period referred to in subsection c. may be extended for no more than 6 years if, no earlier than 6 years after the date of enactment of the American Medical Isotopes Production Act of 2012, the Secretary of Energy certifies to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that—

"(1) there is insufficient global supply of molybdenum-99 produced without the use of highly enriched uranium available to satisfy the domestic United States market; and

"(2) the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the most effective temporary means to increase the supply of molybdenum-99 to the domestic United States market.

Federal Register, publication.

"e. PUBLIC NOTICE.—To ensure public review and comment, the development of the certification described in subsection d. shall be carried out through announcement in the Federal Register.

"f. JOINT CERTIFICATION.—

"(1) IN GENERAL.—In accordance with paragraph (2), the ban on the export of highly enriched uranium for purposes of medical isotope production referred to in subsections c. and d. shall not go into effect unless the Secretary of Energy and the Secretary of Health and Human Services have jointly certified that—

"(A) there is a sufficient supply of molybdenum-99 produced without the use of highly enriched uranium available to meet the needs of patients in the United States; and

"(B) it is not necessary to export United States-origin highly enriched uranium for the purposes of medical isotope production in order to meet United States patient needs.

Deadline. Time period. Extension.

"(2) TIME OF CERTIFICATION.—The joint certification under paragraph (1) shall be made not later than 7 years after the date of enactment of the American Medical Isotopes Production Act of 2012, except that, if the period referred to in subsection c. is extended under subsection d., the 7-year deadline under this paragraph shall be extended by a period equal to the period of such extension under subsection d.

Time period.

"g. SUSPENSION OF MEDICAL PRODUCTION LICENSE.—At any time after the restriction of export licenses provided for in subsection c. becomes effective, if there is a critical shortage in the supply of molybdenum-99 available to satisfy the domestic United States medical isotope needs, the restriction of export licenses may be suspended for a period of no more than 12 months, if—

Certification.

"(1) the Secretary of Energy certifies to the Congress that the export of United States-origin highly enriched uranium

for the purposes of medical isotope production is the only effective temporary means to increase the supply of molybdenum-99 necessary to meet United States medical isotope needs during that period; and

"(2) the Congress enacts a Joint Resolution approving the temporary suspension of the restriction of export licenses.

"h. DEFINITIONS.—As used in this section—

"(1) the term 'alternative nuclear reactor fuel or target' means a nuclear reactor fuel or target which is enriched to less than 20 percent in the isotope U–235;

"(2) the term 'highly enriched uranium' means uranium enriched to 20 percent or more in the isotope U–235;

"(3) a fuel or target 'can be used' in a nuclear research or test reactor if—

"(A) the fuel or target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

"(B) use of the fuel or target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor; and

"(4) the term 'medical isotope' includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.".

SEC. 3175. REPORT ON DISPOSITION OF EXPORTS.

Not later than 1 year after the date of the enactment of this Act, the Chairman of the Nuclear Regulatory Commission, after consulting with other relevant agencies, shall submit to the Congress a report detailing the current disposition of previous United States exports of highly enriched uranium used as fuel or targets in a nuclear research or test reactor, including—

(1) their location;

(2) whether they are irradiated;

(3) whether they have been used for the purpose stated in their export license;

(4) whether they have been used for an alternative purpose and, if so, whether such alternative purpose has been explicitly approved by the Commission;

(5) the year of export, and reimportation, if applicable;

(6) their current physical and chemical forms; and

(7) whether they are being stored in a manner which adequately protects against theft and unauthorized access.

SEC. 3176. DOMESTIC MEDICAL ISOTOPE PRODUCTION.

(a) IN GENERAL.—Chapter 10 of the Atomic Energy Act of 1954 (42 U.S.C. 2131 et seq.) is amended by adding at the end the following:

"a. The Commission may issue a license, or grant an amendment to an existing license, for the use in the United States of highly enriched uranium as a target for medical isotope production in a nuclear reactor, only if, in addition to any other requirement of this Act— 42 USC 2142.

"(1) the Commission determines that— Determination.

"(A) there is no alternative medical isotope production target that can be used in that reactor; and

"(B) the proposed recipient of the medical isotope production target has provided assurances that, whenever an alternative medical isotope production target can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

Certification.

"(2) the Secretary of Energy has certified that the United States Government is actively supporting the development of an alternative medical isotope production target that can be used in that reactor.

Definitions.

"b. As used in this section—

"(1) the term 'alternative medical isotope production target' means a nuclear reactor target which is enriched to less than 20 percent of the isotope U–235;

"(2) a target 'can be used' in a nuclear research or test reactor if—

"(A) the target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

"(B) use of the target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor;

"(3) the term 'highly enriched uranium' means uranium enriched to 20 percent or more in the isotope U–235; and

"(4) the term 'medical isotope' includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.".

(b) TABLE OF CONTENTS.—The table of contents for the Atomic Energy Act of 1954 is amended by inserting the following new item at the end of the items relating to chapter 10 of title I:

"Sec. 112. Domestic medical isotope production.".

SEC. 3177. ANNUAL DEPARTMENT REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 5 years, the Secretary shall report to Congress on Department actions to support the production in the United States, without the use of highly enriched uranium, of molybdenum-99 for medical uses.

(b) CONTENTS.—The reports shall include the following:

(1) For medical isotope development projects—

(A) the names of any recipients of Department support under section 3173;

(B) the amount of Department funding committed to each project;

(C) the milestones expected to be reached for each project during the year for which support is provided;

(D) how each project is expected to support the increased production of molybdenum-99 for medical uses;

(E) the findings of the evaluation of projects under section 3173(a)(2); and

(F) the ultimate use of any Department funds used to support projects under section 3173.

(2) A description of actions taken in the previous year by the Secretary to ensure the safe disposition of spent nuclear

fuel and radioactive waste for which the Department is responsible under section 3173(c).

SEC. 3178. NATIONAL ACADEMY OF SCIENCES REPORT.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a study of the state of molybdenum-99 production and utilization, to be provided to Congress not later than 5 years after the date of enactment of this Act.

(b) CONTENTS.—The report shall include the following:

(1) For molybdenum-99 production—

(A) a list of all facilities in the world producing molybdenum-99 for medical uses, including an indication of whether these facilities use highly enriched uranium in any way;

(B) a review of international production of molybdenum-99 over the previous 5 years, including—

(i) whether any new production was brought online;

(ii) whether any facilities halted production unexpectedly; and

(iii) whether any facilities used for production were decommissioned or otherwise permanently removed from service; and

(C) an assessment of progress made in the previous 5 years toward establishing domestic production of molybdenum-99 for medical uses, including the extent to which other medical isotopes that have been produced with molybdenum-99, such as iodine-131 and xenon-133, are being used for medical purposes.

(2) An assessment of the progress made by the Department and others to eliminate all worldwide use of highly enriched uranium in reactor fuel, reactor targets, and medical isotope production facilities.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.
Sec. 3202. Improvements to the Defense Nuclear Facilities Safety Board.

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2013, $29,415,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

SEC. 3202. IMPROVEMENTS TO THE DEFENSE NUCLEAR FACILITIES SAFETY BOARD.

(a) ESTABLISHMENT.—Section 311 of the Atomic Energy Act of 1954 (42 U.S.C. 2286) is amended—

(1) in subsection (b), by striking paragraph (4);

(2) in subsection (c)—

(A) in the heading, by striking "AND VICE CHAIRMAN" and inserting ", VICE CHAIRMAN, AND MEMBERS";

(B) in paragraph (2), by striking "The Chairman" and inserting "In accordance with paragraph (5), the Chairman"; and

(C) by adding at the end the following new paragraph:

"(5) Each member of the Board, including the Chairman and Vice Chairman, shall—

"(A) have equal responsibility and authority in establishing decisions and determining actions of the Board;

"(B) have full access to all information relating to the performance of the Board's functions, powers, and mission; and

"(C) have one vote.".

(b) MISSION AND FUNCTIONS.—

(1) IN GENERAL.—Section 312 of the Atomic Energy Act of 1954 (42 U.S.C. 2286a) is amended—

(A) in the heading, by inserting "**MISSION AND**" before "**FUNCTIONS**";

(B) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively;

(C) by inserting before subsection (b), as redesignated by subparagraph (B), the following new subsection (a):

"(a) MISSION.—The mission of the Board shall be to provide independent analysis, advice, and recommendations to the Secretary of Energy to inform the Secretary, in the role of the Secretary as operator and regulator of the defense nuclear facilities of the Department of Energy, in providing adequate protection of public health and safety at such defense nuclear facilities."; and

(D) in subsection (b), as so redesignated—

(i) in the heading, by striking "IN GENERAL" and inserting "FUNCTIONS"; and

(ii) in paragraph (5), by inserting ", and specifically assess risk (whenever sufficient data exists)," after "shall consider".

(2) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Act of 1954 is amended by striking the item relating to section 312 and inserting the following new item:

"Sec. 312. Mission and functions of the Board.".

(c) BOARD RECOMMENDATIONS.—

(1) IN GENERAL.—Section 315 of the Atomic Energy Act of 1954 (42 U.S.C. 2286d) is amended—

(A) by redesignating subsections (a) through (h) as subsections (b) through (i), respectively;

(B) by inserting before subsection (b), as redesignated by subparagraph (A), the following new subsection:

Deadlines.

"(a) SUBMISSION OF RECOMMENDATIONS.—(1) Subject to subsections (h) and (i), not later than 30 days before the date on which the Board transmits a recommendation to the Secretary of Energy under section 312, the Board shall transmit to the Secretary in writing a draft of such recommendation and any related findings, supporting data, and analyses to ensure the Secretary is adequately informed of a formal recommendation and to provide the Secretary an opportunity to provide input to the Board before such recommendation is finalized.

"(2) The Secretary may provide to the Board comments on a draft recommendation transmitted by the Board under paragraph (1) by not later than 30 days after the date on which the Secretary

receives the draft recommendation. The Board may grant, upon request by the Secretary, additional time for the Secretary to transmit comments to the Board.

"(3) After the period of time in which the Secretary may provide comments under paragraph (2) elapses, the Board may transmit a final recommendation to the Secretary."; and

(C) by amending subsection (b), as so redesignated, to read as follows:

"(b) PUBLIC AVAILABILITY AND COMMENT.—Subject to subsections (h) and (i), after the Secretary of Energy receives a recommendation from the Board under subsection (a)(3), the Board shall promptly make available to the public such recommendation and any related correspondence from the Secretary by—

"(1) providing such recommendation and correspondence to the public in the regional public reading rooms of the Department of Energy; and

"(2) publishing in the Federal Register—

Federal Register, publication.

"(A) such recommendation and correspondence; and

"(B) a request for the submission to the Board of public comments on such recommendation that provides interested persons with 30 days after the date of the publication in which to submit comments, data, views, or arguments to the Board concerning the recommendation.".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Such section 315 is further amended—

(A) in subsection (c), as redesignated by paragraph (1)(A)—

(i) in paragraph (1), by striking "subsection (a)" and inserting "subsection (b)"; and

(ii) in paragraph (2), by striking "subsection (h)" and inserting "subsection (i)";

(B) in subsection (d), as so redesignated, by striking "subsection (a) or (b)" and inserting "subsection (b) or (c)";

(C) in subsection (e), as so redesignated—

(i) by striking "subsection (b)(1)" and inserting "subsection (c)(1)"; and

(ii) by striking "subsection (h)" and inserting "subsection (i)";

(D) in subsection (g), as so redesignated—

(i) in paragraph (1), as so redesignated, by striking "subsection (e)" and inserting "subsection (f)"; and

(ii) in paragraph (2), by striking ", to the Committees on Armed Services and on Appropriations of the Senate, and to the Speaker of the House of Representatives" and inserting "and to such committees";

(E) in subsection (h), as so redesignated—

(i) in paragraph (1), as so redesignated, by striking "through (d)" and inserting "through (e)"; and

(ii) in paragraph (3), by striking "and the Speaker"; and

(F) by striking "Committees on Armed Services and on Appropriations of the Senate and to the Speaker of the House of Representatives" each place it appears and inserting "Committees on Armed Services, Appropriations, and Energy and Commerce of the House of Representatives and the Committees on Armed Services, Appropriations, and Energy and Natural Resources of the Senate".

(d) REPORTS.—Section 316 of the Atomic Energy Act of 1954 (42 U.S.C. 2286e) is amended by striking "Committees on Armed Services and on Appropriations of the Senate and to the Speaker of the House of Representatives" each place it appears and inserting "Committees on Armed Services, Appropriations, and Energy and Commerce of the House of Representatives and the Committees on Armed Services, Appropriations, and Energy and Natural Resources of the Senate".

(e) INFORMATION TO CONGRESS.—Section 320 of the Atomic Energy Act of 1954 (42 U.S.C. 2286h–1) is amended—

(1) by striking "submitted to the Congress" and inserting "submitted to the Committees on Armed Services, Appropriations, and Energy and Commerce of the House of Representatives and the Committees on Armed Services, Appropriations, and Energy and Natural Resources of the Senate"; and

(2) by striking "the Congress." and inserting "such committees.".

(f) INSPECTOR GENERAL.—

(1) IN GENERAL.—Chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.) is amended by adding at the end the following new section:

42 USC 2286k.

"SEC. 322. INSPECTOR GENERAL.

Deadline. Contracts.

"(a) IN GENERAL.—Not later than October 1, 2013, the Board shall enter into an agreement with an agency of the Federal Government to procure the services of the Inspector General of such agency for the Board, in accordance with the Inspector General Act of 1978 (5 U.S.C. App.). Such Inspector General shall have expertise relating to the mission of the Board.

"(b) BUDGET.—In the budget materials submitted to the President by the Board in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for each fiscal year, the Board shall ensure that a separate, dedicated procurement line item is designated for the services of an Inspector General under subsection (a).".

(2) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Act of 1954 is amended by inserting after the item relating to section 321 the following new item:

"Sec. 322. Inspector General.".

(g) TECHNICAL AMENDMENT.—Section 313(j)(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2286b) is amended by striking "section" and all that follows through "implementation" and inserting "section 312(b)(1), the implementation".

42 USC 2286 note.

(h) SAFETY STANDARDS.—Nothing in this section or in the amendments made by this section shall be construed to cause a reduction in nuclear safety standards.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

SEC. 3401. AUTHORIZATION OF APPROPRIATIONS.

(a) AMOUNT.—There are hereby authorized to be appropriated to the Secretary of Energy $14,909,000 for fiscal year 2013 for

the purpose of carrying out activities under chapter 641 of title 10, United States Code, relating to the naval petroleum reserves.

(b) PERIOD OF AVAILABILITY.—Funds appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

TITLE XXXV—MARITIME ADMINISTRATION

Sec. 3501. Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2013.
Sec. 3502. Application of the Federal Acquisition Regulation.
Sec. 3503. Limitation of National Defense Reserve Fleet vessels to those over 1,500 gross tons.
Sec. 3504. Donation of excess fuel to maritime academies.
Sec. 3505. Clarification of heading.
Sec. 3506. Transfer of vessels to the National Defense Reserve Fleet.
Sec. 3507. Amendments relating to the National Defense Reserve Fleet.
Sec. 3508. Extension of Maritime Security Fleet program.
Sec. 3509. Container-on-barge transportation.
Sec. 3510. Short sea transportation.
Sec. 3511. Maritime environmental and technical assistance.
Sec. 3512. Identification of actions to enable qualified United States flag capacity to meet national defense requirements.
Sec. 3513. Maritime workforce study.
Sec. 3514. Maritime administration vessel recycling contract award practices.
Sec. 3515. Requirement for barge design.
Sec. 3516. Eligibility to receive surplus training equipment.
Sec. 3517. Coordination with other laws.

SEC. 3501. AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL SECURITY ASPECTS OF THE MERCHANT MARINE FOR FISCAL YEAR 2013.

Funds are hereby authorized to be appropriated for fiscal year 2013, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department of Transportation for Maritime Administration programs associated with maintaining national security aspects of the merchant marine, as follows:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, $77,253,000, of which—

(A) $67,253,000 shall remain available until expended for Academy operations; and

(B) $10,000,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, $16,045,000, of which—

(A) $2,400,000 shall remain available until expended for student incentive payments;

(B) $2,545,000 shall remain available until expended for direct payments to such academies; and

(C) $11,100,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels.

(3) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, $12,717,000, to remain available until expended.

(4) For expenses to maintain and preserve a United States-flag merchant marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, $186,000,000.

(5) For the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)) of loan guarantees under the program authorized by chapter 537 of title 46, United States Code, $3,750,000, all of which shall remain available until expended for administrative expenses of the program.

SEC. 3502. APPLICATION OF THE FEDERAL ACQUISITION REGULATION.

16 USC 5405 note.

Section 3502(b) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, as enacted into law by Public Law 106–398 (114 Stat. 1654A–490), is amended by striking "the enactment of this Act" and inserting "contract award".

SEC. 3503. LIMITATION OF NATIONAL DEFENSE RESERVE FLEET VESSELS TO THOSE OVER 1,500 GROSS TONS.

Section 57101(a) of title 46, United States Code, is amended by inserting "of 1,500 gross tons or more or such other vessels as the Secretary of Transportation shall determine are appropriate" after "Administration".

SEC. 3504. DONATION OF EXCESS FUEL TO MARITIME ACADEMIES.

Section 51103(b) of title 46, United States Code, is amended by striking so much as precedes paragraph (2) and inserting the following:

"(b) PROPERTY FOR INSTRUCTIONAL PURPOSES.—

"(1) IN GENERAL.—The Secretary of Transportation may cooperate with and assist the institutions named in paragraph (2) by making vessels, fuel, shipboard equipment, and other marine equipment, owned by the United States Government and determined by the entity having custody and control of such property to be excess or surplus, available to those institutions for instructional purposes, by gift, loan, sale, lease, or charter on terms and conditions the Secretary considers appropriate. The consent of the Secretary of the Navy shall be obtained with respect to any property from National Defense Reserve Fleet vessels (50 U.S.C. App. 1744) where such vessels are either Ready Reserve Force vessels or other National Defense Reserve Fleet vessels determined to be of sufficient value to the Navy to warrant their further preservation and retention.".

SEC. 3505. CLARIFICATION OF HEADING.

(a) IN GENERAL.—The section designation and heading for section 57103 of title 46, United States Code, is amended to read as follows:

"§ 57103. Donation of nonretention vessels in the National Defense Reserve Fleet".

(b) CLERICAL AMENDMENT.—The analysis for chapter 571 of title 46, United States Code, is amended by striking the item relating to section 57103 and inserting the following:

"57103. Donation of nonretention vessels in the National Defense Reserve Fleet.".

SEC. 3506. TRANSFER OF VESSELS TO THE NATIONAL DEFENSE RESERVE FLEET.

Section 57101 of title 46, United States Code, is amended by adding at the end the following:

"(c) AUTHORITY OF FEDERAL ENTITIES TO TRANSFER VESSELS.—All Federal entities are authorized to transfer vessels to the

National Defense Reserve Fleet without reimbursement subject to the approval of the Secretary of Transportation and the Secretary of the Navy with respect to Ready Reserve Force vessels and the Secretary of Transportation with respect to all other vessels.".

SEC. 3507. AMENDMENTS RELATING TO THE NATIONAL DEFENSE RESERVE FLEET.

Subparagraphs (B), (C), and (D) of section 11(c)(1) of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744(c)(1)) are amended to read as follows:

"(B) activate and conduct sea trials on each vessel at a frequency that is deemed necessary;

"(C) maintain and adequately crew, as necessary, in an enhanced readiness status those vessels that are scheduled to be activated in 5 or less days;

"(D) locate those vessels that are scheduled to be activated near embarkation ports specified for those vessels; and".

SEC. 3508. EXTENSION OF MARITIME SECURITY FLEET PROGRAM.

(a) DEFINITIONS.—Section 53101 of title 46, United States Code, is amended—

(1) by amending paragraph (4) to read as follows:

"(4) FOREIGN COMMERCE.—The term 'foreign commerce' means—

"(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country; and

"(B) commerce or trade between foreign countries.";

(2) by striking paragraph (5);

(3) by redesignating paragraphs (6) through (13) as paragraphs (5) through (12), respectively; and

(4) by amending paragraph (5), as so redesignated, to read as follows:

"(5) PARTICIPATING FLEET VESSEL.—The term 'participating fleet vessel' means any vessel that— Effective dates.

"(A) on October 1, 2015—

"(i) meets the requirements of paragraph (1), (2), (3), or (4) of section 53102(c); and

"(ii) is less than 20 years of age if the vessel is a tank vessel, or is less than 25 years of age for all other vessel types; and

"(B) on December 31, 2014, is covered by an operating agreement under this chapter.".

(b) VESSEL ELIGIBILITY.—Section 53102(b) of such title is amended to read as follows:

"(b) VESSEL ELIGIBILITY.—A vessel is eligible to be included in the Fleet if—

"(1) the vessel meets the requirements of paragraph (1), (2), (3), or (4) of subsection (c);

"(2) the vessel is operated (or in the case of a vessel to be constructed, will be operated) in providing transportation in foreign commerce;

"(3) the vessel is self-propelled and—

"(A) is a tank vessel that is 10 years of age or less on the date the vessel is included in the Fleet; or

"(B) is any other type of vessel that is 15 years of age or less on the date the vessel is included in the Fleet;

"(4) the vessel—

"(A) is suitable for use by the United States for national defense or military purposes in time of war or national emergency, as determined by the Secretary of Defense; and

"(B) is commercially viable, as determined by the Secretary; and

"(5) the vessel—

"(A) is a United States-documented vessel; or

"(B) is not a United States-documented vessel, but—

"(i) the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 of this title if it is included in the Fleet; and

"(ii) at the time an operating agreement for the vessel is entered into under this chapter, the vessel is eligible for documentation under chapter 121 of this title.".

(c) OPERATING AGREEMENTS.—Section 53103 of such title is amended—

(1) by amending subsection (b) to read as follows:

"(b) EXTENSION OF EXISTING OPERATING AGREEMENTS.—

Deadlines.

"(1) OFFER TO EXTEND.—Not later than 60 days after the date of enactment of this paragraph, the Secretary shall offer, to an existing contractor, to extend, through September 30, 2025, an operating agreement that is in existence on the date of enactment of this paragraph. The terms and conditions of the extended operating agreement shall include terms and conditions authorized under this chapter, as amended from time to time.

"(2) TIME LIMIT.—An existing contractor shall have not later than 120 days after the date the Secretary offers to extend an operating agreement to agree to the extended operating agreement.

"(3) SUBSEQUENT AWARD.—The Secretary may award an operating agreement to an applicant that is eligible to enter into an operating agreement for fiscal years 2016 through 2025 if the existing contractor does not agree to the extended operating agreement under paragraph (2)."; and

(2) by amending subsection (c) to read as follows:

"(c) PROCEDURE FOR AWARDING NEW OPERATING AGREEMENTS.—The Secretary may enter into a new operating agreement with an applicant that meets the requirements of section 53102(c) (for vessels that meet the qualifications of section 53102(b)) on the basis of priority for vessel type established by military requirements of the Secretary of Defense. The Secretary shall allow an applicant at least 30 days to submit an application for a new operating agreement. After consideration of military requirements, priority shall be given to an applicant that is a United States citizen under section 50501 of this title. The Secretary may not approve an application without the consent of the Secretary of Defense. The Secretary shall enter into an operating agreement with the applicant or provide a written reason for denying the application.".

Time period.

(d) REPEAL OF EARLY TERMINATION BY CONTRACTOR.—Section 53104 of such title is amended—

(1) in subsection (c), by striking paragraph (3); and

(2) in subsection (e), by striking "an operating agreement under this chapter is terminated under subsection (c)(3), or if".

(e) TRANSFER OF OPERATING AGREEMENTS.—Section 53105 of such title is amended—

(1) by amending subsection (e) to read as follows:

"(e) TRANSFER OF OPERATING AGREEMENTS.—A contractor under an operating agreement may transfer the agreement (including all rights and obligations under the operating agreement) to any person that is eligible to enter into the operating agreement under this chapter if the Secretary and the Secretary of Defense determine that the transfer is in the best interests of the United States. A transaction shall not be considered a transfer of an operating agreement if the same legal entity with the same vessels remains the contracting party under the operating agreement."; and

Determination.

(2) by amending subsection (f) to read as follows:

"(f) REPLACEMENT VESSELS.—A contractor may replace a vessel under an operating agreement with another vessel that is eligible to be included in the Fleet under section 53102(b), if the Secretary, in conjunction with the Secretary of Defense, approves the replacement of the vessel.".

(f) PAYMENTS.—Section 53106 of such title is amended—

(1) in subsection (a)(1), by striking "and" after the semicolon at the end of subparagraph (B), and by striking subparagraph (C) and inserting the following:

"(C) $3,100,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

"(D) $3,500,000 for each of fiscal years 2019, 2020, and 2021; and

"(E) $3,700,000 for each of fiscal years 2022, 2023, 2024, and 2025.";

(2) in subsection (c)(3)(C), by striking "a LASH vessel." and inserting "a lighter aboard ship vessel."; and

(3) by striking subsection (f).

(g) EMERGENCY PREPAREDNESS AGREEMENTS.—Section 53107(b)(1) of such title is amended to read as follows:

"(1) IN GENERAL.—An Emergency Preparedness Agreement under this section shall require that a contractor for a vessel covered by an operating agreement under this chapter shall make commercial transportation resources (including services) available, upon request by the Secretary of Defense during a time of war or national emergency, or whenever the Secretary of Defense determines that it is necessary for national security or contingency operation (as that term is defined in section 101 of title 10, United States Code).".

(h) REPEAL OF WAIVER OF AGE RESTRICTION.—Section 53109 of such title is repealed.

(i) AUTHORIZATION OF APPROPRIATIONS.—Section 53111 of such title is amended—

(1) by striking "and" at the end of paragraph (2); and

(2) by amending paragraph (3) to read as follows:

"(3) $186,000,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

"(4) $210,000,000 for each of fiscal years 2019, 2020, and 2021; and

"(5) $222,000,000 for each fiscal year thereafter through fiscal year 2025.".

46 USC 53101 note.

(j) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by—

(1) paragraphs (2), (3), and (4) of subsection (a) take effect on December 31, 2014; and

(2) subsection (f)(2) take effect on December 31, 2014.

SEC. 3509. CONTAINER-ON-BARGE TRANSPORTATION.

(a) ASSESSMENT.—The Maritime Administrator shall assess the potential for using container-on-barge transportation in short sea transportation (as such term is defined in section 55605 of title 46, United States Code).

(b) FACTORS.—In conducting the assessment under subsection (a), the Administrator shall consider—

(1) the environmental benefits of increasing container-on-barge movements in short sea transportation;

(2) the regional differences in the use of short sea transportation;

(3) the existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;

(4) the mechanisms necessary to ensure that implementation of a plan under subsection (c) will not be inconsistent with antitrust laws; and

(5) the potential frequency of container-on-barge service at short sea transportation ports.

(c) RECOMMENDATIONS.—The assessment under subsection (a) may include recommendations for a plan to increase awareness of the potential for use of container-on-barge transportation.

(d) DEADLINE.—Not later than 180 days after the date of enactment of this title, the Administrator shall submit the assessment required under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 3510. SHORT SEA TRANSPORTATION.

(a) PURPOSE.—Section 55601 of title 46, United States Code, is amended—

(1) in subsection (a), by striking "landside congestion." and inserting "landside congestion or to promote short sea transportation.";

(2) in subsection (c), by striking "coastal corridors" and inserting "coastal corridors or to promote short sea transportation";

(3) in subsection (d), by striking "that the project may" and all that follows through the end of the subsection and inserting "that the project uses documented vessels and—

"(1) mitigates landside congestion; or

"(2) promotes short sea transportation."; and

(4) in subsection (f), by striking "shall" each place it appears and inserting "may".

(b) DOCUMENTATION.—Section 55605 of title 46, United States Code, is amended in the matter preceding paragraph (1) by striking "by vessel" and inserting "by a documented vessel".

SEC. 3511. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Chapter 503 of title 46, United States Code, is amended by adding at the end the following:

"§ 50307. Maritime environmental and technical assistance

"(a) IN GENERAL.—The Secretary of Transportation may engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under United States registry, and through partnerships and cooperative efforts with academic, public, private, and non-governmental entities and facilities.

"(b) REQUIREMENTS.—The Secretary of Transportation may—

"(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

"(A) reducing air emissions, water emissions, or other ship discharges;

"(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

"(C) controlling aquatic invasive species; and

"(2) coordinate with the Environmental Protection Agency, the United States Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

"(c) COORDINATION.—Coordination under subsection (b)(2) may include—

"(1) activities that are associated with the development or approval of validation and testing regimes; and

"(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

"(d) ASSISTANCE.—The Secretary of Transportation may accept gifts, or enter into cooperative agreements, contracts, or other agreements with academic, public, private, and non-governmental entities to carry out the activities authorized under subsection (a).".

(b) CONFORMING AMENDMENT.—The table of contents for chapter 503 of title 46, United States Code, is amended by inserting after the item relating to section 50306 the following:

"50307. Maritime environmental and technical assistance.".

SEC. 3512. IDENTIFICATION OF ACTIONS TO ENABLE QUALIFIED UNITED STATES FLAG CAPACITY TO MEET NATIONAL DEFENSE REQUIREMENTS.

Section 501(b) of title 46, United States Code, is amended—

(1) by striking "When the head" and inserting the following:

"(1) IN GENERAL.—When the head"; and

(2) by adding at the end the following:

"(2) DETERMINATIONS.—The Maritime Administrator shall—

"(A) for each determination referred to in paragraph (1), identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements;

"(B) provide notice of each such determination to the Secretary of Transportation and the head of the agency referred to in paragraph (1) for which the determination is made; and

Notification.

"(C) publish each such determination on the Internet Web site of the Department of Transportation not later

Web posting. Deadline.

than 48 hours after notice of the determination is provided to the Secretary of Transportation.

"(3) NOTICE TO CONGRESS.—

Deadlines.

"(A) IN GENERAL.—The head of an agency referred to in paragraph (1) shall notify the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate—

"(i) of any request for a waiver of the navigation or vessel-inspection laws under this section not later than 48 hours after receiving such a request; and

"(ii) of the issuance of any such waiver not later than 48 hours after such issuance.

"(B) CONTENTS.—Such head of an agency shall include in each notification under subparagraph (A)(ii) an explanation of—

"(i) the reasons the waiver is necessary; and

"(ii) the reasons actions referred to in paragraph (2)(A) are not feasible.".

SEC. 3513. MARITIME WORKFORCE STUDY.

(a) TRAINING STUDY.—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) STUDY COMPONENTS.—The study shall—

(1) analyze the impact of maritime training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;

(2) evaluate the ability of the United States maritime training infrastructure to meet the needs of the maritime industry;

(3) identify trends in maritime training;

(4) compare the training needs of United States mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of United States mariners;

(5) include recommendations to enhance the capabilities of the United States maritime training infrastructure; and

(6) include recommendations to assist United States mariners and those entering the maritime profession to achieve the required training.

(c) FINAL REPORT.—Not later than 1 year after the date of enactment of this title, the Comptroller General shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

SEC. 3514. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.

Deadline.
Assessment.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this title, the Comptroller General of the United States shall conduct an assessment of the source selection procedures and practices used to award the Maritime Administration's

National Defense Reserve Fleet vessel recycling contracts. The Comptroller General shall assess the process, procedures, and practices used for the Maritime Administration's qualification of vessel recycling facilities. The Comptroller General shall report the findings to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

Reports.

(b) ASSESSMENT.—The assessment under subsection (a) shall include a review of whether the Maritime Administration's contract source selection procedures and practices are consistent with law, the Federal Acquisition Regulation (FAR), and Federal best practices associated with making source selection decisions.

(c) CONSIDERATIONS.—In making the assessment under subsection (a), the Comptroller General may consider any other aspect of the Maritime Administration's vessel recycling process that the Comptroller General deems appropriate to review.

SEC. 3515. REQUIREMENT FOR BARGE DESIGN.

Deadline.

Not later than 270 days after the date of enactment of this title, the Maritime Administrator shall complete the design for a containerized, articulated barge, as identified in the dual-use vessel study carried out by the Administrator and the Secretary of Defense, that is able to utilize roll-on/roll-off or load-on/load-off technology in marine highway maritime commerce.

SEC. 3516. ELIGIBILITY TO RECEIVE SURPLUS TRAINING EQUIPMENT.

Section 51103(b)(2)(C) of title 46, United States Code, is amended by inserting "or a training institution that is an instrumentality of a State, Territory, or Commonwealth of the United States or District of Columbia or a unit of local government thereof" after "a nonprofit training institution".

SEC. 3517. COORDINATION WITH OTHER LAWS.

(a) EARLIER ENACTMENT OF COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2012.—If the date of the enactment of the Coast Guard and Maritime Transportation Act of 2012 (H.R. 2838, 112th Congress) is before the date of the enactment of this Act:

(1) Sections 3501, 3503 through 3507, and 3509 through 3516 of this Act, and any amendments made by those sections, shall not go into effect.

(2) Section 501(b)(3)(A) of title 46, United States Code (as added by section 301(2) of the Coast Guard and Maritime Transportation Act of 2012), is amended by striking "the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate" and inserting "the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate".

(3) Section 414(c) of the Coast Guard and Maritime Transportation Act of 2012 is amended by striking "the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives" and inserting "the Committee on Commerce, Science, and Transportation and the Committee

on Armed Services of the Senate and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives".

(b) LATER ENACTMENT OF COAST GUARD AND MARITIME TRANSPORTATION ACT OF 2012.—If the date of the enactment of the Coast Guard and Maritime Transportation Act of 2012 (H.R. 2838, 112th Congress) is after the date of the enactment of this Act, sections 301, 402 through 408, 410 through 412, 414, and 415 of such Act, and any amendments made by those sections, shall not go into effect.

DIVISION D—FUNDING TABLES

Sec. 4001. Authorization of amounts in funding tables.

TITLE XLI—PROCUREMENT

Sec. 4101. Procurement.
Sec. 4102. Procurement for overseas contingency operations.

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 4201. Research, development, test, and evaluation.
Sec. 4202. Research, development, test, and evaluation for overseas contingency operations.

TITLE XLIII—OPERATION AND MAINTENANCE

Sec. 4301. Operation and maintenance.
Sec. 4302. Operation and maintenance for overseas contingency operations.

TITLE XLIV—MILITARY PERSONNEL

Sec. 4401. Military personnel.
Sec. 4402. Military personnel for overseas contingency operations.

TITLE XLV—OTHER AUTHORIZATIONS

Sec. 4501. Other authorizations.
Sec. 4502. Other authorizations for overseas contingency operations.

TITLE XLVI—MILITARY CONSTRUCTION

Sec. 4601. Military construction.
Sec. 4602. Military construction for overseas contingency operations.

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. Department of Energy National Security programs.

SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
001	UTILITY F/W AIRCRAFT	18,639	18,639
003	MQ–1 UAV	518,088	518,088
004	RQ–11 (RAVEN)	25,798	25,798
	ROTARY		
006	HELICOPTER, LIGHT UTILITY (LUH)	271,983	271,983
007	AH–64 APACHE BLOCK IIIA REMAN	577,115	577,115
008	ADVANCE PROCUREMENT (CY)	107,707	107,707
009	AH–64 APACHE BLOCK IIIB NEW BUILD	153,993	153,993
010	ADVANCE PROCUREMENT (CY)	146,121	146,121
013	UH–60 BLACKHAWK M MODEL (MYP)	1,107,087	1,107,087
014	ADVANCE PROCUREMENT (CY)	115,113	115,113
015	CH–47 HELICOPTER	1,076,036	1,076,036
016	ADVANCE PROCUREMENT (CY)	83,346	83,346
	MODIFICATION OF AIRCRAFT		
018	MQ–1 PAYLOAD—UAS	231,508	231,508
020	GUARDRAIL MODS (MIP)	16,272	16,272
021	MULTI SENSOR ABN RECON (MIP)	4,294	4,294
022	AH–64 MODS	178,805	178,805
023	CH–47 CARGO HELICOPTER MODS (MYP)	39,135	39,135
024	UTILITY/CARGO AIRPLANE MODS	24,842	24,842
026	UTILITY HELICOPTER MODS	73,804	73,804
027	KIOWA WARRIOR MODS	192,484	192,484
029	NETWORK AND MISSION PLAN	190,789	190,789
030	COMMS, NAV SURVEILLANCE	133,191	133,191
031	GATM ROLLUP	87,280	87,280
032	RQ–7 UAV MODS	104,339	104,339
	GROUND SUPPORT AVIONICS		
034	AIRCRAFT SURVIVABILITY EQUIPMENT	34,037	34,037

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
036	CMWS	127,751	127,751
	OTHER SUPPORT		
037	AVIONICS SUPPORT EQUIPMENT	4,886	4,886
038	COMMON GROUND EQUIPMENT	82,511	82,511
039	AIRCREW INTEGRATED SYSTEMS	77,381	77,381
040	AIR TRAFFIC CONTROL	47,235	47,235
041	INDUSTRIAL FACILITIES	1,643	1,643
042	LAUNCHER, 2.75 ROCKET	516	516
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**5,853,729**	**5,853,729**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
001	PATRIOT SYSTEM SUMMARY	646,590	696,590
	Additional PAC–3 missiles		[50,000]
002	MSE MISSILE	12,850	12,850
	AIR-TO-SURFACE MISSILE SYSTEM		
004	HELLFIRE SYS SUMMARY	1,401	1,401
	ANTI-TANK/ASSAULT MISSILE SYS		
005	JAVELIN (AAWS-M) SYSTEM SUMMARY	81,121	81,121
006	TOW 2 SYSTEM SUMMARY	64,712	64,712
007	ADVANCE PROCUREMENT (CY)	19,931	19,931
008	GUIDED MLRS ROCKET (GMLRS)	218,679	218,679
009	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	18,767	18,767
010	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	12,051	12,051
	MODIFICATIONS		
011	PATRIOT MODS	199,565	199,565
013	MLRS MODS	2,466	2,466
014	HIMARS MODIFICATIONS	6,068	6,068
	SPARES AND REPAIR PARTS		
016	SPARES AND REPAIR PARTS	7,864	7,864
	SUPPORT EQUIPMENT & FACILITIES		
017	AIR DEFENSE TARGETS	3,864	3,864
018	ITEMS LESS THAN $5 MILLION (MISSILES)	1,560	1,560
019	PRODUCTION BASE SUPPORT	5,200	5,200
	TOTAL MISSILE PROCUREMENT, ARMY	**1,302,689**	**1,352,689**
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
001	STRYKER VEHICLE	286,818	286,818
	MODIFICATION OF TRACKED COMBAT VEHICLES		
003	STRYKER (MOD)	60,881	60,881
004	FIST VEHICLE (MOD)	57,257	57,257
005	BRADLEY PROGRAM (MOD)	148,193	288,193
	Program increase		[140,000]
006	HOWITZER, MED SP FT 155MM M109A6 (MOD)	10,341	10,341
007	PALADIN PIM MOD IN SERVICE	206,101	206,101
008	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	107,909	169,909
	Program increase		[62,000]
009	ASSAULT BREACHER VEHICLE	50,039	50,039
010	M88 FOV MODS	29,930	29,930
011	M1 ABRAMS TANK (MOD)	129,090	129,090
012	ABRAMS UPGRADE PROGRAM	74,433	210,433
	Program increase		[136,000]
	SUPPORT EQUIPMENT & FACILITIES		
013	PRODUCTION BASE SUPPORT (TCV-WTCV)	1,145	1,145
	WEAPONS & OTHER COMBAT VEHICLES		
014	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY	506	506
017	LIGHTWEIGHT .50 CALIBER MACHINE GUN	25,183	0
	Program termination		[–25,183]
019	MORTAR SYSTEMS	8,104	8,104
021	XM320 GRENADE LAUNCHER MODULE (GLM)	14,096	14,096
024	CARBINE	21,272	21,272
025	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	6,598	6,598
026	COMMON REMOTELY OPERATED WEAPONS STATION	56,725	56,725
027	HOWITZER LT WT 155MM (T)	13,827	13,827
	MOD OF WEAPONS AND OTHER COMBAT VEH		
029	M777 MODS	26,843	26,843

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
030	M4 CARBINE MODS	27,243	27,243
031	M2 50 CAL MACHINE GUN MODS	39,974	39,974
032	M249 SAW MACHINE GUN MODS	4,996	4,996
033	M240 MEDIUM MACHINE GUN MODS	6,806	6,806
034	SNIPER RIFLES MODIFICATIONS	14,113	14,113
035	M119 MODIFICATIONS	20,727	20,727
036	M16 RIFLE MODS	3,306	3,306
037	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	3,072	3,072
	SUPPORT EQUIPMENT & FACILITIES		
038	ITEMS LESS THAN $5 MILLION (WOCV-WTCV)	2,026	2,026
039	PRODUCTION BASE SUPPORT (WOCV-WTCV)	10,115	10,115
040	INDUSTRIAL PREPAREDNESS	442	442
041	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	2,378	2,378
	SPARES		
042	SPARES AND REPAIR PARTS (WTCV)	31,217	31,217
	TOTAL PROCUREMENT OF W&TCV, ARMY	**1,501,706**	**1,814,523**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
001	CTG, 5.56MM, ALL TYPES	158,313	123,513
	Unit cost savings		[–34,800]
002	CTG, 7.62MM, ALL TYPES	91,438	91,438
003	CTG, HANDGUN, ALL TYPES	8,954	8,954
004	CTG, .50 CAL, ALL TYPES	109,604	109,604
005	CTG, 20MM, ALL TYPES	4,041	4,041
006	CTG, 25MM, ALL TYPES	12,654	12,654
007	CTG, 30MM, ALL TYPES	72,154	54,154
	Pricing adjustments for target practice round and light-weight dual-purpose round.		[–18,000]
008	CTG, 40MM, ALL TYPES	60,138	0
	Decrease for excess		[–60,138]
	MORTAR AMMUNITION		
009	60MM MORTAR, ALL TYPES	44,375	44,375
010	81MM MORTAR, ALL TYPES	27,471	27,471
011	120MM MORTAR, ALL TYPES	87,811	87,811
	TANK AMMUNITION		
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	112,380	112,380
	ARTILLERY AMMUNITION		
013	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP	50,861	50,861
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES	26,227	26,227
015	PROJ 155MM EXTENDED RANGE XM982	110,329	55,329
	Excalibur I-b round schedule delay		[–55,000]
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	43,924	43,924
	MINES		
017	MINES & CLEARING CHARGES, ALL TYPES	3,775	3,775
	NETWORKED MUNITIONS		
018	SPIDER NETWORK MUNITIONS, ALL TYPES	17,408	17,408
	ROCKETS		
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	1,005	1,005
020	ROCKET, HYDRA 70, ALL TYPES	123,433	123,433
	OTHER AMMUNITION		
021	DEMOLITION MUNITIONS, ALL TYPES	35,189	35,189
022	GRENADES, ALL TYPES	33,477	33,477
023	SIGNALS, ALL TYPES	9,991	9,991
024	SIMULATORS, ALL TYPES	10,388	10,388
	MISCELLANEOUS		
025	AMMO COMPONENTS, ALL TYPES	19,383	19,383
026	NON-LETHAL AMMUNITION, ALL TYPES	7,336	7,336
027	CAD/PAD ALL TYPES	6,641	6,641
028	ITEMS LESS THAN $5 MILLION	15,092	15,092
029	AMMUNITION PECULIAR EQUIPMENT	15,692	15,692
030	FIRST DESTINATION TRANSPORTATION (AMMO)	14,107	14,107
031	CLOSEOUT LIABILITIES	106	106
	PRODUCTION BASE SUPPORT		
032	PROVISION OF INDUSTRIAL FACILITIES	220,171	220,171
033	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL	182,461	182,461
034	ARMS INITIATIVE	3,377	3,377

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**1,739,706**	**1,571,768**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
001	SEMITRAILERS, FLATBED:	7,097	7,097
002	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	346,115	346,115
003	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	19,292	19,292
004	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	52,933	52,933
005	PLS ESP	18,035	18,035
009	TRUCK, TRACTOR, LINE HAUL, M915/M916	3,619	3,619
010	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	26,859	26,859
012	TACTICAL WHEELED VEHICLE PROTECTION KITS	69,163	69,163
013	MODIFICATION OF IN SVC EQUIP	91,754	91,754
	NON-TACTICAL VEHICLES		
018	PASSENGER CARRYING VEHICLES	2,548	2,548
019	NONTACTICAL VEHICLES, OTHER	16,791	16,791
	COMM—JOINT COMMUNICATIONS		
020	JOINT COMBAT IDENTIFICATION MARKING SYSTEM	10,061	10,061
021	WIN-T—GROUND FORCES TACTICAL NETWORK	892,635	872,635
	Program adjustment		[–20,000]
022	SIGNAL MODERNIZATION PROGRAM	45,626	45,626
023	JCSE EQUIPMENT (USREDCOM)	5,143	5,143
	COMM—SATELLITE COMMUNICATIONS		
024	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	151,636	151,636
025	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS.	6,822	6,822
026	SHF TERM	9,108	9,108
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	27,353	27,353
029	SMART-T (SPACE)	98,656	98,656
031	GLOBAL BRDCST SVC—GBS	47,131	47,131
032	MOD OF IN-SVC EQUIP (TAC SAT)	23,281	23,281
	COMM—C3 SYSTEM		
034	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	10,848	10,848
	COMM—COMBAT COMMUNICATIONS		
035	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	979	979
036	JOINT TACTICAL RADIO SYSTEM	556,250	366,250
	Funding ahead of need		[–190,000]
037	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)	86,219	86,219
038	RADIO TERMINAL SET, MIDS LVT(2)	7,798	7,798
039	SINCGARS FAMILY	9,001	9,001
040	AMC CRITICAL ITEMS—OPA2	24,601	24,601
041	TRACTOR DESK	7,779	7,779
043	SPIDER APLA REMOTE CONTROL UNIT	34,365	24,365
	Funding ahead of need		[–10,000]
044	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS	1,833	1,833
045	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM	12,984	12,984
047	GUNSHOT DETECTION SYSTEM (GDS)	2,332	2,332
048	RADIO, IMPROVED HF (COTS) FAMILY	1,132	1,132
049	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	22,899	22,899
	COMM—INTELLIGENCE COMM		
051	CI AUTOMATION ARCHITECTURE	1,564	1,564
052	RESERVE CA/MISO GPF EQUIPMENT	28,781	28,781
	INFORMATION SECURITY		
053	TSEC—ARMY KEY MGT SYS (AKMS)	23,432	23,432
054	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	43,897	43,897
	COMM—LONG HAUL COMMUNICATIONS		
056	TERRESTRIAL TRANSMISSION	2,891	2,891
057	BASE SUPPORT COMMUNICATIONS	13,872	13,872
058	WW TECH CON IMP PROG (WWTCIP)	9,595	9,595
	COMM—BASE COMMUNICATIONS		
059	INFORMATION SYSTEMS	142,133	142,133
061	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(	57,727	57,727
062	PENTAGON INFORMATION MGT AND TELECOM	5,000	5,000
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
065	JTT/CIBS-M	1,641	1,641
066	PROPHET GROUND	48,797	48,797
069	DCGS-A (MIP)	184,007	184,007

SEC. 4101. PROCUREMENT
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Line	Item	FY 2013 Request	Conference Authorized
070	JOINT TACTICAL GROUND STATION (JTAGS)	2,680	2,680
071	TROJAN (MIP)	21,483	21,483
072	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	2,412	2,412
073	CI HUMINT AUTO REPRINTING AND COLLECTION	7,077	7,077
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
075	LIGHTWEIGHT COUNTER MORTAR RADAR	72,594	72,594
076	CREW	15,446	15,446
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	1,470	1,470
079	CI MODERNIZATION	1,368	1,368
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
080	FAAD GBS	7,980	7,980
081	SENTINEL MODS	33,444	33,444
082	SENSE THROUGH THE WALL (STTW)	6,212	0
	Slow execution of prior years appropriations		[–6,212]
083	NIGHT VISION DEVICES	166,516	166,516
085	NIGHT VISION, THERMAL WPN SIGHT	82,162	82,162
086	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	20,717	20,717
089	GREEN LASER INTERDICTION SYSTEM (GLIS)	1,014	1,014
090	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	29,881	29,881
091	PROFILER	12,482	12,482
092	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	3,075	3,075
094	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	141,385	141,385
096	MOD OF IN-SVC EQUIP (LLDR)	22,403	22,403
098	MORTAR FIRE CONTROL SYSTEM	29,505	29,505
099	COUNTERFIRE RADARS	244,409	244,409
100	ENHANCED SENSOR & MONITORING SYSTEM (WMD) ENHANCED SENSOR & MONITORING SYSTEM (WMD).	2,426	2,426
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
101	TACTICAL OPERATIONS CENTERS	30,196	30,196
102	FIRE SUPPORT C2 FAMILY	58,903	58,903
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM	8,111	8,111
104	FAAD C2	5,031	5,031
105	AIR & MSL DEFENSE PLANNING & CONTROL SYS	64,144	64,144
106	KNIGHT FAMILY	11,999	11,999
107	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,853	1,853
108	AUTOMATIC IDENTIFICATION TECHNOLOGY	14,377	14,377
111	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	59,821	59,821
112	MANEUVER CONTROL SYSTEM (MCS)	51,228	51,228
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	176,901	176,901
114	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	15,209	15,209
	ELECT EQUIP—AUTOMATION		
115	ARMY TRAINING MODERNIZATION	8,866	8,866
116	AUTOMATED DATA PROCESSING EQUIP	129,438	129,438
117	GENERAL FUND ENTERPRISE BUSINESS SYS FAM	9,184	9,184
118	CSS COMMUNICATIONS	20,639	20,639
119	RESERVE COMPONENT AUTOMATION SYS (RCAS)	35,493	35,493
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
120	ITEMS LESS THAN $5 MILLION (A/V)	8,467	8,467
121	ITEMS LESS THAN $5 MILLION	5,309	5,309
	ELECT EQUIP—SUPPORT		
122	PRODUCTION BASE SUPPORT (C-E)	586	586
	CLASSIFIED PROGRAMS		
124A	CLASSIFIED PROGRAMS	3,435	3,435
	CHEMICAL DEFENSIVE EQUIPMENT		
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	3,960	3,960
127	BASE DEFENSE SYSTEMS (BDS)	4,374	4,374
128	CBRN SOLDIER PROTECTION	9,259	9,259
	BRIDGING EQUIPMENT		
130	TACTICAL BRIDGING	35,499	35,499
131	TACTICAL BRIDGE, FLOAT-RIBBON	32,893	32,893
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
134	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	29,106	29,106
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	25,459	25,459
136	REMOTE DEMOLITION SYSTEMS	8,044	8,044
137	< $5M, COUNTERMINE EQUIPMENT	3,698	3,698
	COMBAT SERVICE SUPPORT EQUIPMENT		
138	HEATERS AND ECU'S	12,210	12,210

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
139	SOLDIER ENHANCEMENT	6,522	6,522
140	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)	11,222	11,222
141	GROUND SOLDIER SYSTEM	103,317	103,317
144	FIELD FEEDING EQUIPMENT	27,417	27,417
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	52,065	52,065
146	MORTUARY AFFAIRS SYSTEMS	2,358	2,358
147	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	31,573	31,573
148	ITEMS LESS THAN $5 MILLION	14,093	14,093
	PETROLEUM EQUIPMENT		
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	36,266	36,266
	MEDICAL EQUIPMENT		
150	COMBAT SUPPORT MEDICAL	34,101	34,101
151	MEDEVAC MISSON EQUIPMENT PACKAGE (MEP)	20,540	20,540
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	2,495	2,495
	CONSTRUCTION EQUIPMENT		
154	GRADER, ROAD MTZD, HVY, 6X4 (CCE)	2,028	2,028
156	SCRAPERS, EARTHMOVING	6,146	6,146
157	MISSION MODULES—ENGINEERING	31,200	31,200
161	TRACTOR, FULL TRACKED	20,867	20,867
162	ALL TERRAIN CRANES	4,003	4,003
163	PLANT, ASPHALT MIXING	3,679	3,679
164	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	30,042	30,042
165	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA	13,725	13,725
166	CONST EQUIP ESP	13,351	13,351
167	ITEMS LESS THAN $5 MILLION (CONST EQUIP)	9,134	9,134
	RAIL FLOAT CONTAINERIZATION EQUIPMENT		
170	ITEMS LESS THAN $5 MILLION (FLOAT/RAIL)	10,552	10,552
	GENERATORS		
171	GENERATORS AND ASSOCIATED EQUIP	60,302	60,302
	MATERIAL HANDLING EQUIPMENT		
173	FAMILY OF FORKLIFTS	5,895	5,895
	TRAINING EQUIPMENT		
175	COMBAT TRAINING CENTERS SUPPORT	104,649	104,649
176	TRAINING DEVICES, NONSYSTEM	125,251	125,251
177	CLOSE COMBAT TACTICAL TRAINER	19,984	19,984
178	AVIATION COMBINED ARMS TACTICAL TRAINER	10,977	10,977
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	4,056	4,056
	TEST MEASURE AND DIG EQUIPMENT (TMD)		
180	CALIBRATION SETS EQUIPMENT	10,494	10,494
181	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	45,508	45,508
182	TEST EQUIPMENT MODERNIZATION (TEMOD)	24,334	24,334
	OTHER SUPPORT EQUIPMENT		
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	5,078	5,078
184	PHYSICAL SECURITY SYSTEMS (OPA3)	46,301	46,301
185	BASE LEVEL COMMON EQUIPMENT	1,373	1,373
186	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	59,141	59,141
187	PRODUCTION BASE SUPPORT (OTH)	2,446	2,446
188	SPECIAL EQUIPMENT FOR USER TESTING	12,920	12,920
189	AMC CRITICAL ITEMS OPA3	19,180	19,180
190	TRACTOR YARD	7,368	7,368
191	UNMANNED GROUND VEHICLE	83,937	83,937
	OPA2		
193	INITIAL SPARES—C&E	64,507	64,507
	PRIOR YEAR SAVINGS		
	UNDISTRIBUTED		
194	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM		52,000
	Army requested transfer from Operation and Maintenance, Army, line 100.		[52,000]
	TOTAL OTHER PROCUREMENT, ARMY	**6,326,245**	**6,152,033**
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
	STAFF AND INFRASTRUCTURE		
004	OPERATIONS	227,414	0
	Transfer of funds to title 15		[–227,414]
	TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND.	**227,414**	**0**

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
001	EA–18G	1,027,443	1,014,443
	Engine cost growth		[–13,000]
002	ADVANCE PROCUREMENT (CY)		45,000
	Program increase		[45,000]
003	F/A–18E/F (FIGHTER) HORNET	2,035,131	2,017,131
	Engine cost growth		[–12,000]
	Engineering Change Order excess funding		[–6,000]
004	ADVANCE PROCUREMENT (CY)	30,296	30,296
005	JOINT STRIKE FIGHTER CV	1,007,632	988,832
	Excessive weapon system unit cost increase		[–18,800]
006	ADVANCE PROCUREMENT (CY)	65,180	65,180
007	JSF STOVL	1,404,737	1,345,937
	Excessive weapon system unit cost increase		[–58,800]
008	ADVANCE PROCUREMENT (CY)	106,199	106,199
009	V–22 (MEDIUM LIFT)	1,303,120	1,291,380
	Flyaway unit cost savings		[–11,740]
010	ADVANCE PROCUREMENT (CY)	154,202	154,202
011	H–1 UPGRADES (UH–1Y/AH–1Z)	720,933	720,933
012	ADVANCE PROCUREMENT (CY)	69,658	69,658
013	MH–60S (MYP)	384,792	384,792
014	ADVANCE PROCUREMENT (CY)	69,277	69,277
015	MH–60R (MYP)	656,866	826,866
	Cruiser Retention—Restore 5 helicopters		[170,000]
016	ADVANCE PROCUREMENT (CY)	185,896	185,896
017	P–8A POSEIDON	2,420,755	2,387,052
	Excess to need		[–33,703]
018	ADVANCE PROCUREMENT (CY)	325,679	325,679
019	E–2D ADV HAWKEYE	861,498	861,498
020	ADVANCE PROCUREMENT (CY)	123,179	123,179
	TRAINER AIRCRAFT		
022	JPATS	278,884	268,784
	Airframe cost growth		[–10,100]
	OTHER AIRCRAFT		
023	KC–130J	3,000	3,000
024	ADVANCE PROCUREMENT (CY)	22,995	22,995
025	ADVANCE PROCUREMENT (CY)—RQ–4 UAV	51,124	51,124
026	MQ–8 UAV	124,573	124,573
027	STUASL0 UAV	9,593	9,593
	MODIFICATION OF AIRCRAFT		
028	EA–6 SERIES	30,062	30,062
029	AEA SYSTEMS	49,999	49,999
030	AV–8 SERIES	38,703	38,703
031	ADVERSARY	4,289	4,289
032	F–18 SERIES	647,306	639,306
	ILS growth (OSIP 11–84)		[–5,000]
	Other support funding growth (OSIP 001–10)		[–3,000]
033	H–46 SERIES	2,343	2,343
034	AH–1W SERIES	8,721	8,721
035	H–53 SERIES	45,567	42,367
	Other Support cost growth		[–3,200]
036	SH–60 SERIES	83,527	83,527
037	H–1 SERIES	6,508	6,508
038	EP–3 SERIES	66,374	66,374
039	P–3 SERIES	148,405	148,405
040	E–2 SERIES	16,322	16,322
041	TRAINER A/C SERIES	34,284	34,284
042	C–2A	4,743	4,743
043	C–130 SERIES	60,302	60,302
044	FEWSG	670	670
045	CARGO/TRANSPORT A/C SERIES	26,311	26,311
046	E–6 SERIES	158,332	155,842
	SLEP kit installation cost growth (OSIP 003–07)		[–2,490]
047	EXECUTIVE HELICOPTERS SERIES	58,163	58,163
048	SPECIAL PROJECT AIRCRAFT	12,421	12,421

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
049	T–45 SERIES	64,488	59,488
	Avionics Obsolescence kit cost growth		[–2,000]
	Synthetic Radar kit cost growth		[–3,000]
050	POWER PLANT CHANGES	21,569	21,569
051	JPATS SERIES	1,552	1,552
052	AVIATION LIFE SUPPORT MODS	2,473	2,473
053	COMMON ECM EQUIPMENT	114,690	114,690
054	COMMON AVIONICS CHANGES	96,183	96,183
056	ID SYSTEMS	39,846	39,846
057	P–8 SERIES	5,302	5,302
058	MAGTF EW FOR AVIATION	34,127	34,127
059	RQ–7 SERIES	49,324	49,324
060	V–22 (TILT/ROTOR ACFT) OSPREY	95,856	95,856
	AIRCRAFT SPARES AND REPAIR PARTS		
061	SPARES AND REPAIR PARTS	1,166,430	1,132,430
	Spares cost growth- F–35C, F–35B, E–2D		[–34,000]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
062	COMMON GROUND EQUIPMENT	387,195	387,195
063	AIRCRAFT INDUSTRIAL FACILITIES	23,469	23,469
064	WAR CONSUMABLES	43,383	43,383
065	OTHER PRODUCTION CHARGES	3,399	3,399
066	SPECIAL SUPPORT EQUIPMENT	32,274	32,274
067	FIRST DESTINATION TRANSPORTATION	1,742	1,742
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**17,129,296**	**17,127,463**
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
001	TRIDENT II MODS	1,224,683	1,214,683
	Tooling, test/support equipment growth		[–10,000]
	SUPPORT EQUIPMENT & FACILITIES		
002	MISSILE INDUSTRIAL FACILITIES	5,553	5,553
	STRATEGIC MISSILES		
003	TOMAHAWK	308,970	298,970
	Contract Savings		[–10,000]
	TACTICAL MISSILES		
004	AMRAAM	102,683	97,390
	Captive air training missile cost growth		[–5,293]
005	SIDEWINDER	80,226	74,267
	All Up Round Missile Cost Growth		[–3,847]
	Captive Air Training Missile Cost Growth		[–2,112]
006	JSOW	127,609	127,609
007	STANDARD MISSILE	399,482	399,482
008	RAM	66,769	66,769
009	HELLFIRE	74,501	74,501
011	AERIAL TARGETS	61,518	61,518
012	OTHER MISSILE SUPPORT	3,585	3,585
	MODIFICATION OF MISSILES		
013	ESSM	58,194	58,194
014	HARM MODS	86,721	86,721
	SUPPORT EQUIPMENT & FACILITIES		
016	WEAPONS INDUSTRIAL FACILITIES	2,014	2,014
017	FLEET SATELLITE COMM FOLLOW-ON	21,454	21,454
	ORDNANCE SUPPORT EQUIPMENT		
018	ORDNANCE SUPPORT EQUIPMENT	54,945	54,945
	TORPEDOES AND RELATED EQUIP		
019	SSTD	2,700	2,700
020	ASW TARGETS	10,385	10,385
	MOD OF TORPEDOES AND RELATED EQUIP		
021	MK–54 TORPEDO MODS	74,487	74,487
022	MK–48 TORPEDO ADCAP MODS	54,281	54,281
023	QUICKSTRIKE MINE	6,852	6,852
	SUPPORT EQUIPMENT		
024	TORPEDO SUPPORT EQUIPMENT	46,402	46,402
025	ASW RANGE SUPPORT	11,927	11,927
	DESTINATION TRANSPORTATION		
026	FIRST DESTINATION TRANSPORTATION	3,614	3,614
	GUNS AND GUN MOUNTS		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
027	SMALL ARMS AND WEAPONS	12,594	12,594
	MODIFICATION OF GUNS AND GUN MOUNTS		
028	CIWS MODS	59,303	67,003
	Buy additional ordnance alteration kits		[7,700]
029	COAST GUARD WEAPONS	19,072	19,072
030	GUN MOUNT MODS	54,706	54,706
031	CRUISER MODERNIZATION WEAPONS	1,591	19,622
	Cruiser retention—5″/62 Upgrade		[18,031]
032	AIRBORNE MINE NEUTRALIZATION SYSTEMS	20,607	20,607
	SPARES AND REPAIR PARTS		
034	SPARES AND REPAIR PARTS	60,150	60,150
	TOTAL WEAPONS PROCUREMENT, NAVY	**3,117,578**	**3,112,057**
	SHIPBUILDING & CONVERSION, NAVY		
	OTHER WARSHIPS		
001	CARRIER REPLACEMENT PROGRAM	608,195	605,295
	SEWIP block 2 growth		[–2,900]
003	VIRGINIA CLASS SUBMARINE	3,217,601	3,217,601
004	ADVANCE PROCUREMENT (CY)	874,878	1,652,557
	Advance procurement for 2nd SSN in FY 14		[777,679]
005	CVN REFUELING OVERHAULS	1,613,392	1,517,292
	Program decrease		[–96,100]
006	ADVANCE PROCUREMENT (CY)	70,010	70,010
008	DDG 1000	669,222	669,222
009	DDG–51	3,048,658	3,048,658
010	ADVANCE PROCUREMENT (CY)	466,283	466,283
011	LITTORAL COMBAT SHIP	1,784,959	1,784,959
	AMPHIBIOUS SHIPS		
015	JOINT HIGH SPEED VESSEL	189,196	189,196
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
017	ADVANCE PROCUREMENT (CY)	307,300	307,300
018	OUTFITTING	309,648	309,648
020	LCAC SLEP	47,930	47,930
021	COMPLETION OF PY SHIPBUILDING PROGRAMS	372,573	372,573
	TOTAL SHIPBUILDING & CONVERSION, NAVY	**13,579,845**	**14,258,524**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
001	GENERAL PURPOSE BOMBS	27,024	27,024
002	AIRBORNE ROCKETS, ALL TYPES	56,575	56,575
003	MACHINE GUN AMMUNITION	21,266	21,266
004	PRACTICE BOMBS	34,319	34,319
005	CARTRIDGES & CART ACTUATED DEVICES	53,755	53,755
006	AIR EXPENDABLE COUNTERMEASURES	61,693	60,693
	ALE–55 cost growth		[–1,000]
007	JATOS	2,776	2,776
008	LRLAP 6″ LONG RANGE ATTACK PROJECTILE	7,102	7,102
009	5 INCH/54 GUN AMMUNITION	48,320	48,320
010	INTERMEDIATE CALIBER GUN AMMUNITION	25,544	25,544
011	OTHER SHIP GUN AMMUNITION	41,624	38,884
	30MM x 173 linked cartridge contract delay		[–2,740]
012	SMALL ARMS & LANDING PARTY AMMO	65,893	65,247
	M18A1 mine cost growth		[–646]
013	PYROTECHNIC AND DEMOLITION	11,176	11,176
014	AMMUNITION LESS THAN $5 MILLION	4,116	4,116
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION	83,733	83,733
016	LINEAR CHARGES, ALL TYPES	24,645	24,645
017	40 MM, ALL TYPES	16,201	16,201
019	81MM, ALL TYPES	13,711	3,711
	Excess to need		[–10,000]
020	120MM, ALL TYPES	12,557	12,557
022	GRENADES, ALL TYPES	7,634	7,134
	Excess to need		[–500]
023	ROCKETS, ALL TYPES	27,528	27,528
024	ARTILLERY, ALL TYPES	93,065	76,459
	Prior year funds available		[–16,606]

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
025	DEMOLITION MUNITIONS, ALL TYPES	2,047	0
	Excess to need		[–2,047]
026	FUZE, ALL TYPES	5,297	5,297
027	NON LETHALS	1,362	1,362
028	AMMO MODERNIZATION	4,566	4,566
029	ITEMS LESS THAN $5 MILLION	6,010	6,010
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**759,539**	**726,000**
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
001	LM–2500 GAS TURBINE	10,658	10,658
002	ALLISON 501K GAS TURBINE	8,469	8,469
	NAVIGATION EQUIPMENT		
003	OTHER NAVIGATION EQUIPMENT	23,392	23,392
	PERISCOPES		
004	SUB PERISCOPES & IMAGING EQUIP	53,809	53,809
	OTHER SHIPBOARD EQUIPMENT		
005	DDG MOD	452,371	452,371
006	FIREFIGHTING EQUIPMENT	16,958	16,958
007	COMMAND AND CONTROL SWITCHBOARD	2,492	2,492
008	POLLUTION CONTROL EQUIPMENT	20,707	20,707
009	SUBMARINE SUPPORT EQUIPMENT	12,046	12,046
010	VIRGINIA CLASS SUPPORT EQUIPMENT	79,870	79,870
011	LCS CLASS SUPPORT EQUIPMENT	19,865	19,865
012	SUBMARINE BATTERIES	41,522	41,522
013	LPD CLASS SUPPORT EQUIPMENT	30,543	30,543
014	STRATEGIC PLATFORM SUPPORT EQUIP	16,257	16,257
015	DSSP EQUIPMENT	3,630	3,630
016	CG MODERNIZATION	101,000	184,972
	Cruiser retention		[83,972]
017	LCAC	16,645	16,645
018	UNDERWATER EOD PROGRAMS	35,446	35,446
019	ITEMS LESS THAN $5 MILLION	65,998	65,998
020	CHEMICAL WARFARE DETECTORS	4,359	4,359
021	SUBMARINE LIFE SUPPORT SYSTEM	10,218	10,218
	REACTOR PLANT EQUIPMENT		
022	REACTOR POWER UNITS	286,859	286,859
023	REACTOR COMPONENTS	278,503	278,503
	OCEAN ENGINEERING		
024	DIVING AND SALVAGE EQUIPMENT	8,998	8,998
	SMALL BOATS		
025	STANDARD BOATS	30,131	30,131
	TRAINING EQUIPMENT		
026	OTHER SHIPS TRAINING EQUIPMENT	29,772	29,772
	PRODUCTION FACILITIES EQUIPMENT		
027	OPERATING FORCES IPE	64,346	64,346
	OTHER SHIP SUPPORT		
028	NUCLEAR ALTERATIONS	154,652	154,652
029	LCS COMMON MISSION MODULES EQUIPMENT	31,319	31,319
030	LCS MCM MISSION MODULES	38,392	38,392
031	LCS SUW MISSION MODULES	32,897	32,897
	LOGISTIC SUPPORT		
032	LSD MIDLIFE	49,758	49,758
	SHIP SONARS		
034	SPQ–9B RADAR	19,777	19,777
035	AN/SQQ–89 SURF ASW COMBAT SYSTEM	89,201	89,201
036	SSN ACOUSTICS	190,874	190,874
037	UNDERSEA WARFARE SUPPORT EQUIPMENT	17,035	17,035
038	SONAR SWITCHES AND TRANSDUCERS	13,410	13,410
	ASW ELECTRONIC EQUIPMENT		
040	SUBMARINE ACOUSTIC WARFARE SYSTEM	21,489	19,532
	Contract award delays for launch tube and MK3		[–1,957]
041	SSTD	10,716	10,716
042	FIXED SURVEILLANCE SYSTEM	98,896	98,896
043	SURTASS	2,774	2,774
044	MARITIME PATROL AND RECONNSAISANCE FORCE	18,428	18,428
	ELECTRONIC WARFARE EQUIPMENT		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
045	AN/SLQ–32	92,270	92,270
	RECONNAISSANCE EQUIPMENT		
046	SHIPBOARD IW EXPLOIT	107,060	107,060
047	AUTOMATED IDENTIFICATION SYSTEM (AIS)	914	914
	SUBMARINE SURVEILLANCE EQUIPMENT		
048	SUBMARINE SUPPORT EQUIPMENT PROG	34,050	34,050
	OTHER SHIP ELECTRONIC EQUIPMENT		
049	COOPERATIVE ENGAGEMENT CAPABILITY	27,881	22,191
	Excess PAAA backfit installation funding		[–615]
	Excess signal data processor backfit kit installation funding		[–2,725]
	Signal data processor backfit kit contract delay		[–1,350]
	Support funding carryover		[–1,000]
050	TRUSTED INFORMATION SYSTEM (TIS)	448	448
051	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	35,732	35,732
053	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	9,533	9,533
054	MINESWEEPING SYSTEM REPLACEMENT	60,111	60,111
055	SHALLOW WATER MCM	6,950	6,950
056	NAVSTAR GPS RECEIVERS (SPACE)	9,089	9,089
057	AMERICAN FORCES RADIO AND TV SERVICE	7,768	7,768
058	STRATEGIC PLATFORM SUPPORT EQUIP	3,614	3,614
	TRAINING EQUIPMENT		
059	OTHER TRAINING EQUIPMENT	42,911	42,911
	AVIATION ELECTRONIC EQUIPMENT		
060	MATCALS	5,861	5,861
061	SHIPBOARD AIR TRAFFIC CONTROL	8,362	8,362
062	AUTOMATIC CARRIER LANDING SYSTEM	15,685	15,685
063	NATIONAL AIR SPACE SYSTEM	16,919	16,919
064	FLEET AIR TRAFFIC CONTROL SYSTEMS	6,828	6,828
065	LANDING SYSTEMS	7,646	7,646
066	ID SYSTEMS	35,474	35,474
067	NAVAL MISSION PLANNING SYSTEMS	9,958	9,958
	OTHER SHORE ELECTRONIC EQUIPMENT		
068	DEPLOYABLE JOINT COMMAND AND CONT	9,064	9,064
069	MARITIME INTEGRATED BROADCAST SYSTEM	16,026	16,026
070	TACTICAL/MOBILE C4I SYSTEMS	11,886	11,886
071	DCGS-N	11,887	11,887
072	CANES	341,398	320,874
	Contract delay (DDG–51 class)		[–7,734]
	Contract delay (LHD–7)		[–8,305]
	Excess ADNS installation (afloat) funding		[–2,070]
	Excess ADNS installation (ashore) funding		[–2,415]
073	RADIAC	8,083	8,083
074	CANES-INTELL	79,427	79,427
075	GPETE	6,083	6,083
076	INTEG COMBAT SYSTEM TEST FACILITY	4,495	4,495
077	EMI CONTROL INSTRUMENTATION	4,767	4,767
078	ITEMS LESS THAN $5 MILLION	81,755	81,755
	SHIPBOARD COMMUNICATIONS		
080	SHIP COMMUNICATIONS AUTOMATION	56,870	56,870
081	MARITIME DOMAIN AWARENESS (MDA)	1,063	1,063
082	COMMUNICATIONS ITEMS UNDER $5M	28,522	28,522
	SUBMARINE COMMUNICATIONS		
083	SUBMARINE BROADCAST SUPPORT	4,183	4,183
084	SUBMARINE COMMUNICATION EQUIPMENT	69,025	69,025
	SATELLITE COMMUNICATIONS		
085	SATELLITE COMMUNICATIONS SYSTEMS	49,294	51,294
	SPIDERNet/Spectral Warrior Hardware		[2,000]
086	NAVY MULTIBAND TERMINAL (NMT)	184,825	184,825
	SHORE COMMUNICATIONS		
087	JCS COMMUNICATIONS EQUIPMENT	2,180	2,180
088	ELECTRICAL POWER SYSTEMS	1,354	1,354
	CRYPTOGRAPHIC EQUIPMENT		
090	INFO SYSTEMS SECURITY PROGRAM (ISSP)	144,104	144,104
	CRYPTOLOGIC EQUIPMENT		
091	CRYPTOLOGIC COMMUNICATIONS EQUIP	12,604	12,604
	OTHER ELECTRONIC SUPPORT		
092	COAST GUARD EQUIPMENT	6,680	6,680

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	SONOBUOYS		
095	SONOBUOYS—ALL TYPES	104,677	104,677
	AIRCRAFT SUPPORT EQUIPMENT		
096	WEAPONS RANGE SUPPORT EQUIPMENT	70,753	70,753
097	EXPEDITIONARY AIRFIELDS	8,678	8,678
098	AIRCRAFT REARMING EQUIPMENT	11,349	11,349
099	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	82,618	81,980
	ADMACS installation cost growth		[–638]
100	METEOROLOGICAL EQUIPMENT	18,339	18,339
101	DCRS/DPL	1,414	1,414
102	AVIATION LIFE SUPPORT	40,475	40,475
103	AIRBORNE MINE COUNTERMEASURES	61,552	61,552
104	LAMPS MK III SHIPBOARD EQUIPMENT	18,771	18,771
105	PORTABLE ELECTRONIC MAINTENANCE AIDS	7,954	7,954
106	OTHER AVIATION SUPPORT EQUIPMENT	10,023	10,023
107	AUTONOMIC LOGISTICS INFORMATION SYSTEM (ALIS)	3,826	3,826
	SHIP GUN SYSTEM EQUIPMENT		
108	NAVAL FIRES CONTROL SYSTEM	3,472	3,472
109	GUN FIRE CONTROL EQUIPMENT	4,528	4,528
	SHIP MISSILE SYSTEMS EQUIPMENT		
110	NATO SEASPARROW	8,960	8,960
111	RAM GMLS	1,185	1,185
112	SHIP SELF DEFENSE SYSTEM	55,371	55,371
113	AEGIS SUPPORT EQUIPMENT	81,614	81,614
114	TOMAHAWK SUPPORT EQUIPMENT	77,767	72,267
	Production support funding growth		[–5,500]
115	VERTICAL LAUNCH SYSTEMS	754	754
116	MARITIME INTEGRATED PLANNING SYSTEM-MIPS	4,965	4,965
	FBM SUPPORT EQUIPMENT		
117	STRATEGIC MISSILE SYSTEMS EQUIP	181,049	181,049
	ASW SUPPORT EQUIPMENT		
118	SSN COMBAT CONTROL SYSTEMS	71,316	71,316
119	SUBMARINE ASW SUPPORT EQUIPMENT	4,018	4,018
120	SURFACE ASW SUPPORT EQUIPMENT	6,465	6,465
121	ASW RANGE SUPPORT EQUIPMENT	47,930	47,930
	OTHER ORDNANCE SUPPORT EQUIPMENT		
122	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	3,579	3,579
123	ITEMS LESS THAN $5 MILLION	3,125	3,125
	OTHER EXPENDABLE ORDNANCE		
124	ANTI-SHIP MISSILE DECOY SYSTEM	31,743	29,743
	Support funding growth		[–2,000]
125	SURFACE TRAINING DEVICE MODS	34,174	34,174
126	SUBMARINE TRAINING DEVICE MODS	23,450	23,450
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
127	PASSENGER CARRYING VEHICLES	7,158	7,158
128	GENERAL PURPOSE TRUCKS	3,325	3,325
129	CONSTRUCTION & MAINTENANCE EQUIP	8,692	8,692
130	FIRE FIGHTING EQUIPMENT	14,533	14,533
131	TACTICAL VEHICLES	15,330	15,330
132	AMPHIBIOUS EQUIPMENT	10,803	10,803
133	POLLUTION CONTROL EQUIPMENT	7,265	7,265
134	ITEMS UNDER $5 MILLION	15,252	15,252
135	PHYSICAL SECURITY VEHICLES	1,161	1,161
	SUPPLY SUPPORT EQUIPMENT		
136	MATERIALS HANDLING EQUIPMENT	15,204	15,204
137	OTHER SUPPLY SUPPORT EQUIPMENT	6,330	6,330
138	FIRST DESTINATION TRANSPORTATION	6,539	6,539
139	SPECIAL PURPOSE SUPPLY SYSTEMS	34,804	34,804
	TRAINING DEVICES		
140	TRAINING SUPPORT EQUIPMENT	25,444	25,444
	COMMAND SUPPORT EQUIPMENT		
141	COMMAND SUPPORT EQUIPMENT	43,165	43,165
142	EDUCATION SUPPORT EQUIPMENT	2,251	2,251
143	MEDICAL SUPPORT EQUIPMENT	3,148	3,148
146	NAVAL MIP SUPPORT EQUIPMENT	3,502	3,502
148	OPERATING FORCES SUPPORT EQUIPMENT	15,696	15,696
149	C4ISR EQUIPMENT	4,344	4,344

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
150	ENVIRONMENTAL SUPPORT EQUIPMENT	19,492	19,492
151	PHYSICAL SECURITY EQUIPMENT	177,149	177,149
152	ENTERPRISE INFORMATION TECHNOLOGY	183,995	183,995
	CLASSIFIED PROGRAMS		
152A	CLASSIFIED PROGRAMS	13,063	13,063
	SPARES AND REPAIR PARTS		
153	SPARES AND REPAIR PARTS	250,718	250,718
	TOTAL OTHER PROCUREMENT, NAVY	**6,169,378**	**6,219,041**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
001	AAV7A1 PIP	16,089	16,089
002	LAV PIP	186,216	45,342
	Budget adjustment per USMC		[–140,874]
	ARTILLERY AND OTHER WEAPONS		
003	EXPEDITIONARY FIRE SUPPORT SYSTEM	2,502	2,502
004	155MM LIGHTWEIGHT TOWED HOWITZER	17,913	17,913
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	47,999	47,999
006	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	17,706	17,706
	OTHER SUPPORT		
007	MODIFICATION KITS	48,040	48,040
008	WEAPONS ENHANCEMENT PROGRAM	4,537	4,537
	GUIDED MISSILES		
009	GROUND BASED AIR DEFENSE	11,054	11,054
011	FOLLOW ON TO SMAW	19,650	19,650
012	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	20,708	20,708
	COMMAND AND CONTROL SYSTEMS		
014	UNIT OPERATIONS CENTER	1,420	1,420
	REPAIR AND TEST EQUIPMENT		
015	REPAIR AND TEST EQUIPMENT	25,127	25,127
	OTHER SUPPORT (TEL)		
016	COMBAT SUPPORT SYSTEM	25,822	25,822
017	MODIFICATION KITS	2,831	2,831
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
018	ITEMS UNDER $5 MILLION (COMM & ELEC)	5,498	5,498
019	AIR OPERATIONS C2 SYSTEMS	11,290	11,290
	RADAR + EQUIPMENT (NON-TEL)		
020	RADAR SYSTEMS	128,079	128,079
021	RQ–21 UAS	27,619	27,619
	INTELL/COMM EQUIPMENT (NON-TEL)		
022	FIRE SUPPORT SYSTEM	7,319	7,319
023	INTELLIGENCE SUPPORT EQUIPMENT	7,466	7,466
025	RQ–11 UAV	2,318	2,318
026	DCGS-MC	18,291	18,291
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
029	NIGHT VISION EQUIPMENT	48,084	48,084
	OTHER SUPPORT (NON-TEL)		
030	COMMON COMPUTER RESOURCES	206,708	206,708
031	COMMAND POST SYSTEMS	35,190	35,190
032	RADIO SYSTEMS	89,059	89,059
033	COMM SWITCHING & CONTROL SYSTEMS	22,500	22,500
034	COMM & ELEC INFRASTRUCTURE SUPPORT	42,625	42,625
	CLASSIFIED PROGRAMS		
035A	CLASSIFIED PROGRAMS	2,290	2,290
	ADMINISTRATIVE VEHICLES		
035	COMMERCIAL PASSENGER VEHICLES	2,877	2,877
036	COMMERCIAL CARGO VEHICLES	13,960	13,960
	TACTICAL VEHICLES		
037	5/4T TRUCK HMMWV (MYP)	8,052	8,052
038	MOTOR TRANSPORT MODIFICATIONS	50,269	50,269
040	LOGISTICS VEHICLE SYSTEM REP	37,262	37,262
041	FAMILY OF TACTICAL TRAILERS	48,160	48,160
	OTHER SUPPORT		
043	ITEMS LESS THAN $5 MILLION	6,705	6,705
	ENGINEER AND OTHER EQUIPMENT		
044	ENVIRONMENTAL CONTROL EQUIP ASSORT	13,576	13,576
045	BULK LIQUID EQUIPMENT	16,869	16,869

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
046	TACTICAL FUEL SYSTEMS	19,108	19,108
047	POWER EQUIPMENT ASSORTED	56,253	56,253
048	AMPHIBIOUS SUPPORT EQUIPMENT	13,089	13,089
049	EOD SYSTEMS	73,699	73,699
	MATERIALS HANDLING EQUIPMENT		
050	PHYSICAL SECURITY EQUIPMENT	3,510	3,510
051	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE)	11,490	11,490
052	MATERIAL HANDLING EQUIP	20,659	20,659
053	FIRST DESTINATION TRANSPORTATION	132	132
	GENERAL PROPERTY		
054	FIELD MEDICAL EQUIPMENT	31,068	31,068
055	TRAINING DEVICES	45,895	45,895
056	CONTAINER FAMILY	5,801	5,801
057	FAMILY OF CONSTRUCTION EQUIPMENT	23,939	23,939
060	RAPID DEPLOYABLE KITCHEN	8,365	8,365
	OTHER SUPPORT		
061	ITEMS LESS THAN $5 MILLION	7,077	7,077
	SPARES AND REPAIR PARTS		
062	SPARES AND REPAIR PARTS	3,190	3,190
	TOTAL PROCUREMENT, MARINE CORPS	**1,622,955**	**1,482,081**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
001	F–35	3,124,302	3,124,302
002	ADVANCE PROCUREMENT (CY)	293,400	293,400
	OTHER AIRLIFT		
005	C–130J	68,373	68,373
007	HC–130J	152,212	152,212
009	MC–130J	374,866	374,866
	HELICOPTERS		
015	HH–60 LOSS REPLACEMENT/RECAP	60,596	60,596
017	CV–22 (MYP)	294,220	294,220
018	ADVANCE PROCUREMENT (CY)	15,000	15,000
	MISSION SUPPORT AIRCRAFT		
019	CIVIL AIR PATROL A/C	2,498	2,498
	OTHER AIRCRAFT		
024	TARGET DRONES	129,866	129,866
026	RQ–4	75,000	180,200
	Sustain current force structure		[105,200]
028	AC–130J	163,970	163,970
030	MQ–9	553,530	708,530
	Additional aircraft		[155,000]
031	RQ–4 BLOCK 40 PROC	11,654	11,654
	STRATEGIC AIRCRAFT		
032	B–2A	82,296	82,296
033	B–1B	149,756	149,756
034	B–52	9,781	9,781
035	LARGE AIRCRAFT INFRARED COUNTERMEASURES	28,800	28,800
	TACTICAL AIRCRAFT		
036	A–10	89,919	173,919
	Retain A–10 force structure		[84,000]
037	F–15	148,378	148,378
038	F–16	6,896	6,896
039	F–22A	283,871	283,871
040	F–35 MODIFICATIONS	147,995	147,995
	AIRLIFT AIRCRAFT		
041	C–5	6,967	6,967
043	C–5M	944,819	879,819
	Inflation adjustment and installation efficiencies		[–65,000]
044	ADVANCE PROCUREMENT (CY)	175,800	175,800
046	C–17A	205,079	205,079
047	C–21	199	199
048	C–32A	1,750	1,750
049	C–37A	445	445
	TRAINER AIRCRAFT		
051	GLIDER MODS	126	126
052	T–6	15,494	15,494

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
053	T–1	272	272
054	T–38	20,455	20,455
	OTHER AIRCRAFT		
056	U–2 MODS	44,477	44,477
057	KC–10A (ATCA)	46,921	46,921
058	C–12	1,876	1,876
059	MC–12W	17,054	17,054
060	C–20 MODS	243	243
061	VC–25A MOD	11,185	11,185
062	C–40	243	243
063	C–130	67,853	67,853
065	C–130J MODS	70,555	70,555
066	C–135	46,707	46,707
067	COMPASS CALL MODS	50,024	50,024
068	RC–135	165,237	165,237
069	E–3	193,099	193,099
070	E–4	47,616	47,616
071	E–8	59,320	59,320
072	H–1	5,449	5,449
073	H–60	26,227	26,227
074	RQ–4 MODS	9,257	9,257
075	HC/MC–130 MODIFICATIONS	22,326	22,326
076	OTHER AIRCRAFT	18,832	18,832
077	MQ–1 MODS	30,861	30,861
078	MQ–9 MODS	238,360	238,360
079	MQ–9 UAS PAYLOADS	93,461	93,461
080	CV–22 MODS	23,881	23,881
	AIRCRAFT SPARES AND REPAIR PARTS		
081	INITIAL SPARES/REPAIR PARTS	729,691	729,691
	COMMON SUPPORT EQUIPMENT		
082	AIRCRAFT REPLACEMENT SUPPORT EQUIP	56,542	56,542
	POST PRODUCTION SUPPORT		
083	A–10	5,100	5,100
084	B–1	965	965
086	B–2A	47,580	47,580
088	KC–10A (ATCA)	13,100	13,100
089	C–17A	181,703	181,703
090	C–130	31,830	31,830
091	C–135	13,434	13,434
092	F–15	2,363	2,363
093	F–16	8,506	5,906
	Production line shutdown—excess to need		[–2,600]
096	OTHER AIRCRAFT	9,522	9,522
	INDUSTRIAL PREPAREDNESS		
097	INDUSTRIAL RESPONSIVENESS	20,731	20,731
	WAR CONSUMABLES		
098	WAR CONSUMABLES	89,727	89,727
	OTHER PRODUCTION CHARGES		
099	OTHER PRODUCTION CHARGES	842,392	842,392
	CLASSIFIED PROGRAMS		
103A	CLASSIFIED PROGRAMS	20,164	20,164
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**11,002,999**	**11,279,599**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
001	ROCKETS	8,927	8,927
	CARTRIDGES		
002	CARTRIDGES	118,075	118,075
	BOMBS		
003	PRACTICE BOMBS	32,393	32,393
004	GENERAL PURPOSE BOMBS	163,467	163,467
005	JOINT DIRECT ATTACK MUNITION	101,921	101,921
	FLARE, IR MJU–7B		
006	CAD/PAD	43,829	43,829
007	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	7,515	7,515
008	SPARES AND REPAIR PARTS	1,003	1,003
009	MODIFICATIONS	5,321	5,321

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
010	ITEMS LESS THAN $5 MILLION	5,066	5,066
	FUZES		
011	FLARES	46,010	46,010
012	FUZES	36,444	36,444
	SMALL ARMS		
013	SMALL ARMS	29,223	29,223
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE.	**599,194**	**599,194**
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
001	MISSILE REPLACEMENT EQ-BALLISTIC	56,906	56,906
	TACTICAL		
002	JASSM	240,399	240,399
003	SIDEWINDER (AIM–9X)	88,020	88,020
004	AMRAAM	229,637	206,937
	Missile unit cost adjustment		[–22,700]
005	PREDATOR HELLFIRE MISSILE	47,675	47,675
006	SMALL DIAMETER BOMB	42,000	42,000
	INDUSTRIAL FACILITIES		
007	INDUSTR'L PREPAREDNS/POL PREVENTION	744	744
	CLASS IV		
009	MM III MODIFICATIONS	54,794	54,794
010	AGM–65D MAVERICK	271	271
011	AGM–88A HARM	23,240	23,240
012	AIR LAUNCH CRUISE MISSILE (ALCM)	13,620	13,620
013	SMALL DIAMETER BOMB	5,000	5,000
	MISSILE SPARES AND REPAIR PARTS		
014	INITIAL SPARES/REPAIR PARTS	74,373	74,373
	SPACE PROGRAMS		
015	ADVANCED EHF	557,205	547,205
	Schedule Delay Due to Late AP Award		[–10,000]
017	WIDEBAND GAPFILLER SATELLITES(SPACE)	36,835	36,835
019	GPS III SPACE SEGMENT	410,294	410,294
020	ADVANCE PROCUREMENT (CY)	82,616	82,616
021	SPACEBORNE EQUIP (COMSEC)	10,554	10,554
022	GLOBAL POSITIONING (SPACE)	58,147	58,147
023	DEF METEOROLOGICAL SAT PROG(SPACE)	89,022	89,022
024	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	1,679,856	1,679,856
025	SBIR HIGH (SPACE)	454,251	454,251
	SPECIAL PROGRAMS		
030	SPECIAL UPDATE PROGRAMS	138,904	138,904
	CLASSIFIED PROGRAMS		
030A	CLASSIFIED PROGRAMS	1,097,483	1,097,483
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**5,491,846**	**5,459,146**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
001	PASSENGER CARRYING VEHICLES	1,905	1,905
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	18,547	18,547
003	CAP VEHICLES	932	932
004	ITEMS LESS THAN $5 MILLION	1,699	1,699
	SPECIAL PURPOSE VEHICLES		
005	SECURITY AND TACTICAL VEHICLES	10,850	10,850
006	ITEMS LESS THAN $5 MILLION	9,246	9,246
	FIRE FIGHTING EQUIPMENT		
007	FIRE FIGHTING/CRASH RESCUE VEHICLES	23,148	23,148
	MATERIALS HANDLING EQUIPMENT		
008	ITEMS LESS THAN $5 MILLION	18,323	18,323
	BASE MAINTENANCE SUPPORT		
009	RUNWAY SNOW REMOV AND CLEANING EQU	1,685	1,685
010	ITEMS LESS THAN $5 MILLION	17,014	17,014
	COMM SECURITY EQUIPMENT(COMSEC)		
012	COMSEC EQUIPMENT	166,559	166,559
013	MODIFICATIONS (COMSEC)	1,133	1,133
	INTELLIGENCE PROGRAMS		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
014	INTELLIGENCE TRAINING EQUIPMENT	2,749	2,749
015	INTELLIGENCE COMM EQUIPMENT	32,876	32,876
016	ADVANCE TECH SENSORS	877	877
017	MISSION PLANNING SYSTEMS	15,295	15,295
	ELECTRONICS PROGRAMS		
018	AIR TRAFFIC CONTROL & LANDING SYS	21,984	21,984
019	NATIONAL AIRSPACE SYSTEM	30,698	30,698
020	BATTLE CONTROL SYSTEM—FIXED	17,368	17,368
021	THEATER AIR CONTROL SYS IMPROVEMENTS	23,483	23,483
022	WEATHER OBSERVATION FORECAST	17,864	17,864
023	STRATEGIC COMMAND AND CONTROL	53,995	34,995
	Early to need		[–19,000]
024	CHEYENNE MOUNTAIN COMPLEX	14,578	14,578
025	TAC SIGINT SPT	208	208
	SPCL COMM-ELECTRONICS PROJECTS		
027	GENERAL INFORMATION TECHNOLOGY	69,743	69,743
028	AF GLOBAL COMMAND & CONTROL SYS	15,829	63,029
	Add MQ–1/9 RSO--SOC Procurement		[9,900]
	Establish ANG Targeting Unit--Workstation Procurement		[37,300]
029	MOBILITY COMMAND AND CONTROL	11,023	11,023
030	AIR FORCE PHYSICAL SECURITY SYSTEM	64,521	64,521
031	COMBAT TRAINING RANGES	18,217	18,217
032	C3 COUNTERMEASURES	11,899	11,899
033	GCSS-AF FOS	13,920	13,920
034	THEATER BATTLE MGT C2 SYSTEM	9,365	9,365
035	AIR & SPACE OPERATIONS CTR-WPN SYS	33,907	33,907
	AIR FORCE COMMUNICATIONS		
036	INFORMATION TRANSPORT SYSTEMS	52,464	52,464
038	AFNET	125,788	125,788
039	VOICE SYSTEMS	16,811	16,811
040	USCENTCOM	32,138	32,138
	DISA PROGRAMS		
041	SPACE BASED IR SENSOR PGM SPACE	47,135	47,135
042	NAVSTAR GPS SPACE	2,031	2,031
043	NUDET DETECTION SYS SPACE	5,564	5,564
044	AF SATELLITE CONTROL NETWORK SPACE	44,219	44,219
045	SPACELIFT RANGE SYSTEM SPACE	109,545	109,545
046	MILSATCOM SPACE	47,592	47,592
047	SPACE MODS SPACE	47,121	47,121
048	COUNTERSPACE SYSTEM	20,961	20,961
	ORGANIZATION AND BASE		
049	TACTICAL C-E EQUIPMENT	126,131	126,131
050	COMBAT SURVIVOR EVADER LOCATER	23,707	23,707
051	RADIO EQUIPMENT	12,757	12,757
052	CCTV/AUDIOVISUAL EQUIPMENT	10,716	10,716
053	BASE COMM INFRASTRUCTURE	74,528	74,528
	MODIFICATIONS		
054	COMM ELECT MODS	43,507	43,507
	PERSONAL SAFETY & RESCUE EQUIP		
055	NIGHT VISION GOGGLES	22,693	22,693
056	ITEMS LESS THAN $5 MILLION	30,887	30,887
	DEPOT PLANT+MTRLS HANDLING EQ		
057	MECHANIZED MATERIAL HANDLING EQUIP	2,850	2,850
	BASE SUPPORT EQUIPMENT		
058	BASE PROCURED EQUIPMENT	8,387	8,387
059	CONTINGENCY OPERATIONS	10,358	10,358
060	PRODUCTIVITY CAPITAL INVESTMENT	3,473	3,473
062	MOBILITY EQUIPMENT	14,471	14,471
063	ITEMS LESS THAN $5 MILLION	1,894	1,894
	SPECIAL SUPPORT PROJECTS		
065	DARP RC135	24,176	24,176
066	DCGS-AF	142,928	142,928
068	SPECIAL UPDATE PROGRAM	479,446	479,446
069	DEFENSE SPACE RECONNAISSANCE PROG.	39,155	39,155
	CLASSIFIED PROGRAMS		
069A	CLASSIFIED PROGRAMS	14,331,312	14,331,312
	SPARES AND REPAIR PARTS		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
071	SPARES AND REPAIR PARTS	14,663	14,663
	TOTAL OTHER PROCUREMENT, AIR FORCE	**16,720,848**	**16,749,048**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DCAA		
002	ITEMS LESS THAN $5 MILLION	1,486	1,486
	MAJOR EQUIPMENT, DCMA		
003	MAJOR EQUIPMENT	2,129	2,129
	MAJOR EQUIPMENT, DHRA		
005	PERSONNEL ADMINISTRATION	6,147	6,147
	MAJOR EQUIPMENT, DISA		
012	INFORMATION SYSTEMS SECURITY	12,708	12,708
014	GLOBAL COMBAT SUPPORT SYSTEM	3,002	3,002
015	TELEPORT PROGRAM	46,992	46,992
016	ITEMS LESS THAN $5 MILLION	108,462	108,462
017	NET CENTRIC ENTERPRISE SERVICES (NCES)	2,865	2,865
018	DEFENSE INFORMATION SYSTEM NETWORK	116,906	116,906
019	PUBLIC KEY INFRASTRUCTURE	1,827	1,827
021	CYBER SECURITY INITIATIVE	10,319	10,319
	MAJOR EQUIPMENT, DLA		
022	MAJOR EQUIPMENT	9,575	9,575
	MAJOR EQUIPMENT, DMACT		
023	MAJOR EQUIPMENT	15,179	15,179
	MAJOR EQUIPMENT, DODEA		
024	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,458	1,458
	MAJOR EQUIPMENT, DSS		
026	MAJOR EQUIPMENT	2,522	2,522
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
027	VEHICLES	50	50
028	OTHER MAJOR EQUIPMENT	13,096	13,096
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
030	THAAD	460,728	460,728
031	AEGIS BMD	389,626	389,626
032	BMDS AN/TPY–2 RADARS	217,244	380,244
	Procure additional AN/TPY–2 radar		[163,000]
033	RADAR SPARES	10,177	10,177
	MAJOR EQUIPMENT, NSA		
041	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	6,770	6,770
	MAJOR EQUIPMENT, OSD		
042	MAJOR EQUIPMENT, OSD	45,938	45,938
043	MAJOR EQUIPMENT, INTELLIGENCE	17,582	17,582
	MAJOR EQUIPMENT, TJS		
044	MAJOR EQUIPMENT, TJS	21,878	21,878
	MAJOR EQUIPMENT, WHS		
045	MAJOR EQUIPMENT, WHS	26,550	26,550
	CLASSIFIED PROGRAMS		
045A	CLASSIFIED PROGRAMS	555,787	555,787
	AVIATION PROGRAMS		
046	ROTARY WING UPGRADES AND SUSTAINMENT	74,832	74,832
048	MH–60 MODERNIZATION PROGRAM	126,780	126,780
049	NON-STANDARD AVIATION	99,776	37,000
	Transfer to Line 051—Mission Shift		[–62,776]
051	U–28	7,530	116,906
	Transfer from Line 049—Mission Shift		[62,776]
	USSOCOM UFR		[46,600]
052	MH–47 CHINOOK	134,785	134,785
053	RQ–11 UNMANNED AERIAL VEHICLE	2,062	2,062
054	CV–22 MODIFICATION	139,147	139,147
055	MQ–1 UNMANNED AERIAL VEHICLE	3,963	26,963
	USSOCOM UFR		[23,000]
056	MQ–9 UNMANNED AERIAL VEHICLE	3,952	39,352
	USSOCOM UFR		[35,400]
058	STUASL0	12,945	12,945
059	PRECISION STRIKE PACKAGE	73,013	73,013
060	AC/MC–130J	51,484	51,484
062	C–130 MODIFICATIONS	25,248	25,248

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
063	AIRCRAFT SUPPORT	5,314	5,314
	SHIPBUILDING		
064	UNDERWATER SYSTEMS	23,037	15,037
	Transfer to RDDW Line 272 at USSOCOM request		[–8,000]
	AMMUNITION PROGRAMS		
066	ORDNANCE REPLENISHMENT	113,183	113,183
067	ORDNANCE ACQUISITION	36,981	36,981
	OTHER PROCUREMENT PROGRAMS		
068	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	99,838	103,738
	USSOCOM UFR		[3,900]
069	INTELLIGENCE SYSTEMS	71,428	71,428
070	SMALL ARMS AND WEAPONS	27,108	27,108
071	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	12,767	15,967
	USSOCOM UFR		[3,200]
074	COMBATANT CRAFT SYSTEMS	42,348	42,348
075	SPARES AND REPAIR PARTS	600	600
077	TACTICAL VEHICLES	37,421	37,421
078	MISSION TRAINING AND PREPARATION SYSTEMS	36,949	41,949
	USSOCOM UFR		[5,000]
079	COMBAT MISSION REQUIREMENTS	20,255	26,255
	AC–130 electro-optical and infrared sensors		[6,000]
080	MILCON COLLATERAL EQUIPMENT	17,590	17,590
082	AUTOMATION SYSTEMS	66,573	66,573
083	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	6,549	6,549
084	OPERATIONAL ENHANCEMENTS INTELLIGENCE	32,335	32,335
085	SOLDIER PROTECTION AND SURVIVAL SYSTEMS	15,153	15,153
086	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS	33,920	33,920
087	TACTICAL RADIO SYSTEMS	75,132	75,132
090	MISCELLANEOUS EQUIPMENT	6,667	6,667
091	OPERATIONAL ENHANCEMENTS	217,972	243,272
	USSOCOM UFR		[25,300]
092	MILITARY INFORMATION SUPPORT OPERATIONS	27,417	27,417
	CBDP		
093	INSTALLATION FORCE PROTECTION	24,025	24,025
094	INDIVIDUAL PROTECTION	73,720	73,720
095	DECONTAMINATION	506	506
096	JOINT BIO DEFENSE PROGRAM (MEDICAL)	32,597	32,597
097	COLLECTIVE PROTECTION	3,144	3,144
098	CONTAMINATION AVOIDANCE	164,886	164,886
	TOTAL PROCUREMENT, DEFENSE-WIDE	**4,187,935**	**4,491,335**
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
001	JOINT URGENT OPERATIONAL NEEDS FUND	99,477	0
	Program reduction		[–99,477]
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND.	**99,477**	**0**
	NATIONAL GUARD & RESERVE EQUIPMENT		
	UNDISTRIBUTED		
999	MISCELLANEOUS EQUIPMENT		150,000
	Program increase		[150,000]
	TOTAL NATIONAL GUARD & RESERVE EQUIPMENT.		**150,000**
	TOTAL PROCUREMENT	**97,432,379**	**98,398,230**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	AIRCRAFT PROCUREMENT, ARMY		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	ROTARY		
009	AH–64 APACHE BLOCK IIIB NEW BUILD	71,000	71,000
012	KIOWA WARRIOR (OH–58F) WRA	183,900	183,900
015	CH–47 HELICOPTER	231,300	231,300
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**486,200**	**486,200**
	MISSILE PROCUREMENT, ARMY		
	AIR-TO-SURFACE MISSILE SYSTEM		
004	HELLFIRE SYS SUMMARY	29,100	29,100
	ANTI-TANK/ASSAULT MISSILE SYS		
008	GUIDED MLRS ROCKET (GMLRS)	20,553	20,553
	TOTAL MISSILE PROCUREMENT, ARMY	**49,653**	**49,653**
	PROCUREMENT OF W&TCV, ARMY		
	MOD OF WEAPONS AND OTHER COMBAT VEH		
036	M16 RIFLE MODS	15,422	15,422
	TOTAL PROCUREMENT OF W&TCV, ARMY	**15,422**	**15,422**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
003	CTG, HANDGUN, ALL TYPES	1,500	1,500
004	CTG, .50 CAL, ALL TYPES	10,000	10,000
007	CTG, 30MM, ALL TYPES	80,000	61,000
	Pricing adjustments for target practice round and lightweight dual purpose round.		[–19,000]
	MORTAR AMMUNITION		
009	60MM MORTAR, ALL TYPES	14,000	14,000
010	81MM MORTAR, ALL TYPES	6,000	6,000
011	120MM MORTAR, ALL TYPES	56,000	56,000
	ARTILLERY AMMUNITION		
013	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP	29,956	29,956
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES	37,044	37,044
015	PROJ 155MM EXTENDED RANGE XM982	12,300	12,300
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	17,000	17,000
	MINES		
017	MINES & CLEARING CHARGES, ALL TYPES	12,000	12,000
	ROCKETS		
020	ROCKET, HYDRA 70, ALL TYPES	63,635	63,635
	OTHER AMMUNITION		
023	SIGNALS, ALL TYPES	16,858	16,858
	MISCELLANEOUS		
028	ITEMS LESS THAN $5 MILLION	1,200	1,200
	TOTAL PROCUREMENT OF AMMUNITION, ARMY	**357,493**	**338,493**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
002	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	28,247	28,247
004	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	2,050	2,050
011	HMMWV RECAPITALIZATION PROGRAM	271,000	271,000
014	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS	927,400	927,400
	COMM—INTELLIGENCE COMM		
052	RESERVE CA/MISO GPF EQUIPMENT	8,000	8,000
	COMM—BASE COMMUNICATIONS		
061	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(	25,000	65,000
	Transfer from OMA OCO at SOUTHCOM request		[40,000]
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
069	DCGS-A (MIP)	90,355	90,355
073	CI HUMINT AUTO REPRINTING AND COLLECTION	6,516	6,516
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
075	LIGHTWEIGHT COUNTER MORTAR RADAR	27,646	27,646
077	FMLY OF PERSISTENT SURVEILLANCE CAPABILITIES	52,000	52,000
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	205,209	205,209
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
092	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	14,600	14,600
099	COUNTERFIRE RADARS	54,585	54,585
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
102	FIRE SUPPORT C2 FAMILY	22,430	22,430

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM	2,400	2,400
112	MANEUVER CONTROL SYSTEM (MCS)	6,400	6,400
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	5,160	5,160
	CHEMICAL DEFENSIVE EQUIPMENT		
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	15,000	15,000
127	BASE DEFENSE SYSTEMS (BDS)	66,100	66,100
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	3,565	3,565
	COMBAT SERVICE SUPPORT EQUIPMENT		
143	FORCE PROVIDER	39,700	39,700
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	650	650
	PETROLEUM EQUIPMENT		
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	2,119	2,119
	MAINTENANCE EQUIPMENT		
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	428	428
153	ITEMS LESS THAN $5 MILLION (MAINT EQ)	30	30
	TRAINING EQUIPMENT		
175	COMBAT TRAINING CENTERS SUPPORT	7,000	7,000
176	TRAINING DEVICES, NONSYSTEM	27,250	27,250
178	AVIATION COMBINED ARMS TACTICAL TRAINER	1,000	1,000
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING	5,900	5,900
	OTHER SUPPORT EQUIPMENT		
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT	98,167	118,167
	Rapid equipping force delayed execution rates		[–10,000]
	Solar power units		[30,000]
	TOTAL OTHER PROCUREMENT, ARMY	**2,015,907**	**2,075,907**
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
	NETWORK ATTACK		
001	ATTACK THE NETWORK	950,500	925,000
	Program decrease—under execution		[–25,500]
	JIEDDO DEVICE DEFEAT		
002	DEFEAT THE DEVICE	400,000	375,000
	Program decrease—under execution & program delays		[–25,000]
	FORCE TRAINING		
003	TRAIN THE FORCE	149,500	144,500
	Program decrease—under execution & program delays		[–5,000]
	STAFF AND INFRASTRUCTURE		
004	OPERATIONS	175,400	397,814
	Program decrease—under execution & program delays		[–5,000]
	Transfer from title 1		[227,414]
	TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND.	**1,675,400**	**1,842,314**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
011	H–1 UPGRADES (UH–1Y/AH–1Z)	29,800	29,800
	MODIFICATION OF AIRCRAFT		
030	AV–8 SERIES	42,238	42,238
032	F–18 SERIES	41,243	41,243
035	H–53 SERIES	15,870	15,870
038	EP–3 SERIES	13,030	13,030
043	C–130 SERIES	16,737	16,737
048	SPECIAL PROJECT AIRCRAFT	2,714	2,714
054	COMMON AVIONICS CHANGES	570	570
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
062	COMMON GROUND EQUIPMENT	2,380	2,380
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**164,582**	**164,582**
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
009	HELLFIRE	17,000	17,000
010	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	6,500	6,500
	TOTAL WEAPONS PROCUREMENT, NAVY	**23,500**	**23,500**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
001	GENERAL PURPOSE BOMBS	18,000	18,000
002	AIRBORNE ROCKETS, ALL TYPES	80,200	80,200
003	MACHINE GUN AMMUNITION	21,500	21,500
006	AIR EXPENDABLE COUNTERMEASURES	20,303	20,303
011	OTHER SHIP GUN AMMUNITION	532	532
012	SMALL ARMS & LANDING PARTY AMMO	2,643	2,643
013	PYROTECHNIC AND DEMOLITION	2,322	2,322
014	AMMUNITION LESS THAN $5 MILLION	6,308	6,308
	MARINE CORPS AMMUNITION		
015	SMALL ARMS AMMUNITION	10,948	10,948
016	LINEAR CHARGES, ALL TYPES	9,940	9,940
017	40 MM, ALL TYPES	5,963	5,963
020	120MM, ALL TYPES	11,605	11,605
021	CTG 25MM, ALL TYPES	2,831	2,831
022	GRENADES, ALL TYPES	2,359	2,359
023	ROCKETS, ALL TYPES	3,051	3,051
024	ARTILLERY, ALL TYPES	54,886	54,886
025	DEMOLITION MUNITIONS, ALL TYPES	1,391	1,391
026	FUZE, ALL TYPES	30,945	30,945
027	NON LETHALS	8	8
029	ITEMS LESS THAN $5 MILLION	12	12
	TOTAL PROCUREMENT OF AMMO, NAVY & MC	**285,747**	**285,747**
	OTHER PROCUREMENT, NAVY		
	OTHER SHORE ELECTRONIC EQUIPMENT		
070	TACTICAL/MOBILE C4I SYSTEMS	3,603	3,603
	AIRCRAFT SUPPORT EQUIPMENT		
097	EXPEDITIONARY AIRFIELDS	58,200	58,200
	CIVIL ENGINEERING SUPPORT EQUIPMENT		
127	PASSENGER CARRYING VEHICLES	3,901	3,901
128	GENERAL PURPOSE TRUCKS	852	852
129	CONSTRUCTION & MAINTENANCE EQUIP	2,436	2,436
130	FIRE FIGHTING EQUIPMENT	3,798	3,798
131	TACTICAL VEHICLES	13,394	13,394
134	ITEMS UNDER $5 MILLION	375	375
	COMMAND SUPPORT EQUIPMENT		
149	C4ISR EQUIPMENT	3,000	3,000
151	PHYSICAL SECURITY EQUIPMENT	9,323	9,323
	TOTAL OTHER PROCUREMENT, NAVY	**98,882**	**98,882**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
002	LAV PIP	10,000	10,000
	ARTILLERY AND OTHER WEAPONS		
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	108,860	108,860
	GUIDED MISSILES		
010	JAVELIN	29,158	29,158
	OTHER SUPPORT		
013	MODIFICATION KITS	41,602	41,602
	REPAIR AND TEST EQUIPMENT		
015	REPAIR AND TEST EQUIPMENT	13,632	13,632
	OTHER SUPPORT (TEL)		
017	MODIFICATION KITS	2,831	2,831
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
019	AIR OPERATIONS C2 SYSTEMS	15,575	15,575
	RADAR + EQUIPMENT (NON-TEL)		
020	RADAR SYSTEMS	8,015	8,015
	INTELL/COMM EQUIPMENT (NON-TEL)		
023	INTELLIGENCE SUPPORT EQUIPMENT	35,310	35,310
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
029	NIGHT VISION EQUIPMENT	652	652
	OTHER SUPPORT (NON-TEL)		
030	COMMON COMPUTER RESOURCES	19,807	19,807
032	RADIO SYSTEMS	36,482	36,482
033	COMM SWITCHING & CONTROL SYSTEMS	41,295	41,295
	TACTICAL VEHICLES		
039	MEDIUM TACTICAL VEHICLE REPLACEMENT	10,466	10,466

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
041	FAMILY OF TACTICAL TRAILERS	7,642	7,642
	ENGINEER AND OTHER EQUIPMENT		
045	BULK LIQUID EQUIPMENT	18,239	18,239
046	TACTICAL FUEL SYSTEMS	51,359	51,359
047	POWER EQUIPMENT ASSORTED	20,247	20,247
049	EOD SYSTEMS	362,658	362,658
	MATERIALS HANDLING EQUIPMENT		
050	PHYSICAL SECURITY EQUIPMENT	55,500	55,500
052	MATERIAL HANDLING EQUIP	19,100	19,100
	GENERAL PROPERTY		
054	FIELD MEDICAL EQUIPMENT	15,751	15,751
055	TRAINING DEVICES	3,602	3,602
057	FAMILY OF CONSTRUCTION EQUIPMENT	15,900	15,900
	TOTAL PROCUREMENT, MARINE CORPS	**943,683**	**943,683**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	STRATEGIC AIRCRAFT		
035	LARGE AIRCRAFT INFRARED COUNTERMEASURES	139,800	139,800
	OTHER AIRCRAFT		
055	U–2 MODS	46,800	46,800
063	C–130	11,400	11,400
067	COMPASS CALL MODS	14,000	14,000
068	RC–135	8,000	8,000
075	HC/MC–130 MODIFICATIONS	4,700	4,700
	AIRCRAFT SPARES AND REPAIR PARTS		
081	INITIAL SPARES/REPAIR PARTS	21,900	21,900
	OTHER PRODUCTION CHARGES		
099	OTHER PRODUCTION CHARGES	59,000	59,000
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**305,600**	**305,600**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	CARTRIDGES		
002	CARTRIDGES	13,592	13,592
	BOMBS		
004	GENERAL PURPOSE BOMBS	23,211	23,211
005	JOINT DIRECT ATTACK MUNITION	53,923	53,923
	FLARE, IR MJU–7B		
006	CAD/PAD	2,638	2,638
010	ITEMS LESS THAN $5 MILLION	2,600	2,600
	FUZES		
011	FLARES	11,726	11,726
012	FUZES	8,513	8,513
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE.	**116,203**	**116,203**
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
005	PREDATOR HELLFIRE MISSILE	34,350	34,350
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**34,350**	**34,350**
	OTHER PROCUREMENT, AIR FORCE		
	CARGO AND UTILITY VEHICLES		
002	MEDIUM TACTICAL VEHICLE	2,010	2,010
004	ITEMS LESS THAN $5 MILLION	2,675	2,675
	SPECIAL PURPOSE VEHICLES		
006	ITEMS LESS THAN $5 MILLION	2,557	2,557
	MATERIALS HANDLING EQUIPMENT		
008	ITEMS LESS THAN $5 MILLION	4,329	4,329
	BASE MAINTENANCE SUPPORT		
009	RUNWAY SNOW REMOV AND CLEANING EQU	984	984
010	ITEMS LESS THAN $5 MILLION	9,120	9,120
	ELECTRONICS PROGRAMS		
022	WEATHER OBSERVATION FORECAST	5,600	5,600
	SPCL COMM-ELECTRONICS PROJECTS		
027	GENERAL INFORMATION TECHNOLOGY	11,157	11,157
	ORGANIZATION AND BASE		
049	TACTICAL C-E EQUIPMENT	7,000	7,000

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
053	BASE COMM INFRASTRUCTURE	10,654	10,654
	MODIFICATIONS		
054	COMM ELECT MODS	8,000	8,000
	PERSONAL SAFETY & RESCUE EQUIP		
055	NIGHT VISION GOGGLES	902	902
	BASE SUPPORT EQUIPMENT		
059	CONTINGENCY OPERATIONS	60,090	60,090
062	MOBILITY EQUIPMENT	9,400	9,400
063	ITEMS LESS THAN $5 MILLION	9,175	9,175
	CLASSIFIED PROGRAMS		
069A	CLASSIFIED PROGRAMS	2,672,317	2,672,317
	SPARES AND REPAIR PARTS		
071	SPARES AND REPAIR PARTS	2,300	2,300
	TOTAL OTHER PROCUREMENT, AIR FORCE	**2,818,270**	**2,818,270**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, DISA		
015	TELEPORT PROGRAM	5,260	5,260
	CLASSIFIED PROGRAMS		
045A	CLASSIFIED PROGRAMS	126,201	126,201
	AVIATION PROGRAMS		
061	MQ–8 UAV	16,500	16,500
	OTHER PROCUREMENT PROGRAMS		
068	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	151	151
069	INTELLIGENCE SYSTEMS	30,528	30,528
077	TACTICAL VEHICLES	1,843	1,843
082	AUTOMATION SYSTEMS	1,000	1,000
086	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS	108	108
091	OPERATIONAL ENHANCEMENTS	14,758	14,758
	TOTAL PROCUREMENT, DEFENSE-WIDE	**196,349**	**196,349**
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
001	JOINT URGENT OPERATIONAL NEEDS FUND	100,000	0
	Program reduction		[–100,000]
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND.	**100,000**	**0**
	NATIONAL GUARD & RESERVE EQUIPMENT		
	UNDISTRIBUTED		
999	MISCELLANEOUS EQUIPMENT		350,000
	Program increase		[350,000]
	TOTAL NATIONAL GUARD & RESERVE EQUIPMENT.		**350,000**
	TOTAL PROCUREMENT	**9,687,241**	**10,145,155**

TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		BASIC RESEARCH		
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	20,860	20,860
002	0601102A	DEFENSE RESEARCH SCIENCES	219,180	219,180
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	80,986	80,986

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	123,045	123,045
		SUBTOTAL BASIC RESEARCH	**444,071**	**444,071**
		APPLIED RESEARCH		
005	0602105A	MATERIALS TECHNOLOGY	29,041	39,041
		Advanced coating technologies for corrosion mitigation.		[10,000]
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	45,260	45,260
007	0602122A	TRACTOR HIP	22,439	22,439
008	0602211A	AVIATION TECHNOLOGY	51,607	51,607
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY	15,068	15,068
010	0602303A	MISSILE TECHNOLOGY	49,383	49,383
011	0602307A	ADVANCED WEAPONS TECHNOLOGY	25,999	25,999
012	0602308A	ADVANCED CONCEPTS AND SIMULATION	23,507	23,507
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY.	69,062	69,062
014	0602618A	BALLISTICS TECHNOLOGY	60,823	60,823
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY.	4,465	4,465
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	7,169	7,169
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	35,218	35,218
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	60,300	60,300
019	0602709A	NIGHT VISION TECHNOLOGY	53,244	53,244
020	0602712A	COUNTERMINE SYSTEMS	18,850	18,850
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	19,872	19,872
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	20,095	20,095
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY.	28,852	28,852
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	9,830	9,830
025	0602784A	MILITARY ENGINEERING TECHNOLOGY	70,693	70,693
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	17,781	17,781
027	0602786A	WARFIGHTER TECHNOLOGY	28,281	28,281
028	0602787A	MEDICAL TECHNOLOGY	107,891	107,891
		SUBTOTAL APPLIED RESEARCH	**874,730**	**884,730**
		ADVANCED TECHNOLOGY DEVELOPMENT		
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	39,359	39,359
030	0603002A	MEDICAL ADVANCED TECHNOLOGY	69,580	69,580
031	0603003A	AVIATION ADVANCED TECHNOLOGY	64,215	64,215
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY.	67,613	67,613
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.	104,359	104,359
034	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY.	4,157	4,157
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	9,856	9,856
036	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	50,661	50,661
037	0603009A	TRACTOR HIKE	9,126	9,126
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS.	17,257	17,257
039	0603020A	TRACTOR ROSE	9,925	9,925
040	0603105A	MILITARY HIV RESEARCH	6,984	6,984
041	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT.	9,716	9,716
042	0603130A	TRACTOR NAIL	3,487	3,487
043	0603131A	TRACTOR EGGS	2,323	2,323
044	0603270A	ELECTRONIC WARFARE TECHNOLOGY	21,683	21,683
045	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	71,111	71,111
046	0603322A	TRACTOR CAGE	10,902	10,902
047	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.	180,582	180,582
048	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY.	27,204	27,204
049	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	6,095	6,095
050	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	37,217	37,217

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
051	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS.	13,626	13,626
052	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY.	28,458	28,458
053	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY.	25,226	25,226
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**890,722**	**890,722**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
054	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION ..	14,505	14,505
055	0603308A	ARMY SPACE SYSTEMS INTEGRATION	9,876	9,876
056	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	5,054	5,054
057	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV.	2,725	2,725
058	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	30,560	30,560
059	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	14,347	14,347
060	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	10,073	10,073
061	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV.	8,660	8,660
062	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT.	10,715	10,715
063	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL.	4,631	4,631
064	0603782A	WARFIGHTER INFORMATION NETWORK-TACTICAL—DEM/VAL.	278,018	278,018
065	0603790A	NATO RESEARCH AND DEVELOPMENT	4,961	4,961
066	0603801A	AVIATION—ADV DEV	8,602	8,602
067	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	14,605	14,605
068	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS.	5,054	5,054
069	0603807A	MEDICAL SYSTEMS—ADV DEV	24,384	24,384
070	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	32,050	32,050
071	0603850A	INTEGRATED BROADCAST SERVICE	96	96
072	0604115A	TECHNOLOGY MATURATION INITIATIVES	24,868	24,868
073	0604131A	TRACTOR JUTE	59	59
075	0604319A	INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2–INTERCEPT (IFPC2).	76,039	76,039
077	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4)	4,043	4,043
078	0305205A	ENDURANCE UAVS	26,196	20,197
		Program decrease		[–5,999]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**610,121**	**604,122**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
079	0604201A	AIRCRAFT AVIONICS	78,538	78,538
080	0604220A	ARMED, DEPLOYABLE HELOS	90,494	90,494
081	0604270A	ELECTRONIC WARFARE DEVELOPMENT	181,347	176,347
		Program adjustment		[–5,000]
083	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVR).	12,636	12,636
084	0604321A	ALL SOURCE ANALYSIS SYSTEM	5,694	5,694
085	0604328A	TRACTOR CAGE	32,095	32,095
086	0604601A	INFANTRY SUPPORT WEAPONS	96,478	93,078
		XM25 funding ahead of need		[–3,400]
087	0604604A	MEDIUM TACTICAL VEHICLES	3,006	3,006
089	0604611A	JAVELIN	5,040	5,040
090	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	3,077	3,077
091	0604633A	AIR TRAFFIC CONTROL	9,769	9,769
092	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV) ..	13,141	13,141
099	0604710A	NIGHT VISION SYSTEMS—ENG DEV	32,621	32,621
100	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT ...	2,132	2,132
101	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	44,787	44,787
102	0604716A	TERRAIN INFORMATION—ENG DEV	1,008	1,008
103	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV.	73,333	73,333

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(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
104	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT.	28,937	28,937
105	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	10,815	10,815
106	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV.	13,926	13,926
107	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	17,797	17,797
108	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION.	214,270	214,270
109	0604802A	WEAPONS AND MUNITIONS—ENG DEV	14,581	14,581
110	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	43,706	43,706
111	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV.	20,776	20,776
112	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	43,395	43,395
113	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	104,983	104,983
114	0604814A	ARTILLERY MUNITIONS—EMD	4,346	4,346
116	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE.	77,223	77,223
117	0604820A	RADAR DEVELOPMENT	3,486	3,486
118	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS).	9,963	27,163
		GFEBS realignment per Army request		[17,200]
119	0604823A	FIREFINDER	20,517	20,517
120	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	51,851	51,851
121	0604854A	ARTILLERY SYSTEMS—EMD	167,797	167,797
122	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP).	400,861	0
		Prohibition of funds for MEADS		[–400,861]
123	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK.	7,922	7,922
124	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	51,463	51,463
125	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A).	158,646	158,646
126	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	10,000	10,000
128	0605456A	PAC–3/MSE MISSILE	69,029	69,029
129	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD).	277,374	315,374
		DRFM countermeasures studies		[38,000]
130	0605625A	MANNED GROUND VEHICLE	639,874	639,874
131	0605626A	AERIAL COMMON SENSOR	47,426	47,426
132	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	72,295	72,295
133	0303032A	TROJAN—RH12	4,232	4,232
134	0304270A	ELECTRONIC WARFARE DEVELOPMENT	13,942	13,942
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**3,286,629**	**2,932,568**
		RDT&E MANAGEMENT SUPPORT		
135	0604256A	THREAT SIMULATOR DEVELOPMENT	18,090	18,090
136	0604258A	TARGET SYSTEMS DEVELOPMENT	14,034	14,034
137	0604759A	MAJOR T&E INVESTMENT	37,394	37,394
138	0605103A	RAND ARROYO CENTER	21,026	21,026
139	0605301A	ARMY KWAJALEIN ATOLL	176,816	176,816
140	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	27,902	27,902
142	0605601A	ARMY TEST RANGES AND FACILITIES	369,900	369,900
143	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS.	69,183	69,183
144	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	44,753	44,753
146	0605606A	AIRCRAFT CERTIFICATION	5,762	5,762
147	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES.	7,402	7,402
148	0605706A	MATERIEL SYSTEMS ANALYSIS	19,954	19,954
149	0605709A	EXPLOITATION OF FOREIGN ITEMS	5,535	5,535
150	0605712A	SUPPORT OF OPERATIONAL TESTING	67,789	67,789
151	0605716A	ARMY EVALUATION CENTER	62,765	62,765

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(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
152	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG.	1,545	1,545
153	0605801A	PROGRAMWIDE ACTIVITIES	83,422	83,422
154	0605803A	TECHNICAL INFORMATION ACTIVITIES	50,820	50,820
155	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY.	46,763	46,763
156	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT.	4,601	4,601
157	0605898A	MANAGEMENT HQ—R&D	18,524	18,524
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**1,153,980**	**1,153,980**
		OPERATIONAL SYSTEMS DEVELOPMENT		
159	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	143,005	143,005
161	0607865A	PATRIOT PRODUCT IMPROVEMENT	109,978	109,978
162	0102419A	AEROSTAT JOINT PROJECT OFFICE	190,422	159,922
		Program decrease		[–30,500]
164	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	32,556	32,556
165	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	253,959	253,959
166	0203740A	MANEUVER CONTROL SYSTEM	68,325	68,325
167	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS.	280,247	226,147
		Funding ahead of need		[–54,100]
168	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.	898	898
169	0203758A	DIGITIZATION	35,180	35,180
171	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM.	20,733	20,733
172	0203808A	TRACTOR CARD	63,243	63,243
173	0208053A	JOINT TACTICAL GROUND SYSTEM	31,738	31,738
174	0208058A	JOINT HIGH SPEED VESSEL (JHSV)	35	35
176	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	7,591	7,591
177	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	15,961	15,961
178	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	120,927	120,927
179	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	15,756	15,756
180	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM.	14,443	14,443
182	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	31,303	31,303
183	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	40,876	40,876
184	0305219A	MQ–1 SKY WARRIOR A UAV	74,618	74,618
185	0305232A	RQ–11 UAV	4,039	4,039
186	0305233A	RQ–7 UAV	31,158	31,158
187	0305235A	VERTICAL UAS	2,387	2,387
188	0307665A	BIOMETRICS ENABLED INTELLIGENCE	15,248	15,248
189	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES.	59,908	59,908
189A	9999999999	CLASSIFIED PROGRAMS	4,628	4,628
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**1,669,162**	**1,584,562**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	**8,929,415**	**8,494,755**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	113,690	123,690
		Increase Defense University Research Instrumentation Program.		[10,000]
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,261	18,261
003	0601153N	DEFENSE RESEARCH SCIENCES	473,070	473,070
		SUBTOTAL BASIC RESEARCH	**605,021**	**615,021**
		APPLIED RESEARCH		
004	0602114N	POWER PROJECTION APPLIED RESEARCH	89,189	89,189
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	143,301	143,301
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	46,528	46,528
007	0602235N	COMMON PICTURE APPLIED RESEARCH	41,696	41,696

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008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	44,127	44,127
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	78,228	78,228
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH.	49,635	49,635
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH.	5,973	5,973
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	96,814	96,814
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH.	162,417	162,417
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH.	32,394	32,394
		SUBTOTAL APPLIED RESEARCH	**790,302**	**790,302**
		ADVANCED TECHNOLOGY DEVELOPMENT		
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	56,543	56,543
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	18,616	18,616
019	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY.	54,858	54,858
020	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD).	130,598	130,598
021	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT.	11,706	11,706
022	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT.	256,382	256,382
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY.	3,880	3,880
025	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS.	51,819	51,819
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**584,402**	**584,402**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
028	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	34,085	34,085
029	0603216N	AVIATION SURVIVABILITY	8,783	8,783
030	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL	3,773	3,773
031	0603251N	AIRCRAFT SYSTEMS	24,512	24,512
032	0603254N	ASW SYSTEMS DEVELOPMENT	8,090	8,090
033	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	5,301	5,301
034	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,506	1,506
035	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES.	190,622	188,622
		Excess to need		[–2,000]
036	0603506N	SURFACE SHIP TORPEDO DEFENSE	93,346	93,346
037	0603512N	CARRIER SYSTEMS DEVELOPMENT	108,871	108,871
039	0603525N	PILOT FISH	101,169	101,169
040	0603527N	RETRACT LARCH	74,312	74,312
041	0603536N	RETRACT JUNIPER	90,730	90,730
042	0603542N	RADIOLOGICAL CONTROL	777	777
043	0603553N	SURFACE ASW	6,704	6,704
044	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	555,123	555,123
045	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	9,368	9,368
046	0603563N	SHIP CONCEPT ADVANCED DESIGN	24,609	24,609
047	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES.	13,710	13,710
048	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	249,748	249,748
049	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	29,897	29,897
050	0603576N	CHALK EAGLE	509,988	509,988
051	0603581N	LITTORAL COMBAT SHIP (LCS)	429,420	429,420
052	0603582N	COMBAT SYSTEM INTEGRATION	56,551	56,551
053	0603609N	CONVENTIONAL MUNITIONS	7,342	7,342
054	0603611M	MARINE CORPS ASSAULT VEHICLES	95,182	95,182
055	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM.	10,496	10,496
056	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	52,331	52,331
057	0603658N	COOPERATIVE ENGAGEMENT	56,512	56,512

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058	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT.	7,029	7,029
059	0603721N	ENVIRONMENTAL PROTECTION	21,080	21,080
060	0603724N	NAVY ENERGY PROGRAM	55,324	55,324
061	0603725N	FACILITIES IMPROVEMENT	3,401	3,401
062	0603734N	CHALK CORAL	45,966	45,966
063	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,811	3,811
064	0603746N	RETRACT MAPLE	341,305	341,305
065	0603748N	LINK PLUMERIA	181,220	181,220
066	0603751N	RETRACT ELM	174,014	174,014
068	0603764N	LINK EVERGREEN	68,654	68,654
069	0603787N	SPECIAL PROCESSES	44,487	44,487
070	0603790N	NATO RESEARCH AND DEVELOPMENT	9,389	9,389
071	0603795N	LAND ATTACK TECHNOLOGY	16,132	16,132
072	0603851M	JOINT NON-LETHAL WEAPONS TESTING	44,994	44,994
073	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL.	137,369	137,369
076	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	73,934	73,934
077	0604279N	ASE SELF-PROTECTION OPTIMIZATION	711	711
078	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW).	71,300	71,300
079	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM.	5,654	5,654
080	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	31,549	31,549
082	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT.	86,801	86,801
083	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	44,500	44,500
084	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	13,172	13,172
086	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	643	643
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**4,335,297**	**4,333,297**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
087	0604212N	OTHER HELO DEVELOPMENT	33,978	33,978
088	0604214N	AV–8B AIRCRAFT—ENG DEV	32,789	32,789
089	0604215N	STANDARDS DEVELOPMENT	84,988	82,988
		Program behind in execution		[–2,000]
090	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT.	6,866	6,866
091	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	4,060	4,060
092	0604221N	P–3 MODERNIZATION PROGRAM	3,451	3,451
093	0604230N	WARFARE SUPPORT SYSTEM	13,071	13,071
094	0604231N	TACTICAL COMMAND SYSTEM	71,645	71,645
095	0604234N	ADVANCED HAWKEYE	119,065	119,065
096	0604245N	H–1 UPGRADES	31,105	31,105
097	0604261N	ACOUSTIC SEARCH SENSORS	34,299	34,299
098	0604262N	V–22A	54,412	54,412
099	0604264N	AIR CREW SYSTEMS DEVELOPMENT	2,717	2,717
100	0604269N	EA–18	13,009	13,009
101	0604270N	ELECTRONIC WARFARE DEVELOPMENT	51,304	51,304
102	0604273N	VH–71A EXECUTIVE HELO DEVELOPMENT	61,163	61,163
103	0604274N	NEXT GENERATION JAMMER (NGJ)	187,024	187,024
104	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY).	337,480	337,480
105	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING.	260,616	510,616
		Cruiser Retention		[250,000]
106	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	824	824
107	0604329N	SMALL DIAMETER BOMB (SDB)	31,064	31,064
108	0604366N	STANDARD MISSILE IMPROVEMENTS	63,891	58,391
		Program execution		[–5,500]
109	0604373N	AIRBORNE MCM	73,246	73,246

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110	0604376M	MARINE AIR GROUND TASK FORCE (MAGTF) ELECTRONIC WARFARE (EW) FOR AVIATION.	10,568	10,568
111	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	39,974	39,974
112	0604404N	UNMANNED CARRIER LAUNCHED AIRBORNE SURVEILLANCE AND STRIKE (UCLASS) SYSTEM.	122,481	122,481
113	0604501N	ADVANCED ABOVE WATER SENSORS	255,516	255,516
114	0604503N	SSN–688 AND TRIDENT MODERNIZATION	82,620	82,620
115	0604504N	AIR CONTROL	5,633	5,633
116	0604512N	SHIPBOARD AVIATION SYSTEMS	55,826	55,826
117	0604518N	COMBAT INFORMATION CENTER CONVERSION	918	918
118	0604558N	NEW DESIGN SSN	165,230	165,230
119	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	49,141	49,141
120	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	196,737	196,737
121	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,889	3,889
122	0604601N	MINE DEVELOPMENT	8,335	8,335
123	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	49,818	49,818
124	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	10,099	10,099
125	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS.	7,348	7,348
126	0604727N	JOINT STANDOFF WEAPON SYSTEMS	5,518	5,518
127	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	87,662	87,662
128	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	64,079	64,079
129	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	151,489	151,489
131	0604771N	MEDICAL DEVELOPMENT	12,707	12,707
132	0604777N	NAVIGATION/ID SYSTEM	47,764	47,764
133	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	737,149	733,949
		Block IV development ahead of need		[–3,200]
134	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	743,926	740,726
		Block IV development ahead of need		[–3,200]
135	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	12,143	12,143
136	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	72,209	72,209
138	0605212N	CH–53K RDTE	606,204	606,204
140	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	421,102	421,102
141	0204202N	DDG–1000	124,655	124,655
142	0304231N	TACTICAL COMMAND SYSTEM—MIP	1,170	1,170
144	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	23,255	23,255
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**5,747,232**	**5,983,332**
		RDT&E MANAGEMENT SUPPORT		
146	0604256N	THREAT SIMULATOR DEVELOPMENT	30,790	30,790
147	0604258N	TARGET SYSTEMS DEVELOPMENT	59,221	59,221
148	0604759N	MAJOR T&E INVESTMENT	35,894	35,894
149	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION.	7,573	7,573
150	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	20,963	20,963
151	0605154N	CENTER FOR NAVAL ANALYSES	46,856	46,856
153	0605804N	TECHNICAL INFORMATION SERVICES	796	796
154	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT.	32,782	32,782
155	0605856N	STRATEGIC TECHNICAL SUPPORT	3,306	3,306
156	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT.	70,302	70,302
157	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	144,033	144,033
158	0605864N	TEST AND EVALUATION SUPPORT	342,298	342,298
159	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY.	16,399	16,399
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT.	4,579	4,579
161	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	8,000	8,000
162	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	18,490	18,490
163	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES	2,795	2,795
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**845,077**	**845,077**
		OPERATIONAL SYSTEMS DEVELOPMENT		

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Line	Program Element	Item	FY 2013 Request	Conference Authorized
167	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT.	142,282	142,282
170	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	105,892	105,892
171	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	34,729	34,729
172	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	1,434	1,434
173	0101402N	NAVY STRATEGIC COMMUNICATIONS	19,208	19,208
174	0203761N	RAPID TECHNOLOGY TRANSITION (RTT)	25,566	25,566
175	0204136N	F/A–18 SQUADRONS	188,299	170,299
		Program behind in execution		[–18,000]
176	0204152N	E–2 SQUADRONS	8,610	8,610
177	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	15,695	15,695
178	0204228N	SURFACE SUPPORT	4,171	4,171
179	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC).	11,265	11,265
180	0204311N	INTEGRATED SURVEILLANCE SYSTEM	45,922	45,922
181	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT).	8,435	8,435
182	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	75,088	75,088
183	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT.	20,229	20,229
184	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,756	1,756
185	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	19,843	19,843
186	0205601N	HARM IMPROVEMENT	11,477	11,477
187	0205604N	TACTICAL DATA LINKS	118,818	118,818
188	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	27,342	27,342
189	0205632N	MK–48 ADCAP	28,717	28,717
190	0205633N	AVIATION IMPROVEMENTS	89,157	89,157
191	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM	3,450	3,450
192	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	86,435	86,435
193	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	219,054	219,054
194	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS.	181,693	181,693
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	58,393	58,393
196	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP).	22,966	22,966
197	0207161N	TACTICAL AIM MISSILES	21,107	21,107
198	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	2,857	2,857
199	0208058N	JOINT HIGH SPEED VESSEL (JHSV)	1,932	1,932
204	0303109N	SATELLITE COMMUNICATIONS (SPACE)	188,482	188,482
205	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES).	16,749	16,749
206	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	26,307	26,307
207	0303150M	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM.	500	500
210	0305149N	COBRA JUDY	17,091	17,091
211	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC).	810	810
212	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES.	8,617	8,617
213	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	9,066	9,066
215	0305207N	MANNED RECONNAISSANCE SYSTEMS	30,654	30,654
216	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	25,917	25,917
217	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	14,676	14,676
218	0305220N	RQ–4 UAV	657,483	657,483
219	0305231N	MQ–8 UAV	99,600	99,600
220	0305232M	RQ–11 UAV	495	495
221	0305233N	RQ–7 UAV	863	863
223	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	9,734	9,734
225	0305239M	RQ–21A	22,343	22,343
226	0308601N	MODELING AND SIMULATION SUPPORT	5,908	5,908
227	0702207N	DEPOT MAINTENANCE (NON-IF)	27,391	27,391
229	0708011N	INDUSTRIAL PREPAREDNESS	54,879	54,879
230	0708730N	MARITIME TECHNOLOGY (MARITECH)	5,000	5,000

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230A	9999999999	CLASSIFIED PROGRAMS	1,151,159	1,351,159
		Program increase		[200,000]
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**3,975,546**	**4,157,546**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	**16,882,877**	**17,308,977**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
001	0601102F	DEFENSE RESEARCH SCIENCES	361,787	361,787
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	141,153	141,153
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	13,094	13,094
		SUBTOTAL BASIC RESEARCH	**516,034**	**516,034**
		APPLIED RESEARCH		
004	0602102F	MATERIALS	114,166	114,166
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	120,719	120,719
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	89,319	89,319
007	0602203F	AEROSPACE PROPULSION	232,547	232,547
008	0602204F	AEROSPACE SENSORS	127,637	127,637
009	0602601F	SPACE TECHNOLOGY	98,375	98,375
010	0602602F	CONVENTIONAL MUNITIONS	77,175	77,175
011	0602605F	DIRECTED ENERGY TECHNOLOGY	106,196	106,196
012	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS.	104,362	104,362
013	0602890F	HIGH ENERGY LASER RESEARCH	38,557	38,557
		SUBTOTAL APPLIED RESEARCH	**1,109,053**	**1,109,053**
		ADVANCED TECHNOLOGY DEVELOPMENT		
014	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	47,890	57,890
		Increase Materials Affordability Initiative program		[10,000]
015	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	6,565	6,565
016	0603203F	ADVANCED AEROSPACE SENSORS	37,657	37,657
017	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	81,376	81,376
018	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY.	151,152	151,152
019	0603270F	ELECTRONIC COMBAT TECHNOLOGY	32,941	32,941
020	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	64,557	64,557
021	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	29,256	29,256
022	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	21,523	21,523
023	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	36,352	36,352
024	0603605F	ADVANCED WEAPONS TECHNOLOGY	19,004	19,004
025	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	37,045	37,045
026	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	31,419	31,419
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT.	**596,737**	**606,737**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
028	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	3,866	3,866
029	0603287F	PHYSICAL SECURITY EQUIPMENT	3,704	3,704
030	0603430F	ADVANCED EHF MILSATCOM (SPACE)	229,171	227,671
		Project decrease		[–1,500]
031	0603432F	POLAR MILSATCOM (SPACE)	120,676	120,676
032	0603438F	SPACE CONTROL TECHNOLOGY	25,144	23,144
		Project decrease		[–2,000]
033	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	32,243	32,243
034	0603790F	NATO RESEARCH AND DEVELOPMENT	4,507	4,507
035	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D	652	652
036	0603830F	SPACE PROTECTION PROGRAM (SPP)	10,429	10,429
037	0603850F	INTEGRATED BROADCAST SERVICE—DEM/VAL	19,938	19,938
038	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL.	71,181	71,181
039	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE)	12,027	12,027

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040	0603859F	POLLUTION PREVENTION—DEM/VAL	2,054	2,054
041	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL.	57,975	57,975
042	0604015F	LONG RANGE STRIKE	291,742	291,742
043	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT.	114,417	114,417
044	0604317F	TECHNOLOGY TRANSFER	2,576	2,576
045	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	16,711	16,711
047	0604337F	REQUIREMENTS ANALYSIS AND MATURATION	16,343	16,343
048	0604422F	WEATHER SATELLITE FOLLOW-ON	2,000	2,000
050	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	9,423	9,423
054	0604857F	OPERATIONALLY RESPONSIVE SPACE		45,000
		Restore Operationally Responsive Space		[45,000]
055	0604858F	TECH TRANSITION PROGRAM	37,558	34,558
		Project decrease		[–3,000]
056	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	96,840	96,840
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**1,181,177**	**1,219,677**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
058	0603840F	GLOBAL BROADCAST SERVICE (GBS)	14,652	14,652
059	0604222F	NUCLEAR WEAPONS SUPPORT	25,713	25,713
060	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	6,583	4,983
		Program delays		[–1,600]
061	0604270F	ELECTRONIC WARFARE DEVELOPMENT	1,975	1,975
062	0604280F	JOINT TACTICAL RADIO	2,594	2,594
063	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	24,534	24,534
064	0604287F	PHYSICAL SECURITY EQUIPMENT	51	51
065	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	143,000	143,000
066	0604421F	COUNTERSPACE SYSTEMS	28,797	28,797
067	0604425F	SPACE SITUATION AWARENESS SYSTEMS	267,252	247,252
		C-Band Radar re-location		[3,000]
		Excess funding		[–20,000]
		Undistributed reduction		[–3,000]
068	0604429F	AIRBORNE ELECTRONIC ATTACK	4,118	4,118
069	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD.	448,594	446,594
		Project decrease		[–2,000]
070	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	9,951	9,951
071	0604604F	SUBMUNITIONS	2,567	2,567
072	0604617F	AGILE COMBAT SUPPORT	13,059	13,059
073	0604706F	LIFE SUPPORT SYSTEMS	9,720	9,720
074	0604735F	COMBAT TRAINING RANGES	9,222	9,222
076	0604750F	INTELLIGENCE EQUIPMENT	803	803
077	0604800F	F–35—EMD	1,210,306	1,207,999
		Block 4—early to need		[–2,307]
078	0604851F	INTERCONTINENTAL BALLISTIC MISSILE—EMD	135,437	135,437
079	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD.	7,980	7,980
080	0604932F	LONG RANGE STANDOFF WEAPON	2,004	2,004
081	0604933F	ICBM FUZE MODERNIZATION	73,512	73,512
082	0605213F	F–22 MODERNIZATION INCREMENT 3.2B	140,100	140,100
083	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT	1,815,588	1,738,488
		Excess prior year funds		[–77,100]
084	0605229F	CSAR HH–60 RECAPITALIZATION	123,210	123,210
085	0605278F	HC/MC–130 RECAP RDT&E	19,039	19,039
086	0605931F	B–2 DEFENSIVE MANAGEMENT SYSTEM	281,056	281,056
087	0101125F	NUCLEAR WEAPONS MODERNIZATION	80,200	80,200
089	0207604F	READINESS TRAINING RANGES, OPERATIONS AND MAINTENANCE.	310	310
090	0207701F	FULL COMBAT MISSION TRAINING	14,861	14,861
091	0305230F	MC–12	19,949	19,949
093	0401318F	CV–22	28,027	28,027
094	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S)	1,960	1,960

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		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**4,966,724**	**4,863,717**
		RDT&E MANAGEMENT SUPPORT		
095	0604256F	THREAT SIMULATOR DEVELOPMENT	22,812	22,812
096	0604759F	MAJOR T&E INVESTMENT	42,236	42,236
097	0605101F	RAND PROJECT AIR FORCE	25,579	25,579
099	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	16,197	16,197
100	0605807F	TEST AND EVALUATION SUPPORT	722,071	722,071
101	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	16,200	16,200
102	0605864F	SPACE TEST PROGRAM (STP)	10,051	45,051
		Restore Space Test Program		[35,000]
103	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	42,597	42,597
104	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT.	27,301	27,301
105	0606323F	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE.	13,964	13,964
106	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE.	203,766	203,766
107	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	42,430	42,430
108	0804731F	GENERAL SKILL TRAINING	1,294	1,294
111	1001004F	INTERNATIONAL ACTIVITIES	3,851	3,851
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**1,190,349**	**1,225,349**
		OPERATIONAL SYSTEMS DEVELOPMENT		
112	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT.	371,595	370,095
		Project decrease		[–1,500]
114	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS).	91,697	91,697
115	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	17,037	17,037
117	0101113F	B–52 SQUADRONS	53,208	53,208
118	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	431	431
119	0101126F	B–1B SQUADRONS	16,265	16,265
120	0101127F	B–2 SQUADRONS	35,970	35,970
121	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	30,889	30,889
122	0101314F	NIGHT FIST—USSTRATCOM	10	10
124	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	5,609	5,609
126	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND.	15,098	15,098
127	0205219F	MQ–9 UAV	147,971	147,971
128	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT.	49,848	49,848
129	0207131F	A–10 SQUADRONS	13,538	13,538
130	0207133F	F–16 SQUADRONS	190,257	190,257
131	0207134F	F–15E SQUADRONS	192,677	192,677
132	0207136F	MANNED DESTRUCTIVE SUPPRESSION	13,683	13,683
133	0207138F	F–22A SQUADRONS	371,667	371,667
134	0207142F	F–35 SQUADRONS	8,117	8,117
135	0207161F	TACTICAL AIM MISSILES	8,234	8,234
136	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM).	87,041	87,041
137	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS).	1,472	1,472
138	0207224F	COMBAT RESCUE AND RECOVERY	2,095	2,095
139	0207227F	COMBAT RESCUE—PARARESCUE	1,119	1,119
140	0207247F	AF TENCAP	63,853	63,853
141	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	1,063	1,063
142	0207253F	COMPASS CALL	12,094	12,094
143	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM.	187,984	187,984
145	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM).	7,950	7,950
146	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	76,315	76,315
147	0207412F	CONTROL AND REPORTING CENTER (CRC)	8,653	8,653

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148	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS).	65,200	65,200
149	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	5,767	5,767
152	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	5,756	5,756
154	0207444F	TACTICAL AIR CONTROL PARTY-MOD	16,226	16,226
156	0207448F	C2ISR TACTICAL DATA LINK	1,633	1,633
157	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION	18,086	18,086
158	0207452F	DCAPES	15,690	15,690
159	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS).	24,241	24,241
160	0207590F	SEEK EAGLE	22,654	22,654
161	0207601F	USAF MODELING AND SIMULATION	15,501	15,501
162	0207605F	WARGAMING AND SIMULATION CENTERS	5,699	5,699
163	0207697F	DISTRIBUTED TRAINING AND EXERCISES	4,425	4,425
164	0208006F	MISSION PLANNING SYSTEMS	69,377	69,377
165	0208021F	INFORMATION WARFARE SUPPORT	7,159	7,159
166	0208059F	CYBER COMMAND ACTIVITIES	66,888	66,888
174	0301400F	SPACE SUPERIORITY INTELLIGENCE	12,056	12,056
175	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC).	4,159	4,159
176	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	20,124	20,124
177	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	69,133	69,133
178	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	6,512	6,512
179	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM	4,316	2,316
		Underexecution		[–2,000]
180	0303601F	MILSATCOM TERMINALS	107,237	107,237
182	0304260F	AIRBORNE SIGINT ENTERPRISE	129,106	129,106
185	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,461	4,461
186	0305103F	CYBER SECURITY INITIATIVE	2,055	2,055
187	0305105F	DOD CYBER CRIME CENTER	285	285
188	0305110F	SATELLITE CONTROL NETWORK (SPACE)	33,773	33,773
189	0305111F	WEATHER SERVICE	29,048	29,048
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS).	43,187	43,187
191	0305116F	AERIAL TARGETS	50,496	50,496
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	354	354
195	0305145F	ARMS CONTROL IMPLEMENTATION	4,000	4,000
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES.	342	342
198	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	29,621	29,621
199	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS).	14,335	14,335
201	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER.	3,680	3,680
202	0305174F	SPACE INNOVATION AND DEVELOPMENT CENTER	2,430	2,430
203	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	8,760	8,760
205	0305202F	DRAGON U–2	23,644	23,644
206	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	21,000	21,000
207	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	96,735	96,735
208	0305207F	MANNED RECONNAISSANCE SYSTEMS	13,316	13,316
209	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	63,501	63,501
210	0305219F	MQ–1 PREDATOR A UAV	9,122	9,122
211	0305220F	RQ–4 UAV	236,265	236,265
212	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	7,367	7,367
213	0305236F	COMMON DATA LINK (CDL)	38,094	38,094
214	0305238F	NATO AGS	210,109	210,109
215	0305240F	SUPPORT TO DCGS ENTERPRISE	24,500	24,500
216	0305265F	GPS III SPACE SEGMENT	318,992	318,992
217	0305614F	JSPOC MISSION SYSTEM	54,645	54,645
218	0305881F	RAPID CYBER ACQUISITION	4,007	4,007
219	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE.	13,357	13,357
220	0305913F	NUDET DETECTION SYSTEM (SPACE)	64,965	63,365
		ICADS—early to need		[–1,600]

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221	0305940F	SPACE SITUATION AWARENESS OPERATIONS	19,586	19,586
223	0308699F	SHARED EARLY WARNING (SEW)	1,175	1,175
224	0401115F	C–130 AIRLIFT SQUADRON	5,000	5,000
225	0401119F	C–5 AIRLIFT SQUADRONS (IF)	35,115	35,115
226	0401130F	C–17 AIRCRAFT (IF)	99,225	99,225
227	0401132F	C–130J PROGRAM	30,652	30,652
228	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM).	7,758	7,758
229	0401139F	LIGHT MOBILITY AIRCRAFT (LIMA)	100	0
		Program termination		[–100]
231	0401219F	KC–10S	24,022	24,022
232	0401314F	OPERATIONAL SUPPORT AIRLIFT	7,471	7,471
234	0408011F	SPECIAL TACTICS / COMBAT CONTROL	4,984	4,984
235	0702207F	DEPOT MAINTENANCE (NON-IF)	1,588	1,588
236	0708012F	LOGISTICS SUPPORT ACTIVITIES	577	577
237	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	119,327	99,327
		Program delays		[–20,000]
238	0708611F	SUPPORT SYSTEMS DEVELOPMENT	15,873	15,873
240	0804743F	OTHER FLIGHT TRAINING	349	349
242	0808716F	OTHER PERSONNEL ACTIVITIES	117	117
243	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,018	2,018
244	0901218F	CIVILIAN COMPENSATION PROGRAM	1,561	1,561
245	0901220F	PERSONNEL ADMINISTRATION	7,634	7,634
246	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,175	1,175
247	0901279F	FACILITIES OPERATION—ADMINISTRATIVE	3,491	3,491
248	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT.	100,160	100,160
249A	9999999999	CLASSIFIED PROGRAMS	11,172,183	11,172,183
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**15,867,972**	**15,842,772**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	**25,428,046**	**25,383,339**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE	45,071	45,071
002	0601101E	DEFENSE RESEARCH SCIENCES	309,051	309,051
003	0601110D8Z	BASIC RESEARCH INITIATIVES	19,405	19,405
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE.	39,676	39,676
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	87,979	87,979
006	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	50,566	50,566
		SUBTOTAL BASIC RESEARCH	**551,748**	**551,748**
		APPLIED RESEARCH		
007	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	20,615	20,615
008	0602115E	BIOMEDICAL TECHNOLOGY	110,900	110,900
009	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE.		10,000
		Program increase		[10,000]
010	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	36,826	36,826
011	0602250D8Z	SYSTEMS 2020 APPLIED RESEARCH	7,898	7,898
012	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	392,421	392,421
013	0602304E	COGNITIVE COMPUTING SYSTEMS	30,424	30,424
015	0602383E	BIOLOGICAL WARFARE DEFENSE	19,236	19,236
016	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	223,269	223,269
017	0602663D8Z	DATA TO DECISIONS APPLIED RESEARCH	13,753	9,753
		Excessive growth		[–4,000]
018	0602668D8Z	CYBER SECURITY RESEARCH	18,985	12,985
		Excessive growth		[–6,000]
019	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH.	6,771	6,771
020	0602702E	TACTICAL TECHNOLOGY	233,209	233,209
021	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	166,067	166,067
022	0602716E	ELECTRONICS TECHNOLOGY	222,416	222,416

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023	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES.	172,352	172,352
024	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT.	28,739	28,739
		SUBTOTAL APPLIED RESEARCH	**1,703,881**	**1,703,881**
		ADVANCED TECHNOLOGY DEVELOPMENT (ATD)		
025	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	25,612	21,612
		Excessive growth		[–4,000]
026	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	26,324	26,324
027	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	77,144	77,144
028	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT.	275,022	275,022
029	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	79,975	79,975
031	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT.	20,032	20,032
032	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY.	3,892	3,892
033	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	36,685	36,685
034	0603286E	ADVANCED AEROSPACE SYSTEMS	174,316	159,316
		Program decrease		[–15,000]
035	0603287E	SPACE PROGRAMS AND TECHNOLOGY	159,704	159,704
036	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	234,280	234,280
037	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	6,983	6,983
038	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS.	158,263	158,263
039	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	25,393	25,393
040	0603663D8Z	DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT.	13,754	9,754
		Excessive growth		[–4,000]
042	0603668D8Z	CYBER SECURITY ADVANCED RESEARCH	19,935	13,935
		Excessive growth		[–6,000]
043	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT.	8,235	8,235
044	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	21,966	51,966
		Industrial Base Innovation Fund		[30,000]
045	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT.	24,662	24,662
047	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS.	24,605	24,605
048	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY.	30,678	30,678
049	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM.	65,282	65,282
050	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	72,234	62,234
		.90nm Next Generation Foundry-early to need		[–10,000]
051	0603727D8Z	JOINT WARFIGHTING PROGRAM	8,403	8,403
052	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	111,008	111,008
054	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS.	237,859	229,859
		Program reduction		[–8,000]
055	0603765E	CLASSIFIED DARPA PROGRAMS	3,000	3,000
056	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	236,883	236,883
057	0603767E	SENSOR TECHNOLOGY	299,438	299,438
058	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	12,195	12,195
059	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	30,036	30,036
060	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	107,002	92,002
		Excessive growth		[–15,000]
062	0603828J	JOINT EXPERIMENTATION	21,230	21,230
063	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE.	47,433	47,433
064	0603901C	DIRECTED ENERGY RESEARCH	46,944	41,944
		Unjustified request		[–5,000]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
065	0603902C	NEXT GENERATION AEGIS MISSILE	224,077	224,077
066	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	92,602	92,602
068	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT.	26,244	26,244
069	0303310D8Z	CWMD SYSTEMS	53,946	38,946
		Program reduction		[–15,000]
070	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT.	45,317	45,317
071	1160422BB	AVIATION ENGINEERING ANALYSIS	861	861
072	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY.	4,959	4,959
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT (ATD).	**3,194,413**	**3,142,413**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
073	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	33,234	33,234
074	0603527D8Z	RETRACT LARCH	21,023	21,023
075	0603600D8Z	WALKOFF	94,624	94,624
077	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM	16,958	18,958
		Reverse cuts to testing		[2,000]
078	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	75,941	75,941
079	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT.	316,929	316,929
080	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	903,172	978,172
		Program increase		[75,000]
081	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL.	179,023	179,023
082	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	347,012	347,012
084	0603890C	BMD ENABLING PROGRAMS	362,711	362,711
085	0603891C	SPECIAL PROGRAMS—MDA	272,387	272,387
086	0603892C	AEGIS BMD	992,407	992,407
087	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	51,313	51,313
088	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS.	6,912	6,912
089	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT & COMMUNICATION.	366,552	366,552
090	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT.	55,550	55,550
091	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	63,043	63,043
092	0603906C	REGARDING TRENCH	11,371	11,371
093	0603907C	SEA BASED X-BAND RADAR (SBX)	9,730	9,730
094	0603913C	ISRAELI COOPERATIVE PROGRAMS	99,836	478,836
		Increase to DSWS, ASIP, Arrow–3 cooperative programs.		[168,000]
		Iron Dome short-range rocket defense		[211,000]
095	0603914C	BALLISTIC MISSILE DEFENSE TEST	454,400	454,400
096	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	435,747	435,747
097	0603920D8Z	HUMANITARIAN DEMINING	13,231	13,231
098	0603923D8Z	COALITION WARFARE	11,398	11,398
099	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,283	24,083
		Increase for requirements shortfall		[20,800]
100	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT.	12,368	12,368
101	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING.	5,131	5,131
102	0604775D8Z	DEFENSE RAPID INNOVATION PROGRAM		200,000
		Rapid Innovation Program		[200,000]
104	0604787J	JOINT SYSTEMS INTEGRATION	3,273	3,273
106	0604828J	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM.	7,364	7,364
107	0604880C	LAND-BASED SM–3 (LBSM3)	276,338	276,338

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
108	0604881C	AEGIS SM–3 BLOCK IIA CO-DEVELOPMENT	420,630	420,630
109	0604883C	PRECISION TRACKING SPACE SENSOR RDT&E	297,375	242,375
		Project decrease to support technology development		[–55,000]
111	0604886C	ADVANCED REMOTE SENSOR TECHNOLOGY (ARST)	58,742	33,742
		Program reduction		[–25,000]
113	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM.	3,158	3,158
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**6,282,166**	**6,878,966**
		SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)		
115	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	6,817	6,817
116	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT.	110,383	110,383
117	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD.	311,071	311,071
119	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO).	25,787	25,787
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS).	20,688	20,688
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES.	5,749	5,749
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	12,699	12,699
125	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	387	387
126	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	1,859	1,859
127	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	7,010	7,010
128	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION.	133,104	133,104
129	0605075D8Z	DCMO POLICY AND INTEGRATION	25,269	25,269
131	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES.	10,238	10,238
132	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	19,670	19,670
133	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM).	3,556	3,556
		SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD).	**694,287**	**694,287**
		RDT&E MANAGEMENT SUPPORT		
135	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	6,383	6,383
136	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	3,845	3,845
137	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP).	144,109	144,109
138	0604942D8Z	ASSESSMENTS AND EVALUATIONS	2,419	2,419
139	0604943D8Z	THERMAL VICAR	8,214	8,214
140	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC).	19,380	19,380
141	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	32,266	32,266
142	0605110D8Z	USD(A&T)--CRITICAL TECHNOLOGY SUPPORT	840	840
143	0605117D8Z	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION.	56,012	56,012
144	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	55,508	55,508
146	0605130D8Z	FOREIGN COMPARATIVE TESTING	18,174	18,174
147	0605142D8Z	SYSTEMS ENGINEERING	43,195	43,195
148	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	6,457	6,457
149	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	4,901	4,901
150	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION.	6,307	6,307
151	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	6,601	6,601
152	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	92,849	92,849
159	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER (S.	1,857	1,857
160	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	12,056	12,056
162	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC).	55,454	55,454

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
163	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION.	16,364	16,364
164	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	15,110	20,110
		DT&E Increase		[5,000]
166	0605898E	MANAGEMENT HQ—R&D	69,767	69,767
167	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	4,454	4,454
169	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI).	2,637	2,637
174	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES.	8,238	8,238
176	0305103E	CYBER SECURITY INITIATIVE	1,801	1,801
177	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO).	16,041	16,041
180	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2).	77,475	77,475
182	0901598C	MANAGEMENT HQ—MDA	34,855	34,855
183	0901598D8W	MANAGEMENT HEADQUARTERS WHS	104	104
184A	9999999999	CLASSIFIED PROGRAMS	64,255	64,255
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**887,928**	**892,928**
		OPERATIONAL SYSTEMS DEVELOPMENT		
185	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	8,866	8,866
186	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MGMT.	3,238	3,238
187	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	288	288
188	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	14,745	14,745
190	0607828J	JOINT INTEGRATION AND INTEROPERABILITY	5,013	5,013
191	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,922	3,922
192	0208045K	C4I INTEROPERABILITY	72,574	72,574
194	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	6,214	6,214
201	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT.	499	499
202	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION.	14,498	14,498
203	0303126K	LONG-HAUL COMMUNICATIONS—DCS	26,164	26,164
204	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	12,931	12,931
205	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	6,296	6,296
206	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	30,948	30,948
207	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	11,780	11,780
208	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	191,452	191,452
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	36,575	36,575
212	0303153K	DEFENSE SPECTRUM ORGANIZATION	24,278	24,278
213	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES)	2,924	2,924
214	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO).	1,294	1,294
215	0303610K	TELEPORT PROGRAM	6,050	6,050
217	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES	17,058	17,058
222	0305103K	CYBER SECURITY INITIATIVE	4,189	4,189
223	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	10,462	10,462
227	0305186D8Z	POLICY R&D PROGRAMS	6,360	6,360
229	0305199D8Z	NET CENTRICITY	21,190	21,190
232	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	7,114	7,714
		USSOCOM UFR		[600]
235	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS.	3,247	3,247
237	0305219BB	MQ–1 PREDATOR A UAV	1,355	1,355
240	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM.	2,303	2,303
241	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES.	1,478	1,478
249	0708011S	INDUSTRIAL PREPAREDNESS	27,044	27,044
250	0708012S	LOGISTICS SUPPORT ACTIVITIES	4,711	4,711
251	0902298J	MANAGEMENT HQ—OJCS	4,100	4,100

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
253	1105219BB	MQ–9 UAV	3,002	3,002
257	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT.	97,267	97,267
258	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT.	821	821
259	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT.	25,935	25,935
260	1160408BB	SOF OPERATIONAL ENHANCEMENTS	51,700	51,700
261	1160421BB	SPECIAL OPERATIONS CV–22 DEVELOPMENT	1,822	1,822
262	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS).	10,131	10,131
263	1160429BB	AC/MC–130J	19,647	19,647
264	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS.	2,225	2,225
265	1160476BB	SOF TACTICAL RADIO SYSTEMS	3,036	3,036
266	1160477BB	SOF WEAPONS SYSTEMS	1,511	1,511
267	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS.	4,263	4,263
268	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS.	4,448	4,448
269	1160480BB	SOF TACTICAL VEHICLES	11,325	11,325
270	1160481BB	SOF MUNITIONS	1,515	1,515
271	1160482BB	SOF ROTARY WING AVIATION	24,430	24,430
272	1160483BB	SOF UNDERWATER SYSTEMS	26,405	69,405
		Program increase		[35,000]
		Transfer from PDW Line 64 at USSOCOM request		[8,000]
273	1160484BB	SOF SURFACE CRAFT	8,573	8,573
275	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	7,620	7,620
276	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE.	16,386	16,386
276A	9999999999	CLASSIFIED PROGRAMS	3,754,516	3,754,516
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**4,667,738**	**4,711,338**
		UNDISTRIBUTED GENERAL PROVISIONS		
276B	9999999999	UNDISTRIBUTED GENERAL PROVISIONS		–25,000
		DARPA classified programs reduction		[–25,000]
		SUBTOTAL UNDISTRIBUTED GENERAL PROVISIONS.		**–25,000**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	**17,982,161**	**18,550,561**
		OPERATIONAL TEST & EVAL, DEFENSE		
		RDT&E MANAGEMENT SUPPORT		
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	72,501	87,501
		Program increase for DOT&E cyber—range operations.		[15,000]
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	49,201	49,201
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	63,566	63,566
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**185,268**	**200,268**
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE.	**185,268**	**200,268**
		TOTAL RDT&E	**69,407,767**	**69,937,900**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
060	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	19,860	14,860
		Program adjustment		[–5,000]
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**19,860**	**19,860**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	**19,860**	**14,860**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
056	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT.	4,600	4,600
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**4,600**	**4,600**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
131	0604771N	MEDICAL DEVELOPMENT	2,173	2,173
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION.	**2,173**	**2,173**
		RDT&E MANAGEMENT SUPPORT		
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT.	5,200	5,200
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**5,200**	**5,200**
		OPERATIONAL SYSTEMS DEVELOPMENT		
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	6,762	6,762
221	0305233N	RQ–7 UAV	7,600	7,600
230A	9999999999	CLASSIFIED PROGRAMS	33,784	33,784
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**48,146**	**48,146**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	**60,119**	**60,119**
		OPERATIONAL SYSTEMS DEVELOPMENT		
249A	9999999999	CLASSIFIED PROGRAMS	53,150	53,150
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**53,150**	**53,150**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	**53,150**	**53,150**
		OPERATIONAL SYSTEMS DEVELOPMENT		
239	0305231BB	MQ–8 UAV	5,000	5,000
276A	9999999999	CLASSIFIED PROGRAMS	107,387	107,387
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT.	**112,387**	**112,387**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	**112,387**	**112,387**
		TOTAL RDT&E	**245,516**	**240,516**

TITLE XLIII—OPERATION AND MAINTENANCE

SEC. 4301. OPERATION AND MAINTENANCE.

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
010	MANEUVER UNITS	1,223,087	1,223,087
020	MODULAR SUPPORT BRIGADES	80,574	80,574
030	ECHELONS ABOVE BRIGADE	723,039	723,039
040	THEATER LEVEL ASSETS	706,974	706,974
050	LAND FORCES OPERATIONS SUPPORT	1,226,650	1,226,650
060	AVIATION ASSETS	1,319,832	1,319,832
070	FORCE READINESS OPERATIONS SUPPORT	3,447,174	3,447,174
080	LAND FORCES SYSTEMS READINESS	454,774	454,774
090	LAND FORCES DEPOT MAINTENANCE	1,762,757	1,762,757
100	BASE OPERATIONS SUPPORT	7,401,613	7,349,613
	Army requested transfer to Other Procurement, Army for emgergency mananagement modernization prgram		[–52,000]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,041,074	3,259,674
	Restoration and Modernization of Facilities		[218,600]
120	MANAGEMENT AND OPERATIONAL HQ'S	410,171	410,171
130	COMBATANT COMMANDERS CORE OPERATIONS	177,819	177,819
170	COMBATANT COMMANDERS ANCILLARY MISSIONS	461,333	461,333
	SUBTOTAL OPERATING FORCES	**22,436,871**	**22,603,471**
	MOBILIZATION		
180	STRATEGIC MOBILITY	405,496	405,496
190	ARMY PREPOSITIONING STOCKS	195,349	195,349
200	INDUSTRIAL PREPAREDNESS	6,379	6,379
	SUBTOTAL MOBILIZATION	**607,224**	**607,224**
	TRAINING AND RECRUITING		
210	OFFICER ACQUISITION	112,866	112,866
220	RECRUIT TRAINING	73,265	73,265
230	ONE STATION UNIT TRAINING	51,227	51,227
240	SENIOR RESERVE OFFICERS TRAINING CORPS	443,306	443,306
250	SPECIALIZED SKILL TRAINING	1,099,556	1,099,556
260	FLIGHT TRAINING	1,130,627	1,130,627
270	PROFESSIONAL DEVELOPMENT EDUCATION	191,683	191,683
280	TRAINING SUPPORT	652,095	652,095
290	RECRUITING AND ADVERTISING	507,510	507,510
300	EXAMINING	156,964	156,964
310	OFF-DUTY AND VOLUNTARY EDUCATION	244,343	244,343
320	CIVILIAN EDUCATION AND TRAINING	212,477	212,477
330	JUNIOR ROTC	182,691	182,691
	SUBTOTAL TRAINING AND RECRUITING	**5,058,610**	**5,058,610**
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION	601,331	601,331
360	CENTRAL SUPPLY ACTIVITIES	741,324	741,324
370	LOGISTIC SUPPORT ACTIVITIES	610,136	610,136
380	AMMUNITION MANAGEMENT	478,707	478,707
390	ADMINISTRATION	556,307	556,307
400	SERVICEWIDE COMMUNICATIONS	1,547,925	1,547,925

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
410	MANPOWER MANAGEMENT	362,205	338,205
	Army-Identified Excess for Civilian Personnel Resources Support		[–24,000]
420	OTHER PERSONNEL SUPPORT	220,754	220,754
430	OTHER SERVICE SUPPORT	1,153,556	1,150,509
	Army Museum Funding (Early to need)		[–3,047]
440	ARMY CLAIMS ACTIVITIES	250,970	250,970
450	REAL ESTATE MANAGEMENT	222,351	222,351
460	BASE OPERATIONS SUPPORT	222,379	222,379
470	SUPPORT OF NATO OPERATIONS	459,710	459,710
480	MISC. SUPPORT OF OTHER NATIONS	25,637	25,637
490	CLASSIFIED PROGRAMS	1,052,595	1,052,595
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**8,505,887**	**8,478,840**
	UNDISTRIBUTED ADJUSTMENTS		
500	UNDISTRIBUTED ADJUSTMENTS		–266,600
	Excess Working Capital Fund Carry Over		[–146,600]
	Historical unobligated balances		[–120,000]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–266,600**
	TOTAL OPERATION & MAINTENANCE, ARMY	**36,608,592**	**36,481,545**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	4,918,144	4,927,144
	Cruiser Retention		[9,000]
020	FLEET AIR TRAINING	1,886,825	1,886,825
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	44,032	44,032
040	AIR OPERATIONS AND SAFETY SUPPORT	101,565	101,565
050	AIR SYSTEMS SUPPORT	374,827	374,827
060	AIRCRAFT DEPOT MAINTENANCE	960,802	960,802
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	37,545	37,545
080	AVIATION LOGISTICS	328,805	328,805
090	MISSION AND OTHER SHIP OPERATIONS	4,686,535	4,711,185
	Cruiser Retention		[24,650]
100	SHIP OPERATIONS SUPPORT & TRAINING	769,204	769,204
110	SHIP DEPOT MAINTENANCE	5,089,981	5,157,944
	Cruiser Retention		[67,963]
120	SHIP DEPOT OPERATIONS SUPPORT	1,315,366	1,329,237
	Cruiser Retention		[13,871]
130	COMBAT COMMUNICATIONS	619,909	619,909
140	ELECTRONIC WARFARE	92,364	92,364
150	SPACE SYSTEMS AND SURVEILLANCE	174,437	174,437
160	WARFARE TACTICS	441,035	441,035
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	333,554	333,554
180	COMBAT SUPPORT FORCES	910,087	910,087
190	EQUIPMENT MAINTENANCE	167,158	167,158
200	DEPOT OPERATIONS SUPPORT	4,183	4,183
210	COMBATANT COMMANDERS CORE OPERATIONS	95,528	95,528
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	204,569	204,569
230	CRUISE MISSILE	111,884	111,884
240	FLEET BALLISTIC MISSILE	1,181,038	1,181,038
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	87,606	87,606

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
260	WEAPONS MAINTENANCE	519,583	519,583
270	OTHER WEAPON SYSTEMS SUPPORT	300,435	300,435
280	ENTERPRISE INFORMATION	1,077,924	1,077,924
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	2,101,279	2,155,879
	Restoration and Modernization of Facilities		[54,600]
300	BASE OPERATING SUPPORT	4,822,093	4,822,093
	SUBTOTAL OPERATING FORCES	**33,758,297**	**33,928,381**
	MOBILIZATION		
310	SHIP PREPOSITIONING AND SURGE	334,659	334,659
320	AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,562	6,562
330	SHIP ACTIVATIONS/INACTIVATIONS	1,066,329	1,057,329
	Cruiser Retention		[–9,000]
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	83,901	83,901
350	INDUSTRIAL READINESS	2,695	2,695
360	COAST GUARD SUPPORT	23,502	23,502
	SUBTOTAL MOBILIZATION	**1,517,648**	**1,508,648**
	TRAINING AND RECRUITING		
370	OFFICER ACQUISITION	147,807	147,807
380	RECRUIT TRAINING	10,473	10,473
390	RESERVE OFFICERS TRAINING CORPS	139,220	139,220
400	SPECIALIZED SKILL TRAINING	582,177	582,177
410	FLIGHT TRAINING	5,456	5,456
420	PROFESSIONAL DEVELOPMENT EDUCATION	170,746	170,746
430	TRAINING SUPPORT	153,403	153,403
440	RECRUITING AND ADVERTISING	241,329	242,267
	Naval Sea Cadet Corps		[938]
450	OFF-DUTY AND VOLUNTARY EDUCATION	108,226	108,226
460	CIVILIAN EDUCATION AND TRAINING	105,776	105,776
470	JUNIOR ROTC	51,817	51,817
	SUBTOTAL TRAINING AND RECRUITING	**1,716,430**	**1,717,368**
	ADMIN & SRVWD ACTIVITIES		
480	ADMINISTRATION	797,177	797,177
490	EXTERNAL RELATIONS	12,872	12,872
500	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	120,181	120,181
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	235,753	235,753
520	OTHER PERSONNEL SUPPORT	263,060	263,060
530	SERVICEWIDE COMMUNICATIONS	363,213	363,213
550	SERVICEWIDE TRANSPORTATION	182,343	182,343
570	PLANNING, ENGINEERING AND DESIGN	282,464	282,464
580	ACQUISITION AND PROGRAM MANAGEMENT	1,092,123	1,092,123
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT	53,560	53,560
600	COMBAT/WEAPONS SYSTEMS	25,299	25,299
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	64,418	64,418
620	NAVAL INVESTIGATIVE SERVICE	580,042	580,042
680	INTERNATIONAL HEADQUARTERS AND AGENCIES	4,984	4,984
710	CLASSIFIED PROGRAMS	537,079	537,079
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**4,614,568**	**4,614,568**
	UNDISTRIBUTED ADJUSTMENTS		
720	UNDISTRIBUTED ADJUSTMENTS		–23,000
	Historical unobligated balances		[–23,000]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–23,000**
	TOTAL OPERATION & MAINTENANCE, NAVY	**41,606,943**	**41,745,965**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	788,055	788,055
020	FIELD LOGISTICS	762,614	762,614
030	DEPOT MAINTENANCE	168,447	168,447
040	MARITIME PREPOSITIONING	100,374	100,374
050	SUSTAINMENT, RESTORATION & MODERNIZATION	825,039	847,839
	Restoration and Modernization of Facilities		[22,800]
060	BASE OPERATING SUPPORT	2,188,883	2,188,883
	SUBTOTAL OPERATING FORCES	**4,833,412**	**4,856,212**
	TRAINING AND RECRUITING		
070	RECRUIT TRAINING	18,251	18,251
080	OFFICER ACQUISITION	869	869
090	SPECIALIZED SKILL TRAINING	80,914	80,914
100	PROFESSIONAL DEVELOPMENT EDUCATION	42,744	42,744
110	TRAINING SUPPORT	292,150	292,150
120	RECRUITING AND ADVERTISING	168,609	168,609
130	OFF-DUTY AND VOLUNTARY EDUCATION	56,865	56,865
140	JUNIOR ROTC	19,912	19,912
	SUBTOTAL TRAINING AND RECRUITING	**680,314**	**680,314**
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	39,962	39,962
170	ACQUISITION AND PROGRAM MANAGEMENT	83,404	83,404
190	CLASSIFIED PROGRAMS	346,071	346,071
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**469,437**	**469,437**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**5,983,163**	**6,005,963**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	2,973,141	2,973,141
020	COMBAT ENHANCEMENT FORCES	1,611,032	1,744,032
	Global Hawk Block 30		[133,000]
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,472,806	1,472,806
040	DEPOT MAINTENANCE	5,545,470	5,545,470
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,353,987	1,489,386
	Restoration and Modernization of Facilities		[135,399]
060	BASE SUPPORT	2,595,032	2,595,032
070	GLOBAL C3I AND EARLY WARNING	957,040	957,040
080	OTHER COMBAT OPS SPT PROGRAMS	916,200	916,200
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	733,716	733,716
110	LAUNCH FACILITIES	314,490	314,490
120	SPACE CONTROL SYSTEMS	488,762	488,762
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	862,979	850,979

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	Joint Forces Command restructuring		[–12,000]
140	COMBATANT COMMANDERS CORE OPERATIONS	222,429	222,429
	SUBTOTAL OPERATING FORCES	**20,047,084**	**20,303,483**
	MOBILIZATION		
150	AIRLIFT OPERATIONS	1,785,379	1,785,379
160	MOBILIZATION PREPAREDNESS	154,049	154,049
170	DEPOT MAINTENANCE	1,477,396	1,477,396
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	309,699	309,699
190	BASE SUPPORT	707,574	707,574
	SUBTOTAL MOBILIZATION	**4,434,097**	**4,434,097**
	TRAINING AND RECRUITING		
200	OFFICER ACQUISITION	115,427	115,427
210	RECRUIT TRAINING	17,619	17,619
220	RESERVE OFFICERS TRAINING CORPS (ROTC)	92,949	92,949
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	336,433	336,433
240	BASE SUPPORT	842,441	842,441
250	SPECIALIZED SKILL TRAINING	482,634	482,634
260	FLIGHT TRAINING	750,609	750,609
270	PROFESSIONAL DEVELOPMENT EDUCATION	235,114	235,114
280	TRAINING SUPPORT	101,231	101,231
290	DEPOT MAINTENANCE	233,330	233,330
310	RECRUITING AND ADVERTISING	130,217	130,217
320	EXAMINING	2,738	2,738
330	OFF-DUTY AND VOLUNTARY EDUCATION	155,170	155,170
340	CIVILIAN EDUCATION AND TRAINING	175,147	175,147
350	JUNIOR ROTC	74,809	74,809
	SUBTOTAL TRAINING AND RECRUITING	**3,745,868**	**3,745,868**
	ADMIN & SRVWD ACTIVITIES		
360	LOGISTICS OPERATIONS	1,029,734	1,029,734
370	TECHNICAL SUPPORT ACTIVITIES	913,843	913,843
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	303,610	303,610
400	BASE SUPPORT	1,266,800	1,266,800
410	ADMINISTRATION	587,654	587,654
420	SERVICEWIDE COMMUNICATIONS	667,910	667,910
430	OTHER SERVICEWIDE ACTIVITIES	1,094,509	1,094,509
440	CIVIL AIR PATROL	23,904	23,904
470	INTERNATIONAL SUPPORT	81,307	81,307
480	CLASSIFIED PROGRAMS	1,239,040	1,239,040
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**7,208,311**	**7,208,311**
	UNDISTRIBUTED ADJUSTMENTS		
490	UNDISTRIBUTED ADJUSTMENTS		–32,000
	Historical unobligated balances		[–32,000]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–32,000**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**35,435,360**	**35,659,759**
	OPERATION & MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	485,708	485,708

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
020	SPECIAL OPERATIONS COMMAND		5,091,001
	Transfer from line 025		[5,091,001]
025	CLASSIFIED PROGRAMS	5,091,001	0
	Transfer to Line 020		[–5,091,001]
	SUBTOTAL OPERATING FORCES	**5,576,709**	**5,576,709**
	TRAINING AND RECRUITING		
030	DEFENSE ACQUISITION UNIVERSITY	147,210	147,210
040	NATIONAL DEFENSE UNIVERSITY	84,999	84,999
	SUBTOTAL TRAINING AND RECRUITING	**232,209**	**232,209**
	ADMIN & SRVWD ACTIVITIES		
050	CIVIL MILITARY PROGRAMS	161,294	161,294
080	DEFENSE CONTRACT AUDIT AGENCY	573,973	573,973
090	DEFENSE CONTRACT MANAGEMENT AGENCY	1,293,196	1,293,196
100	DEFENSE FINANCE AND ACCOUNTING SERVICE	17,513	17,513
110	DEFENSE HUMAN RESOURCES ACTIVITY	676,186	676,186
120	DEFENSE INFORMATION SYSTEMS AGENCY	1,346,847	1,346,847
140	DEFENSE LEGAL SERVICES AGENCY	35,137	35,137
150	DEFENSE LOGISTICS AGENCY	431,893	431,893
160	DEFENSE MEDIA ACTIVITY	224,013	224,013
170	DEFENSE POW/MIA OFFICE	21,964	21,964
180	DEFENSE SECURITY COOPERATION AGENCY	557,917	557,917
190	DEFENSE SECURITY SERVICE		506,662
	Transfer from Line 280		[506,662]
200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	35,319	35,319
210	DEFENSE THREAT REDUCTION AGENCY		443,382
	Transfer from Line 280		[443,382]
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,744,971	2,744,971
230	MISSILE DEFENSE AGENCY	259,975	259,975
250	OFFICE OF ECONOMIC ADJUSTMENT	253,437	253,437
260	OFFICE OF THE SECRETARY OF DEFENSE	2,095,362	2,105,362
	Office of Net Assessment		[10,000]
270	WASHINGTON HEADQUARTERS SERVICE	521,297	521,297
280	CLASSIFIED PROGRAMS	14,933,801	14,033,757
	Additional ISR Support to Operation Observant Compass		[50,000]
	Transfer to Line 190		[–506,662]
	Transfer to Line 210		[–443,382]
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**26,184,095**	**26,244,095**
	UNDISTRIBUTED ADJUSTMENTS		
290	UNDISTRIBUTED ADJUSTMENTS		35,000
	DOD Impact Aid		[30,000]
	Impact aid for children with severe disabilities		[5,000]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**35,000**
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	**31,993,013**	**32,088,013**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
010	MANEUVER UNITS	1,391	1,391
020	MODULAR SUPPORT BRIGADES	20,889	20,889
030	ECHELONS ABOVE BRIGADE	592,724	592,724
040	THEATER LEVEL ASSETS	114,983	114,983

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
050	LAND FORCES OPERATIONS SUPPORT	633,091	633,091
060	AVIATION ASSETS	76,823	76,823
070	FORCE READINESS OPERATIONS SUPPORT	481,997	481,997
080	LAND FORCES SYSTEMS READINESS	70,118	70,118
090	LAND FORCES DEPOT MAINTENANCE	141,205	141,205
100	BASE OPERATIONS SUPPORT	561,878	561,878
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	287,399	308,099
	Restoration and Modernization of Facilities		[20,700]
120	MANAGEMENT AND OPERATIONAL HQ'S	52,431	52,431
	SUBTOTAL OPERATING FORCES	**3,034,929**	**3,055,629**
	ADMIN & SRVWD ACTIVITIES		
140	SERVICEWIDE TRANSPORTATION	12,995	12,995
150	ADMINISTRATION	32,432	32,432
160	SERVICEWIDE COMMUNICATIONS	4,895	4,895
170	MANPOWER MANAGEMENT	16,074	11,574
	Unjustified growth for civilian personnel		[–4,500]
180	RECRUITING AND ADVERTISING	60,683	60,683
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**127,079**	**122,579**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**3,162,008**	**3,178,208**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	616,776	616,776
020	INTERMEDIATE MAINTENANCE	15,076	15,076
030	AIR OPERATIONS AND SAFETY SUPPORT	1,479	1,479
040	AIRCRAFT DEPOT MAINTENANCE	107,251	107,251
050	AIRCRAFT DEPOT OPERATIONS SUPPORT	355	355
060	MISSION AND OTHER SHIP OPERATIONS	82,186	82,186
070	SHIP OPERATIONS SUPPORT & TRAINING	589	589
080	SHIP DEPOT MAINTENANCE	48,593	48,593
090	COMBAT COMMUNICATIONS	15,274	15,274
100	COMBAT SUPPORT FORCES	124,917	124,917
110	WEAPONS MAINTENANCE	1,978	1,978
120	ENTERPRISE INFORMATION	43,699	43,699
130	SUSTAINMENT, RESTORATION AND MODERNIZATION	60,646	60,646
140	BASE OPERATING SUPPORT	105,227	105,227
	SUBTOTAL OPERATING FORCES	**1,224,046**	**1,224,046**
	ADMIN & SRVWD ACTIVITIES		
150	ADMINISTRATION	3,117	3,117
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	14,337	14,337
170	SERVICEWIDE COMMUNICATIONS	2,392	2,392
180	ACQUISITION AND PROGRAM MANAGEMENT	3,090	3,090
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**22,936**	**22,936**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**1,246,982**	**1,246,982**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	89,690	89,690
020	DEPOT MAINTENANCE	16,735	16,735
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	37,913	37,913

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
040	BASE OPERATING SUPPORT	103,746	103,746
	SUBTOTAL OPERATING FORCES	**248,084**	**248,084**
	ADMIN & SRVWD ACTIVITIES		
050	SERVICEWIDE TRANSPORTATION	873	873
060	ADMINISTRATION	14,330	14,330
070	RECRUITING AND ADVERTISING	8,998	8,998
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**24,201**	**24,201**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**272,285**	**272,285**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	2,089,326	2,089,326
020	MISSION SUPPORT OPERATIONS	112,992	112,992
030	DEPOT MAINTENANCE	406,101	406,101
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	71,564	78,264
	Restoration and Modernization of Facilities		[6,700]
050	BASE SUPPORT	364,862	364,862
	SUBTOTAL OPERATING FORCES	**3,044,845**	**3,051,545**
	ADMIN & SRVWD ACTIVITIES		
060	ADMINISTRATION	78,824	78,824
070	RECRUITING AND ADVERTISING	16,020	16,020
080	MILITARY MANPOWER AND PERS MGMT (ARPC)	19,496	19,496
090	OTHER PERS SUPPORT (DISABILITY COMP)	6,489	6,489
100	AUDIOVISUAL	808	808
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**121,637**	**121,637**
	UNDISTRIBUTED ADJUSTMENTS		
110	UNDISTRIBUTED ADJUSTMENTS		33,900
	Retain Air Force Reserve Force Structure		[33,900]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**33,900**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**3,166,482**	**3,207,082**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	680,206	680,206
020	MODULAR SUPPORT BRIGADES	186,408	186,408
030	ECHELONS ABOVE BRIGADE	865,628	865,628
040	THEATER LEVEL ASSETS	112,651	112,651
050	LAND FORCES OPERATIONS SUPPORT	36,091	36,091
060	AVIATION ASSETS	907,011	907,011
070	FORCE READINESS OPERATIONS SUPPORT	751,606	751,606
080	LAND FORCES SYSTEMS READINESS	60,043	60,043
090	LAND FORCES DEPOT MAINTENANCE	411,940	411,940
100	BASE OPERATIONS SUPPORT	995,423	995,423
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	688,189	737,589
	Restoration and Modernization of Facilities		[49,400]
120	MANAGEMENT AND OPERATIONAL HQ'S	953,716	953,716
	SUBTOTAL OPERATING FORCES	**6,648,912**	**6,698,312**
	ADMIN & SRVWD ACTIVITIES		

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
130	SERVICEWIDE TRANSPORTATION	11,806	11,806
140	REAL ESTATE MANAGEMENT	1,656	1,656
150	ADMINISTRATION	89,358	89,358
160	SERVICEWIDE COMMUNICATIONS	39,513	39,513
170	MANPOWER MANAGEMENT	7,224	7,224
180	RECRUITING AND ADVERTISING	310,143	310,143
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**459,700**	**459,700**
	TOTAL OPERATION & MAINTENANCE, ARNG	**7,108,612**	**7,158,012**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
010	AIRCRAFT OPERATIONS	3,559,824	3,559,824
020	MISSION SUPPORT OPERATIONS	721,225	721,225
030	DEPOT MAINTENANCE	774,875	774,875
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	270,709	295,409
	Restoration and Modernization of Facilities		[24,700]
050	BASE SUPPORT	624,443	624,443
	SUBTOTAL OPERATING FORCES	**5,951,076**	**5,975,776**
	ADMIN & SRVWD ACTIVITIES		
060	ADMINISTRATION	32,358	32,358
070	RECRUITING AND ADVERTISING	32,021	32,021
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**64,379**	**64,379**
	UNDISTRIBUTED ADJUSTMENTS		
080	UNDISTRIBUTED ADJUSTMENTS		145,400
	Retain Air National Guard Force Structure		[145,400]
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**145,400**
	TOTAL OPERATION & MAINTENANCE, ANG	**6,015,455**	**6,185,555**
	MISCELLANEOUS APPROPRIATIONS		
	MISCELLANEOUS APPROPRIATIONS		
020	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	108,759	108,759
030	COOPERATIVE THREAT REDUCTION	519,111	519,111
040	ACQ WORKFORCE DEV FD	274,198	274,198
050	ENVIRONMENTAL RESTORATION, ARMY	335,921	335,921
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	**1,237,989**	**1,237,989**
	MISCELLANEOUS APPROPRIATIONS		
060	ENVIRONMENTAL RESTORATION, NAVY	310,594	310,594
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	**310,594**	**310,594**
	MISCELLANEOUS APPROPRIATIONS		
070	ENVIRONMENTAL RESTORATION, AIR FORCE	529,263	529,263
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	**529,263**	**529,263**
	MISCELLANEOUS APPROPRIATIONS		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	13,516	13,516

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
080	ENVIRONMENTAL RESTORATION, DEFENSE	11,133	11,133
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	**24,649**	**24,649**
	MISCELLANEOUS APPROPRIATIONS		
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	237,543	237,543
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	**237,543**	**237,543**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**2,340,038**	**2,340,038**
	TOTAL OPERATION & MAINTENANCE	**174,938,933**	**175,569,407**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
040	THEATER LEVEL ASSETS	2,758,162	2,758,162
050	LAND FORCES OPERATIONS SUPPORT	991,396	991,396
060	AVIATION ASSETS	40,300	40,300
070	FORCE READINESS OPERATIONS SUPPORT	1,755,445	1,755,445
080	LAND FORCES SYSTEMS READINESS	307,244	307,244
100	BASE OPERATIONS SUPPORT	393,165	393,165
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	250,000	250,000
140	ADDITIONAL ACTIVITIES	12,524,137	12,514,137
	Task Force for Stability Operations: Operations/Sustainment Request		[–10,000]
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	400,000	200,000
	Historical underexecution		[–200,000]
160	RESET	3,687,973	3,687,973
	SUBTOTAL OPERATING FORCES	**23,107,822**	**22,897,822**
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION	3,238,310	3,238,310
360	CENTRAL SUPPLY ACTIVITIES	129,000	129,000
380	AMMUNITION MANAGEMENT	78,022	78,022
420	OTHER PERSONNEL SUPPORT	137,277	97,277
	Transfer to OPA OCO Line 061 at SOUTHCOM request		[–40,000]
430	OTHER SERVICE SUPPORT	72,293	72,293
490	CLASSIFIED PROGRAMS	1,828,717	1,828,717
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**5,483,619**	**5,443,619**
	TOTAL OPERATION & MAINTENANCE, ARMY	**28,591,441**	**28,341,441**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	937,098	937,098
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	1,000	1,000

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
040	AIR OPERATIONS AND SAFETY SUPPORT	15,794	15,794
050	AIR SYSTEMS SUPPORT	19,013	19,013
060	AIRCRAFT DEPOT MAINTENANCE	201,912	201,912
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	3,000	3,000
080	AVIATION LOGISTICS	44,150	44,150
090	MISSION AND OTHER SHIP OPERATIONS	463,738	463,738
100	SHIP OPERATIONS SUPPORT & TRAINING	24,774	24,774
110	SHIP DEPOT MAINTENANCE	1,310,010	1,310,010
130	COMBAT COMMUNICATIONS	42,965	42,965
160	WARFARE TACTICS	25,970	25,970
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	19,226	19,226
180	COMBAT SUPPORT FORCES	1,668,359	1,668,359
190	EQUIPMENT MAINTENANCE	7,954	7,954
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	94,655	94,655
260	WEAPONS MAINTENANCE	303,087	303,087
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	3,218	3,218
300	BASE OPERATING SUPPORT	143,442	143,442
	SUBTOTAL OPERATING FORCES	**5,329,365**	**5,329,365**
	MOBILIZATION		
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	31,395	31,395
360	COAST GUARD SUPPORT	254,461	254,461
	SUBTOTAL MOBILIZATION	**285,856**	**285,856**
	TRAINING AND RECRUITING		
400	SPECIALIZED SKILL TRAINING	50,903	50,903
	SUBTOTAL TRAINING AND RECRUITING	**50,903**	**50,903**
	ADMIN & SRVWD ACTIVITIES		
480	ADMINISTRATION	1,377	1,377
490	EXTERNAL RELATIONS	487	487
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	6,022	6,022
520	OTHER PERSONNEL SUPPORT	3,514	3,514
550	SERVICEWIDE TRANSPORTATION	184,864	184,864
580	ACQUISITION AND PROGRAM MANAGEMENT	2,026	2,026
620	NAVAL INVESTIGATIVE SERVICE	1,425	1,425
710	CLASSIFIED PROGRAMS	14,556	14,556
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**214,271**	**214,271**
	TOTAL OPERATION & MAINTENANCE, NAVY	**5,880,395**	**5,880,395**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
010	OPERATIONAL FORCES	1,921,258	1,921,258
020	FIELD LOGISTICS	1,094,028	1,094,028
030	DEPOT MAINTENANCE	222,824	222,824
060	BASE OPERATING SUPPORT	88,690	88,690
	SUBTOTAL OPERATING FORCES	**3,326,800**	**3,326,800**
	TRAINING AND RECRUITING		
110	TRAINING SUPPORT	215,212	215,212
	SUBTOTAL TRAINING AND RECRUITING	**215,212**	**215,212**
	ADMIN & SRVWD ACTIVITIES		
150	SERVICEWIDE TRANSPORTATION	512,627	512,627
190	CLASSIFIED PROGRAMS	11,701	11,701

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**524,328**	**524,328**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**4,066,340**	**4,066,340**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	1,494,144	1,494,144
020	COMBAT ENHANCEMENT FORCES	809,531	809,531
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	13,095	13,095
040	DEPOT MAINTENANCE	1,403,238	1,403,238
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	155,954	155,954
060	BASE SUPPORT	342,226	342,226
070	GLOBAL C3I AND EARLY WARNING	15,108	15,108
080	OTHER COMBAT OPS SPT PROGRAMS	271,390	271,390
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	25,400	25,400
120	SPACE CONTROL SYSTEMS	5,110	5,110
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	52,173	52,173
	SUBTOTAL OPERATING FORCES	**4,587,369**	**4,587,369**
	MOBILIZATION		
150	AIRLIFT OPERATIONS	3,187,211	3,187,211
160	MOBILIZATION PREPAREDNESS	43,509	43,509
170	DEPOT MAINTENANCE	554,943	554,943
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	4,431	4,431
190	BASE SUPPORT	9,256	9,256
	SUBTOTAL MOBILIZATION	**3,799,350**	**3,799,350**
	TRAINING AND RECRUITING		
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	424	424
240	BASE SUPPORT	1,036	1,036
250	SPECIALIZED SKILL TRAINING	10,923	10,923
260	FLIGHT TRAINING	72	72
270	PROFESSIONAL DEVELOPMENT EDUCATION	323	323
280	TRAINING SUPPORT	352	352
	SUBTOTAL TRAINING AND RECRUITING	**13,130**	**13,130**
	ADMIN & SRVWD ACTIVITIES		
360	LOGISTICS OPERATIONS	100,429	100,429
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	47,200	47,200
400	BASE SUPPORT	7,242	7,242
410	ADMINISTRATION	1,552	1,552
420	SERVICEWIDE COMMUNICATIONS	82,094	82,094
430	OTHER SERVICEWIDE ACTIVITIES	582,977	582,977
480	CLASSIFIED PROGRAMS	20,270	20,270
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**841,764**	**841,764**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**9,241,613**	**9,241,613**
	OPERATION & MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
010	JOINT CHIEFS OF STAFF	2,000	2,000

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
020	SPECIAL OPERATIONS COMMAND	2,503,060	2,503,060
	SUBTOTAL OPERATING FORCES	**2,505,060**	**2,505,060**
	ADMIN & SRVWD ACTIVITIES		
080	DEFENSE CONTRACT AUDIT AGENCY	30,674	30,674
090	DEFENSE CONTRACT MANAGEMENT AGENCY	69,803	69,803
110	DEFENSE HUMAN RESOURCES ACTIVITY	3,334	3,334
120	DEFENSE INFORMATION SYSTEMS AGENCY	152,925	152,925
140	DEFENSE LEGAL SERVICES AGENCY	102,322	102,322
160	DEFENSE MEDIA ACTIVITY	10,823	10,823
180	DEFENSE SECURITY COOPERATION AGENCY	2,200,000	2,100,000
	Program Decrease—Coalition Support Funds		[–100,000]
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	139,830	139,830
260	OFFICE OF THE SECRETARY OF DEFENSE	87,805	87,805
280	CLASSIFIED PROGRAMS	2,522,003	2,522,003
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**5,319,519**	**5,219,519**
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	**7,824,579**	**7,724,579**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
030	ECHELONS ABOVE BRIGADE	78,600	78,600
050	LAND FORCES OPERATIONS SUPPORT	20,811	20,811
070	FORCE READINESS OPERATIONS SUPPORT	20,726	20,726
100	BASE OPERATIONS SUPPORT	34,400	34,400
	SUBTOTAL OPERATING FORCES	**154,537**	**154,537**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**154,537**	**154,537**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
010	MISSION AND OTHER FLIGHT OPERATIONS	24,834	24,834
020	INTERMEDIATE MAINTENANCE	300	300
040	AIRCRAFT DEPOT MAINTENANCE	13,364	13,364
060	MISSION AND OTHER SHIP OPERATIONS	8,213	8,213
080	SHIP DEPOT MAINTENANCE	929	929
100	COMBAT SUPPORT FORCES	8,244	8,244
140	BASE OPERATING SUPPORT	40	40
	SUBTOTAL OPERATING FORCES	**55,924**	**55,924**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**55,924**	**55,924**
	OPERATION & MAINTENANCE, MC RESERVE		
	OPERATING FORCES		
010	OPERATING FORCES	22,657	22,657
040	BASE OPERATING SUPPORT	2,820	2,820
	SUBTOTAL OPERATING FORCES	**25,477**	**25,477**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**25,477**	**25,477**
	OPERATION & MAINTENANCE, AF RESERVE		
	OPERATING FORCES		
010	PRIMARY COMBAT FORCES	7,600	7,600
030	DEPOT MAINTENANCE	106,768	106,768
050	BASE SUPPORT	6,250	6,250

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	SUBTOTAL OPERATING FORCES	**120,618**	**120,618**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**120,618**	**120,618**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
010	MANEUVER UNITS	38,485	38,485
020	MODULAR SUPPORT BRIGADES	1,959	1,959
030	ECHELONS ABOVE BRIGADE	20,076	20,076
040	THEATER LEVEL ASSETS	2,028	2,028
060	AVIATION ASSETS	183,811	183,811
070	FORCE READINESS OPERATIONS SUPPORT	43,780	43,780
100	BASE OPERATIONS SUPPORT	70,237	70,237
120	MANAGEMENT AND OPERATIONAL HQ'S	20,072	20,072
	SUBTOTAL OPERATING FORCES	**380,448**	**380,448**
	ADMIN & SRVWD ACTIVITIES		
160	SERVICEWIDE COMMUNICATIONS	2,000	2,000
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**2,000**	**2,000**
	TOTAL OPERATION & MAINTENANCE, ARNG	**382,448**	**382,448**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
020	MISSION SUPPORT OPERATIONS	19,975	19,975
	SUBTOTAL OPERATING FORCES	**19,975**	**19,975**
	TOTAL OPERATION & MAINTENANCE, ANG	**19,975**	**19,975**
	AFGHANISTAN SECURITY FORCES FUND		
	MINISTRY OF DEFENSE		
010	SUSTAINMENT	2,523,825	2,523,825
020	INFRASTRUCTURE	190,000	190,000
030	EQUIPMENT AND TRANSPORTATION	241,521	241,521
040	TRAINING AND OPERATIONS	758,380	758,380
	SUBTOTAL MINISTRY OF DEFENSE	**3,713,726**	**3,713,726**
	MINISTRY OF INTERIOR		
050	SUSTAINMENT	1,305,950	1,305,950
060	INFRASTRUCTURE	50,000	50,000
070	EQUIPMENT AND TRANSPORTATION	84,859	84,859
080	TRAINING AND OPERATIONS	569,868	569,868
	SUBTOTAL MINISTRY OF INTERIOR	**2,010,677**	**2,010,677**
	RELATED ACTIVITIES		
090	SUSTAINMENT	18,325	18,325
100	INFRASTRUCTUE	1,200	1,200
110	EQUIPMENT & TRANSPORTATION	1,239	1,239
120	TRAINING AND OPERATIONS	4,000	4,000
	SUBTOTAL RELATED ACTIVITIES	**24,764**	**24,764**
	TOTAL AFGHANISTAN SECURITY FORCES FUND	**5,749,167**	**5,749,167**
	AFGHANISTAN INFRASTRUCTURE FUND		
	AFGHANISTAN INFRASTRUCTURE FUND		
010	POWER	400,000	350,000

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	Program Decrease		[–50,000]
	SUBTOTAL AFGHANISTAN INFRASTRUCTURE FUND	**400,000**	**350,000**
	TOTAL AFGHANISTAN INFRASTRUCTURE FUND	**400,000**	**350,000**
	TOTAL OPERATION & MAINTENANCE	**62,512,514**	**62,112,514**

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

Item	FY 2013 Request	Conference Authorized
MILITARY PERSONNEL	135,111,799	135,777,368
USMC military personnel in lieu of LAV funding		[129,729]
Retain Global Hawk		[22,000]
Restore accrual payments to the Medicare eligible health care trust fund		[672,000]
Unobligated balances		[–295,250]
Basic allowance for housing for members of the National Guard (Section 603)		[6,000]
Retain 128 Air National Guard AGRs for two air sovereignty alert locations		[8,300]
Retain Air National Guard Force Structure		[86,600]
Retain Air Force Reserve Force Structure		[17,100]

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Item	FY 2013 Request	Conference Authorized
MILITARY PERSONNEL	14,060,094	14,055,094
Navy identified excess to requirement		[–5,000]

TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2013 Request	Conference Authorized
WORKING CAPITAL FUND, ARMY		
PREPOSITIONED WAR RESERVE STOCKS	60,037	60,037
TOTAL WORKING CAPITAL FUND, ARMY	**60,037**	**60,037**
WORKING CAPITAL FUND, AIR FORCE		
CONTAINER DECONSOLIDATION		

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2013 Request	Conference Authorized
SUPPLIES AND MATERIALS (MEDICAL/DENTAL)	45,452	45,452
TOTAL WORKING CAPITAL FUND, AIR FORCE	**45,452**	**45,452**
WORKING CAPITAL FUND, DEFENSE-WIDE		
DEFENSE LOGISTICS AGENCY (DLA)	39,135	39,135
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	**39,135**	**39,135**
WORKING CAPITAL FUND, DECA		
WORKING CAPITAL FUND, DECA	1,371,560	1,371,560
TOTAL WORKING CAPITAL FUND, DECA	**1,371,560**	**1,371,560**
NATIONAL DEFENSE SEALIFT FUND		
T-AKE		
MPF MLP	38,000	38,000
POST DELIVERY AND OUTFITTING	39,386	39,386
NATIONAL DEF SEALIFT VESSEL		
LG MED SPD RO/RO MAINTENANCE	128,819	128,819
DOD MOBILIZATION ALTERATIONS	26,598	26,598
TAH MAINTENANCE	29,199	29,199
RESEARCH AND DEVELOPMENT	42,811	42,811
READY RESERVE FORCE	303,323	303,323
TOTAL NATIONAL DEFENSE SEALIFT FUND	**608,136**	**608,136**
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	8,625,507	8,625,507
PRIVATE SECTOR CARE	16,148,263	15,788,263
Pilot program for treatment of Autism		[40,000]
TRICARE historical underexecution		[–400,000]
CONSOLIDATED HEALTH SUPPORT	2,309,185	2,309,185
INFORMATION MANAGEMENT	1,465,328	1,465,328
MANAGEMENT ACTIVITIES	332,121	332,121
EDUCATION AND TRAINING	722,081	722,081
BASE OPERATIONS/COMMUNICATIONS	1,746,794	1,746,794
UNDISTRIBUTED, OPERATION & MAINTENANCE		452,000
Restore estimated savings in TRICARE Prime and Standard enrollment fees and deductables for TRICARE Standard		[273,000]
Restore pharmacy co-pay estimated savings		[179,000]
RDT&E	672,977	672,977
PROCUREMENT	506,462	506,462
TOTAL DEFENSE HEALTH PROGRAM	**32,528,718**	**32,620,718**
CHEM AGENTS & MUNITIONS DESTRUCTION		
OPERATION & MAINTENANCE	635,843	635,843
RDT&E	647,351	647,351
PROCUREMENT	18,592	18,592
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	**1,301,786**	**1,301,786**
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	889,545	889,545
DRUG DEMAND REDUCTION PROGRAM	109,818	135,718
Authorization increase expanded drug testing		[25,900]
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**999,363**	**1,025,263**
OFFICE OF THE INSPECTOR GENERAL		

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2013 Request	Conference Authorized
OPERATION & MAINTENANCE	272,821	331,921
DoD IG growth plan		[59,100]
RDT&E		
PROCUREMENT	1,000	1,000
TOTAL OFFICE OF THE INSPECTOR GENERAL	**273,821**	**332,921**
TOTAL OTHER AUTHORIZATIONS	**37,228,008**	**37,405,008**

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Program Title	FY 2013 Request	Conference Authorized
WORKING CAPITAL FUND, ARMY		
PREPOSITIONED WAR RESERVE STOCKS	42,600	42,600
TOTAL WORKING CAPITAL FUND, ARMY	**42,600**	**42,600**
WORKING CAPITAL FUND, AIR FORCE		
C–17 CLS ENGINE REPAIR	230,400	230,400
TRANSPORTATION FALLEN HEROES	10,000	10,000
TOTAL WORKING CAPITAL FUND, AIR FORCE	**240,400**	**240,400**
WORKING CAPITAL FUND, DEFENSE-WIDE		
DEFENSE LOGISTICS AGENCY (DLA)	220,364	220,364
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	**220,364**	**220,364**
DEFENSE HEALTH PROGRAM		
IN-HOUSE CARE	483,326	483,326
PRIVATE SECTOR CARE	376,982	376,982
CONSOLIDATED HEALTH SUPPORT	111,675	111,675
INFORMATION MANAGEMENT	4,773	4,773
MANAGEMENT ACTIVITIES	660	660
EDUCATION AND TRAINING	15,370	15,370
BASE OPERATIONS/COMMUNICATIONS	1,112	1,112
TOTAL DEFENSE HEALTH PROGRAM	**993,898**	**993,898**
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	469,025	469,025
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**469,025**	**469,025**
OFFICE OF THE INSPECTOR GENERAL		
OPERATION & MAINTENANCE	10,766	10,766
TOTAL OFFICE OF THE INSPECTOR GENERAL	**10,766**	**10,766**
TOTAL OTHER AUTHORIZATIONS	**1,977,053**	**1,977,053**

TITLE XLVI—MILITARY CONSTRUCTION

SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
	Alaska			
Army	Fort Wainwright	Modified Record Fire Range	10,400	10,400
Army	Joint Base Elmendorf-Richardson	Modified Record Fire Range	7,900	7,900
	California			
Army	Concord	Engineering/Housing Maintenance Shop	3,100	3,100
Army	Concord	Lightning Protection System	5,800	5,800
	Colorado			
Army	Fort Carson	Central Energy Plant	0	0
Army	Fort Carson	Digital Multipurpose Training Range	18,000	18,000
	District of Columbia			
Army	Fort Mcnair	Vehicle Storage Building, Installation	7,200	7,200
	Georgia			
Army	Fort Benning	Ground Source Heat Transfer System	16,000	16,000
Army	Fort Gordon	Ground Source Heat Transfer System	12,200	12,200
Army	Fort Gordon	Modified Record Fire Range	4,000	4,000
Army	Fort Gordon	Multipurpose Machine Gun Range	7,100	7,100
Army	Fort Stewart	Automated Combat Pistol Qual Crse	3,650	3,650
Army	Fort Stewart	Digital Multipurpose Training Range	22,000	22,000
Army	Fort Stewart	Unmanned Aerial Vehicle Complex	24,000	24,000
	Hawaii			
Army	Pohakuloa Training Area	Automated Infantry Platoon Battle Course.	29,000	29,000
Army	Schofield Barracks	Barracks	55,000	55,000
Army	Schofield Barracks	Barracks	41,000	41,000
Army	Wheeler Army Air Field	Combat Aviation Brigade Barracks	85,000	85,000
	Italy			
Army	Camp Ederle	Barracks	36,000	36,000
Army	Vicenza	Simulations Center	32,000	32,000
	Japan			
Army	Okinawa	Satellite Communications Facility	78,000	78,000
Army	Sagami	Vehicle Maintenance Shop	18,000	18,000
	Kansas			
Army	Fort Riley	Unmanned Aerial Vehicle Complex	12,200	12,200
	Kentucky			
Army	Fort Campbell	Battalion Headquarters Complex	55,000	55,000
Army	Fort Campbell	Live Fire Exercise Shoothouse	3,800	3,800
Army	Fort Campbell	Unmanned Aerial Vehicle Complex	23,000	23,000
Army	Fort Knox	Automated Infantry Squad Battle Course.	6,000	6,000
	Korea			
Army	Camp Humphreys	Battalion Headquarters Complex	45,000	45,000
	Kwajalein Atoll			
Army	Kwajalein Atoll	Pier	0	0
	Missouri			
Army	Fort Leonard Wood	Battalion Complex Facilities	26,000	26,000
Army	Fort Leonard Wood	Trainee Barracks Complex 3, Ph 2	58,000	58,000
Army	Fort Leonard Wood	Vehicle Maintenance Shop	39,000	39,000
	New Jersey			
Army	Joint Base Mcguire-Dix-Lakehurst	Flight Equipment Complex	47,000	47,000
Army	Picatinny Arsenal	Ballistic Evaluation Center	10,200	10,200
	New York			
Army	Fort Drum, New York	Aircraft Maintenance Hangar	95,000	95,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Army	U.S. Military Academy	Cadet Barracks, Inc 1	192,000	86,000
	North Carolina			
Army	Fort Bragg	Aerial Gunnery Range	42,000	42,000
Army	Fort Bragg	Infrastructure	30,000	0
Army	Fort Bragg	Unmanned Aerial Vehicle Complex	26,000	26,000
	Oklahoma			
Army	Fort Sill	Modified Record Fire Range	4,900	4,900
	South Carolina			
Army	Fort Jackson	Trainee Barracks Complex 2, Ph 2	24,000	24,000
	Texas			
Army	Corpus Christi	Aircraft Component Maintenance Shop	13,200	13,200
Army	Corpus Christi	Aircraft Paint Shop	24,000	24,000
Army	Fort Bliss	Multipurpose Machine Gun Range	7,200	7,200
Army	Fort Hood	Modified Record Fire Range	4,200	4,200
Army	Fort Hood	Training Aids Center	25,000	25,000
Army	Fort Hood	Unmanned Aerial Vehicle Complex	22,000	22,000
Army	Joint Base San Antonio	Barracks	21,000	21,000
	Virginia			
Army	Arlington	Cemetery Expansion Millennium Site	84,000	0
Army	Fort Belvoir	Secure Admin/Operations Facility	94,000	94,000
Army	Fort Lee	Adv Individual Training Barracks Cplx, Ph2.	81,000	81,000
	Washington			
Army	Joint Base Lewis-Mcchord	Battalion Complex	73,000	73,000
Army	Joint Base Lewis-Mcchord	Waste Water Treatment Plant	91,000	91,000
Army	Yakima	Convoy Live Fire Range	5,100	5,100
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Host Nation Support Fy 13	34,000	34,000
Army	Unspecified Worldwide Locations	Minor Construction Fy 13	25,000	25,000
Army	Unspecified Worldwide Locations	Planning and Design Fy13	65,173	46,173
Total Military Construction, Army			**1,923,323**	**1,684,323**
	Arizona			
Navy	Yuma	Combat Aircraft Loading Apron	15,985	15,985
Navy	Yuma	Security Operations Complex	13,300	13,300
	Bahrain Island			
Navy	Sw Asia	Combined Dining Facility	9,819	9,819
Navy	Sw Asia	Transient Quarters	41,529	41,529
	California			
Navy	Camp Pendleton	Comm. Information Systems Ops Complex.	78,897	78,897
Navy	Camp Pendleton	Mv22 Aviation Simulator Building	4,139	4,139
Navy	Camp Pendleton	San Jacinto Road Extension	5,074	5,074
Navy	Coronado	Bachelor Quarters	76,063	76,063
Navy	Coronado	H–60s Simulator Training Facility	2,478	2,478
Navy	Lemoore	Bams Maintenance Training Facility	14,843	0
Navy	Miramar	Hangar 5 Renovations & Addition	27,897	27,897
Navy	Point Mugu	Bams Maintenance Training Facility	0	12,790
Navy	San Diego	Entry Control Point (Gate Five)	11,752	11,752
Navy	San Diego	Lcs Training Facility	59,436	59,436
Navy	Seal Beach	Strategic Systems Weapons Eval. Test Lab.	30,594	30,594
Navy	Twentynine Palms	Land Expansion Phase 2	47,270	47,270
	Diego Garcia			

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Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Navy	Diego Garcia	Communications Infrastructure	1,691	1,691
	Djibouti			
Navy	Camp Lemonnier	Containerized Living and Work Units	7,510	0
Navy	Camp Lemonnier	Fitness Center	26,960	0
Navy	Camp Lemonnier	Galley Addition and Warehouse	22,220	0
Navy	Camp Lemonnier	Joint HQ/Joint Operations Center Facility.	42,730	0
	Florida			
Navy	Jacksonville	Bams Mission Control Complex	21,980	21,980
	Greece			
Navy	Souda Bay	Aircraft Parking Apron Expansion	20,493	20,493
Navy	Souda Bay	Intermodal Access Road	4,630	4,630
	Guam			
Navy	Joint Region Marianas	North Ramp Parking (Andersen AFB)—Inc 2.	25,904	25,904
	Hawaii			
Navy	Kaneohe Bay	Aircraft Staging Area	14,680	14,680
Navy	Kaneohe Bay	Mv–22 Hangar and Infrastructure	82,630	82,630
	Japan			
Navy	Iwakuni	Maintenance Hangar Improvements	5,722	5,722
Navy	Iwakuni	Vertical Take-Off and Landing Pad North.	7,416	7,416
Navy	Okinawa	Bachelor Quarters	8,206	8,206
	Mississippi			
Navy	Meridian	Dining Facility	10,926	10,926
	New Jersey			
Navy	Earle	Combat System Engineering Building Addition.	33,498	32,670
	North Carolina			
Navy	Camp Lejeune	Base Access and Road—Phase 3	40,904	40,904
Navy	Camp Lejeune	Staff Nco Academy Facilities	28,986	28,986
Navy	Cherry Point Marine Corps Air Station	Armory	11,581	11,581
Navy	Cherry Point Marine Corps Air Station	Marine Air Support Squadron Compound.	34,310	34,310
Navy	New River	Personnel Administration Center	8,525	8,525
	Romania			
Navy	Deveselu, Romania	Aegis Ashore Missile Defense Complex	45,205	45,205
	South Carolina			
Navy	Beaufort	Aircraft Maintenance Hangar	42,010	42,010
Navy	Beaufort	Airfield Security Upgrades	13,675	13,675
Navy	Beaufort	Ground Support Equipment Shop	9,465	9,465
Navy	Beaufort	Recycling/Hazardous Waste Facility	3,743	3,743
Navy	Beaufort	Simulated Lhd Flight Deck	12,887	12,887
Navy	Parris Island	Front Gate Atfp Improvements	10,135	10,135
	Spain			
Navy	Rota	General Purpose Warehouse	3,378	3,378
Navy	Rota	High Explosive Magazine	13,837	13,837
	Virginia			
Navy	Dahlgren	Cruiser/Destroyer Upgrade Training Facility.	16,494	16,494
Navy	Dahlgren	Physical Fitness Center	11,734	11,734
Navy	Oceana Naval Air Station	A School Barracks	39,086	39,086
Navy	Portsmouth	Drydock 8 Electrical Distribution Upgrade.	32,706	32,706
Navy	Quantico	Infrastruture—Widen Russell Road	14,826	14,826
Navy	Quantico	The Basic School Student Quarters—Phase 7.	31,012	31,012
Navy	Quantico	Weapons Training Battalion Mess Hall	12,876	12,876
Navy	Yorktown	Armory	4,259	4,259
Navy	Yorktown	Bachelor Enlisted Quarters	18,422	18,422
Navy	Yorktown	Motor Transportation Facility	6,188	6,188
Navy	Yorktown	Regimental Headquarters	11,015	11,015

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Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Navy	Yorktown	Supply Warehouse Facility	8,939	8,939
	Washington			
Navy	Kitsap	Explosives Handling Wharf #2 (Inc)	280,041	254,241
Navy	Whidbey Island	Ea–18g Flight Simulator Facility	6,272	6,272
	Worldwide Unspecified			
Navy	Unspecified Worldwide Locations	Mcon Design Funds	102,619	102,619
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	16,535	16,535
Navy	Various Worldwide Locations	Bams Operational Facilities	34,048	34,048
Total Military Construction, Navy			**1,701,985**	**1,573,884**
	Arkansas			
AF	Little Rock AFB	C–130J Flight Simulator Addition	4,178	4,178
AF	Little Rock AFB	C–130J Fuel Systems Maintenance Hangar.	26,000	26,000
	Florida			
AF	Tyndall AFB	F–22 Adal Hangar for Low Observable/Composite.	14,750	14,750
	Georgia			
AF	Fort Stewart, Georgia	Air Support Operations Center (ASOC)	7,250	7,250
AF	Moody AFB	HC–130J Simulator Facility	8,500	8,500
	Greenland			
AF	Thule Ab	Consolidated Engineer Shop and Supply Facility.	0	0
AF	Thule Ab	Dormitory (48 Pn)	24,500	24,500
	Guam			
AF	Andersen AFB	Fuel Systems Hangar	0	0
	Italy			
AF	Aviano Ab	F–16 Mission Training Center	9,400	9,400
	Nebraska			
AF	Offutt AFB	US STRATCOM Replacement Facility, Incr 2.	161,000	128,000
	New Mexico			
AF	Holloman AFB	Mq–9 Maintenance Hangar	25,000	25,000
	North Dakota			
AF	Minot AFB	B–52 Add/Alter Munitions Age Facility	4,600	4,600
	Texas			
AF	Joint Base San Antonio	Dormitory (144 Rm)	18,000	18,000
	Utah			
AF	Hill AFB	F–35 Adal Building 118 for Flight Simulator.	4,000	4,000
AF	Hill AFB	F–35 Adal Hangar 45w/AMU	7,250	7,250
AF	Hill AFB	F–35 Modular Storage Magazines	2,280	2,280
	Worldwide Unspecified			
AF	Lajes AFB	Sanitary Sewer Lift/Pump Station	2,000	2,000
AF	Rota	Transient Aircraft Hangars	15,032	0
AF	Rota	Transient Contingency Dormitory—100 Rm.	17,625	0
AF	Unspecified Worldwide Locations	Planning and Design	18,635	18,635
AF	Various Worldwide Locations	Unspecified Minor Construction	18,200	18,200
Total Military Construction, Air Force			**388,200**	**322,543**
	Arizona			
Def-Wide	Marana	SOF Parachute Training Facility	6,477	6,477

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Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Def-Wide	Yuma	Truck Unload Facility	1,300	1,300
	Belgium			
Def-Wide	Brussels	NATO Headquarters Facility	26,969	26,969
	California			
Def-Wide	Coronado	SOF Close Quarters Combat/Dynamic Shoot Fac.	13,969	13,969
Def-Wide	Coronado	SOF Indoor Dynamic Shooting Facility	31,170	31,170
Def-Wide	Coronado	SOF Mobile Comm Detachment Support Facility.	10,120	10,120
Def-Wide	Def Fuel Support Point—San Diego	Replace Fuel Pier	91,563	91,563
Def-Wide	Edwards Air Force Base	Replace Fuel Storage	27,500	27,500
Def-Wide	Twentynine Palms, California	Medical Clinic Replacement	27,400	27,400
	Colorado			
Def-Wide	Buckley Air Force Base	Denver Power House	30,000	30,000
Def-Wide	Fort Carson, Colorado	SOF Battalion Operations Complex	56,673	56,673
Def-Wide	Pikes Peak	High Altitude Medical Research Lab	3,600	3,600
	Delaware			
Def-Wide	Dover AFB	Replace Truck Off-Load Facility	2,000	2,000
	Florida			
Def-Wide	Eglin AFB	SOF Avfid Ops and Maintenance Facilities.	41,695	41,695
Def-Wide	Hurlburt Field	Construct Fuel Storage Facility	16,000	16,000
Def-Wide	Macdill AFB	SOF Joint Special Ops University Fac (Jsou).	34,409	34,409
	Germany			
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Incr 2	127,000	127,000
Def-Wide	Stuttgart-Patch Barracks	DISA Europe Facility Upgrades	2,413	2,413
Def-Wide	Vogelweh	Replace Vogelweh Elementary School	61,415	61,415
Def-Wide	Weisbaden	Weisbaden High School Addition	52,178	52,178
	Guam			
Def-Wide	Andersen AFB	Upgrade Fuel Pipeline	67,500	67,500
	Guantanamo Bay, Cuba			
Def-Wide	Guantanamo Bay	Replace Fuel Pier	37,600	37,600
Def-Wide	Guantanamo Bay	Replace Truck Load Facility	2,600	2,600
	Hawaii			
Def-Wide	Joint Base Pearl Harbor-Hickam	SOF Sdvt–1 Waterfront Operations Facility.	24,289	24,289
	Illinois			
Def-Wide	Great Lakes	Drug Laboratory Replacement	28,700	28,700
Def-Wide	Scott AFB	DISA Facility Upgrades	84,111	84,111
Def-Wide	Scott AFB	Medical Logistics Warehouse	2,600	2,600
	Indiana			
Def-Wide	Grissom ARB	Replace Hydrant Fuel System	26,800	26,800
	Japan			
Def-Wide	Camp Zama	Renovate Zama High School	13,273	13,273
Def-Wide	Kadena Ab	Replace Elementary School	71,772	71,772
Def-Wide	Kadena Ab	Replace Stearley Heights Elementary School.	71,773	71,773
Def-Wide	Sasebo	Replace Sasebo Elementary School	35,733	35,733
Def-Wide	Zukeran	Replace Zukeran Elementary School	79,036	79,036
	Kentucky			
Def-Wide	Fort Campbell, Kentucky	Replace Barkley Elementary School	41,767	41,767
Def-Wide	Fort Campbell, Kentucky	SOF Ground Support Battalion	26,313	26,313
Def-Wide	Fort Campbell, Kentucky	SOF Landgraf Hangar Extension	3,559	3,559

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Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
	Korea			
Def-Wide	Kunsan Air Base	Medical/Dental Clinic Addition	13,000	13,000
Def-Wide	Osan AFB	Hospital Addition/Alteration	34,600	34,600
Def-Wide	Osan AFB	Replace Osan Elementary School	42,692	42,692
	Louisiana			
Def-Wide	Barksdale AFB	Upgrade Pumphouse	11,700	11,700
	Maryland			
Def-Wide	Annapolis	Health Clinic Replacement	66,500	66,500
Def-Wide	Bethesda Naval Hospital	Base Installation Access./Appearance Plan.	7,000	7,000
Def-Wide	Bethesda Naval Hospital	Electrical Capacity and Cooling Towers	35,600	35,600
Def-Wide	Bethesda Naval Hospital	Temporary Medical Facilities	26,600	26,600
Def-Wide	Fort Detrick	USAMRIID Stage I, Incr 7	19,000	19,000
Def-Wide	Fort Meade	High Performance Computing Center Inc 2.	300,521	225,521
Def-Wide	Fort Meade	NSAW Recapitalize Building #1/Site M Inc 1.	25,000	25,000
	Missouri			
Def-Wide	Fort Leonard Wood	Dental Clinic	18,100	18,100
	New Mexico			
Def-Wide	Cannon AFB	Medical/Dental Clinic Repalcement	71,023	71,023
Def-Wide	Cannon AFB	SOF Ac–130J Combat Parking Apron	22,062	22,062
	New York			
Def-Wide	Fort Drum, New York	Idt Complex	25,900	25,900
Def-Wide	Fort Drum, New York	Soldier Specialty Care Clinic	17,300	17,300
	North Carolina			
Def-Wide	Camp Lejeune, North Carolina	Medical Clinic Replacement	21,200	21,200
Def-Wide	Camp Lejeune, North Carolina	SOF Marine Battalion Company/Team Facilities.	53,399	53,399
Def-Wide	Camp Lejeune, North Carolina	SOF Survival Evasion Resist. Escape Tng Fac.	5,465	5,465
Def-Wide	Fort Bragg	SOF Battalion Operations Facility	40,481	70,481
Def-Wide	Fort Bragg	SOF Civil Affairs Battalion Complex	31,373	31,373
Def-Wide	Fort Bragg	SOF Support Addition	3,875	3,875
Def-Wide	Fort Bragg	SOF Sustainment Brigade Complex	24,693	24,693
Def-Wide	Seymour Johnson AFB	Medical Clinic Replacement	53,600	53,600
Def-Wide	Seymour Johnson AFB	Replace Pipeline	1,850	1,850
	Pennsylvania			
Def-Wide	Def Distribution Depot New Cumberland	Replace Communications Building	6,800	6,800
Def-Wide	Def Distribution Depot New Cumberland	Replace Reservoir	4,300	4,300
Def-Wide	Def Distribution Depot New Cumberland	Replace Sewage Treatment Plant	6,300	6,300
	Romania			
Def-Wide	Deveselu, Romania	Aegis Ashore Missile Defense System Complex (Inc 1).	157,900	120,000
	South Carolina			
Def-Wide	Shaw AFB	Medical Clinic Replacement	57,200	57,200
	Texas			
Def-Wide	Fort Bliss	Hospital Replacement Incr 4	207,400	132,400
Def-Wide	Joint Base San Antonio	Ambulatory Care Center Phase 3 Incr	80,700	26,400
Def-Wide	Red River Army Depot	Dfas Facility	16,715	16,715
	United Kingdom			

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Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Def-Wide	Menwith Hill Station	Mhs Utilities and Roads	3,795	3,795
Def-Wide	Menwith Hill Station	Replace Menwith Hill Elementary/High School.	46,488	46,488
Def-Wide	Raf Feltwell	Feltwell Elementary School Addition	30,811	30,811
Def-Wide	Raf Mildenhall	SOF CV–22 Simulator Facility	6,490	6,490
	Utah			
Def-Wide	Camp Williams	Ic Cnci Data Center 1 Inc 4	191,414	191,414
	Virginia			
Def-Wide	Dam Neck	SOF Magazines	0	0
Def-Wide	Joint Expeditionary Base Little Creek—Story	SOF Combat Services Support Facility—East.	11,132	11,132
Def-Wide	Norfolk	Veterinary Facility Replacement	8,500	8,500
	Washington			
Def-Wide	Fort Lewis	SOF Battalion Operations Facility	46,553	46,553
Def-Wide	Fort Lewis	SOF Military Working Dog Kennel	3,967	3,967
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	Contingency Construction	10,000	0
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program.	150,000	150,000
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction	6,440	6,440
Def-Wide	Unspecified Worldwide Locations	Minor Construction	5,000	5,000
Def-Wide	Unspecified Worldwide Locations	Planning & Design	5,000	5,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design	105,700	105,700
Def-Wide	Unspecified Worldwide Locations	Planning and Design	47,978	47,978
Def-Wide	Unspecified Worldwide Locations	Planning and Design	7,928	7,928
Def-Wide	Unspecified Worldwide Locations	Planning and Design	105,569	105,569
Def-Wide	Unspecified Worldwide Locations	Planning and Design	2,919	2,919
Def-Wide	Unspecified Worldwide Locations	Planning and Design	8,300	8,300
Def-Wide	Unspecified Worldwide Locations	Planning and Design	27,620	27,620
Def-Wide	Unspecified Worldwide Locations	Planning and Design	4,548	4,548
Def-Wide	Unspecified Worldwide Locations	SOF Operations and Skills Training Complex.	0	0
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Const	10,000	10,000

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Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	7,254	7,254
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	4,091	4,091
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Milcon	3,000	3,000
Total Military Construction, Defense-Wide			**3,654,623**	**3,432,423**
	Colorado			
Chem Demil	Pueblo Depot	Ammunition Demilitarization Facility, Ph Xiv.	36,000	36,000
	Kentucky			
Chem Demil	Blue Grass Army Depot	Ammunition Demilitarization Ph Xiii	115,000	115,000
Total Chemical Demilitarization Construction, Defense			**151,000**	**151,000**
	Worldwide Unspecified			
NATO	NATO Security Investment Program	NATO Security Investment Program	254,163	254,163
Total NATO Security Investment Program			**254,163**	**254,163**
	Alabama			
Army NG	Fort MC Clellan	Live Fire Shoot House	5,400	5,400
	Arkansas			
Army NG	Searcy	Field Maintenance Shop	6,800	6,800
	California			
Army NG	Fort Irwin	Maneuver Area Training & Equipment Site Ph3.	25,000	25,000
	Connecticut			
Army NG	Camp Hartell	Combined Support Maintenance Shop	32,000	32,000
	Delaware			
Army NG	Bethany Beach	Regional Training Institute Ph1	5,500	5,500
	Florida			
Army NG	Camp Blanding	Combined Arms Collective Training Fac	9,000	9,000
Army NG	Miramar	Readiness Center	20,000	20,000
	Guam			
Army NG	Barrigada	JFHQ Ph4	8,500	8,500
	Hawaii			
Army NG	Kapolei	Army Aviation Support Facility Ph1	28,000	28,000
	Idaho			
Army NG	Orchard Trainig Area	Ortc(Barracks)Ph2	40,000	40,000
	Indiana			
Army NG	South Bend	Armed Forces Reserve Center Add/Alt	21,000	21,000
Army NG	Terre Haute	Field Maintenance Shop	9,000	9,000
	Iowa			
Army NG	Camp Dodge	Urban Assault Course	3,000	3,000
	Kansas			
Army NG	Topeka	Taxiway, Ramp & Hangar Alterations	9,500	9,500
	Kentucky			
Army NG	Frankfort	Army Aviation Support Facility	32,000	32,000
	Massachusetts			
Army NG	Camp Edwards	Ground Water Extraction, Treatment, and Recharge System.	0	0
Army NG	Camp Edwards	Unit Training Equipment Site	22,000	22,000
	Michigan			

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Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Army NG	Camp Grayling	Operational Readiness Training Complex (Ortc) Barracks.	0	0
	Minnesota			
Army NG	Arden Hills	Readiness Center	0	17,000
Army NG	Camp Ripley	Scout Reconnaisance Range	17,000	17,000
Army NG	St Paul	Readiness Center	17,000	0
	Missouri			
Army NG	Fort Leonard Wood	Regional Training Institute	18,000	18,000
Army NG	Kansas City	Readiness Center Add/Alt	1,900	1,900
Army NG	Monett	Readiness Center Add/Alt	820	820
Army NG	Perryville	Readiness Center Add/Alt	700	700
	Montana			
Army NG	Miles City	Readiness Center	11,000	11,000
	New Jersey			
Army NG	Sea Girt	Regional Training Institute	34,000	34,000
	New York			
Army NG	Stormville	Combined Support Maint Shop Ph1	24,000	24,000
	Ohio			
Army NG	Chillicothe	Field Maintenance Shop Add/Alt	3,100	3,100
Army NG	Delaware	Readiness Center	12,000	12,000
	Oklahoma			
Army NG	Camp Gruber	Operations Readiness Training Complex	25,000	25,000
	Puerto Rico			
Army NG	Camp Santiago	Readiness Center	3,800	3,800
Army NG	Ceiba	Refill Station Building	2,200	2,200
Army NG	Guaynabo	Readiness Center (JFHQ)	15,000	15,000
Army NG	Gurabo	Readiness Center	14,700	14,700
	Utah			
Army NG	Camp Williams	BEQ Facility (Regional Training Institute).	15,000	15,000
Army NG	Camp Williams	Regional Training Institute Ph2	21,000	21,000
	Vermont			
Army NG	North Hyde Park	Field Maintenance Shop	0	0
	Washington			
Army NG	Fort Lewis	Readiness Center	35,000	35,000
	West Virginia			
Army NG	Logan	Readiness Center	14,200	14,200
	Wisconsin			
Army NG	Wausau	Field Maintenance Shop	10,000	10,000
	Worldwide Unspecified			
Army NG	Unspecified Worldwide Locations	Planning and Design	26,622	26,622
Army NG	Unspecified Worldwide Locations	Unspecified Minor Construction	15,057	15,057
Total Military Construction, Army National Guard			**613,799**	**613,799**
	California			
Army Res	Fort Hunter Liggett	Access Control Point	0	0
Army Res	Fort Hunter Liggett	Ortc	64,000	64,000
Army Res	Fort Hunter Liggett	Uph Barracks	4,300	4,300
Army Res	Tustin	Army Reserve Center	27,000	27,000
	Illinois			
Army Res	Fort Sheridan	Army Reserve Center	28,000	28,000
	Maryland			
Army Res	Aberdeen Proving Ground	Army Reserve Center	21,000	21,000
Army Res	Baltimore	Add/Alt Army Reserve Center	10,000	10,000
	Massachusetts			

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Army Res	Devens Reserve Forces Training Area	Automatic Record Fire Range	4,800	4,800
Army Res	Devens Reserve Forces Training Area	Combat Pistol/MP Firearms Qualification.	3,700	3,700
	Nevada			
Army Res	Las Vegas	Army Reserve Center/AMSA	21,000	21,000
	New Jersey			
Army Res	Joint Base Mcguire-Dix-Lakehurst	Automated Infantry Squad Battle Course.	7,400	7,400
	Pennsylvania			
Army Res	Conneaut Lake	Defense Access Road	0	0
	Washington			
Army Res	Joint Base Lewis-Mcchord	Army Reserve Center	40,000	40,000
	Wisconsin			
Army Res	Fort Mccoy	Central Issue Facility	12,200	12,200
Army Res	Fort Mccoy	Dining Facility	8,600	8,600
Army Res	Fort Mccoy	Ecs Tactical Equip. Maint. Facilty (Temf).	27,000	27,000
	Worldwide Unspecified			
Army Res	Unspecified Worldwide Locations	Planning and Design	15,951	15,951
Army Res	Unspecified Worldwide Locations	Unspecified Minor Construction	10,895	10,895
Total Military Construction, Army Reserve			**305,846**	**305,846**
	Arizona			
N/MC Res	Yuma	Reserve Training Facility—Yuma AZ	5,379	5,379
	Iowa			
N/MC Res	Fort Des Moines	Joint Reserve Center—Des Moines IA	19,162	19,162
	Louisiana			
N/MC Res	New Orleans	Transient Quarters	7,187	7,187
	New York			
N/MC Res	Brooklyn	Vehicle Maint. Fac.—Brooklyn NY	4,430	4,430
	Texas			
N/MC Res	Fort Worth	Commercial Vehicle Inspection Site	11,256	11,256
	Worldwide Unspecified			
N/MC Res	Unspecified Worldwide Locations	Planning and Design	2,118	2,118
Total Military Construction, Naval Reserve			**49,532**	**49,532**
	California			
Air NG	Fresno Yosemite IAP ANG	F–15 Conversion	11,000	11,000
	Hawaii			
Air NG	Joint Base Pearl Harbor-Hickam	TFI—F–22 Combat Apron Addition	6,500	6,500
	New Mexico			
Air NG	Kirtland AFB	Alter Target Intelligence Facility	8,500	8,500
	Tennessee			
Air NG	Mcghee-Tyson Airport	Dormitory Classroom Facility	0	0
	Worldwide Unspecified			
Air NG	Various Worldwide Locations	Planning and Design	4,000	4,000

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(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Air NG	Various Worldwide Locations	Unspecified Minor Construction	5,900	5,900
Air NG	Wyoming Cheyenne Map	C–130 Flight Simulator Training Facility.	6,486	6,486
Total Military Construction, Air National Guard			**42,386**	**42,386**
AF Res	California March Air Reserve Base	Joint Regional Deployment Processing Center.	0	0
AF Res	New York Niagara Falls IAP	Flight Simulator Facility	6,100	6,100
AF Res	Worldwide Unspecified Various Worldwide Locations	Planning and Design	2,879	2,879
AF Res	Various Worldwide Locations	Unspecified Minor Constrution	2,000	2,000
Total Military Construction, Air Force Reserve			**10,979**	**10,979**
FH Con Army	Worldwide Unspecified Unspecified Worldwide Locations	Family Housing P&d	4,641	4,641
Total Family Housing Construction, Army			**4,641**	**4,641**
FH Ops Army	Worldwide Unspecified Unspecified Worldwide Locations	Furnishings Account	31,785	31,785
FH Ops Army	Unspecified Worldwide Locations	Leasing	203,533	203,533
FH Ops Army	Unspecified Worldwide Locations	Maintenance of Real Property	109,534	109,534
FH Ops Army	Unspecified Worldwide Locations	Management Account	56,970	56,970
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous Account	620	620
FH Ops Army	Unspecified Worldwide Locations	Privatization Support Costs	26,010	26,010
FH Ops Army	Unspecified Worldwide Locations	Services Account	13,487	13,487
FH Ops Army	Unspecified Worldwide Locations	Utilities Account	88,112	88,112
Total Family Housing Operation And Maintenance, Army			**530,051**	**530,051**
FH Con AF	Worldwide Unspecified Unspecified Worldwide Locations	Improvements	79,571	79,571
FH Con AF	Unspecified Worldwide Locations	Planning and Design	4,253	4,253

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Total Family Housing Construction, Air Force			**83,824**	**83,824**
	Worldwide Unspecified			
FH Ops AF	Unspecified Worldwide Locations	Furnishings Account	37,878	37,878
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization	46,127	46,127
FH Ops AF	Unspecified Worldwide Locations	Leasing	62,730	62,730
FH Ops AF	Unspecified Worldwide Locations	Maintenance (Rpma Rpmc)	201,937	201,937
FH Ops AF	Unspecified Worldwide Locations	Management Account	55,002	55,002
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous Account	1,943	1,943
FH Ops AF	Unspecified Worldwide Locations	Services Account	16,550	16,550
FH Ops AF	Unspecified Worldwide Locations	Utilities Account	75,662	75,662
Total Family Housing Operation And Maintenance, Air Force			**497,829**	**497,829**
	Worldwide Unspecified			
FH Con Navy	Unspecified Worldwide Locations	Design	4,527	4,527
FH Con Navy	Unspecified Worldwide Locations	Improvements	97,655	97,655
Total Family Housing Construction, Navy And Marine Corps			**102,182**	**102,182**
	Worldwide Unspecified			
FH Ops Navy	Unspecified Worldwide Locations	Furnishings Account	17,697	17,697
FH Ops Navy	Unspecified Worldwide Locations	Leasing	83,774	83,774
FH Ops Navy	Unspecified Worldwide Locations	Maintenance of Real Property	85,254	85,254
FH Ops Navy	Unspecified Worldwide Locations	Management Account	62,741	62,741
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous Account	491	491
FH Ops Navy	Unspecified Worldwide Locations	Privatization Support Costs	27,798	27,798
FH Ops Navy	Unspecified Worldwide Locations	Services Account	19,615	19,615

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
FH Ops Navy	Unspecified Worldwide Locations	Utilities Account	80,860	80,860
Total Family Housing Operation And Maintenance, Navy And Marine Corps.			**378,230**	**378,230**
	Worldwide Unspecified			
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	20	20
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	4,660	4,660
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	66	66
FH Ops DW	Unspecified Worldwide Locations	Leasing	10,822	10,822
FH Ops DW	Unspecified Worldwide Locations	Leasing	35,333	35,333
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	73	73
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	567	567
FH Ops DW	Unspecified Worldwide Locations	Management Account	371	371
FH Ops DW	Unspecified Worldwide Locations	Services Account	31	31
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	12	12
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	283	283
Total Family Housing Operation And Maintenance, Defense-Wide			**52,238**	**52,238**
	Worldwide Unspecified			
FHIF	Unspecified Worldwide Locations	Family Housing Improvement Fund	1,786	1,786
Total DOD Family Housing Improvement Fund			**1,786**	**1,786**
	Worldwide Unspecified			
BRAC 05	Unspecified Worldwide Locations	Comm Add 3: Galena Fol, AK	1,337	1,337
BRAC 05	Unspecified Worldwide Locations	Don–100: Planing, Design and Management.	5,038	5,038
BRAC 05	Unspecified Worldwide Locations	Don–101: Various Locations	4,176	4,176
BRAC 05	Unspecified Worldwide Locations	Don–138: NAS Brunswick, ME	4,897	4,897

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
BRAC 05	Unspecified Worldwide Locations	Don–157: Mcsa Kansas City, MO	39	39
BRAC 05	Unspecified Worldwide Locations	Don–168: Ns Newport, RI	1,742	1,742
BRAC 05	Unspecified Worldwide Locations	Don–172: NWS Seal Beach, Concord, CA	2,129	2,129
BRAC 05	Unspecified Worldwide Locations	Don–84: JRB Willow Grove & Cambria Reg Ap.	189	189
BRAC 05	Unspecified Worldwide Locations	Ind–106: Kansas Army Ammunition Plant, KS.	7,280	7,280
BRAC 05	Unspecified Worldwide Locations	Ind–110: Mississippi Army Ammo Plant, MS.	160	160
BRAC 05	Unspecified Worldwide Locations	Ind–112: River Bank Army Ammo Plant, CA.	22,431	22,431
BRAC 05	Unspecified Worldwide Locations	Ind–119: Newport Chemical Depot, IN	197	197
BRAC 05	Unspecified Worldwide Locations	Ind–122: Lone Star Army Ammo Plant, TX.	11,379	11,379
BRAC 05	Unspecified Worldwide Locations	Med–2: Walter Reed Nmmc, Bethesda, MD.	7,787	7,787
BRAC 05	Unspecified Worldwide Locations	Med–57: Brooks City Base, TX	326	326
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations	605	605
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations	20,453	20,453
BRAC 05	Unspecified Worldwide Locations	Usa–113: Fort Monroe, VA	12,184	12,184
BRAC 05	Unspecified Worldwide Locations	Usa–121: Fort Gillem, GA	4,976	4,976
BRAC 05	Unspecified Worldwide Locations	Usa–167: USAR Command and Control—NE.	175	175
BRAC 05	Unspecified Worldwide Locations	Usa–212: USAR Cmd & Cntrl—New England.	222	222
BRAC 05	Unspecified Worldwide Locations	Usa–222: Fort Mcpherson, GA	6,772	6,772
BRAC 05	Unspecified Worldwide Locations	Usa–223: Fort Monmouth, NJ	9,989	9,989
BRAC 05	Unspecified Worldwide Locations	Usa–236: Rc Transformation in CT	557	557
BRAC 05	Unspecified Worldwide Locations	Usa–242: Rc Transformation in NY	172	172
BRAC 05	Unspecified Worldwide Locations	Usa–253: Rc Transformation in PA	100	100

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
BRAC 05	Unspecified Worldwide Locations	Usa–36: Red River Army Depot	1,385	1,385
Total Base Realignment and Closure Account 2005			**126,697**	**126,697**
BRAC IV	Worldwide Unspecified Base Realignment & Closure, Air Force	Base Realignment & Closure	122,552	122,552
BRAC IV	Base Realignment & Closure, Army	Base Realignment & Closure	79,893	79,893
BRAC IV	Base Realignment & Closure, Navy	Base Realignment & Closure	146,951	146,951
Total Base Realignment and Closure Account 1990			**349,396**	**349,396**
PYS	Worldwide Unspecified Unspecified Worldwide Locations	BRAC 2005	0	–132,513
PYS	Unspecified Worldwide Locations	Contingency Construction	0	–20,000
Total Prior Year Savings			**0**	**–152,513**
GR	Worldwide Unspecified Unspecified Worldwide Locations	Civilian Pay Raise Reduction	0	–2,334
Total General Reductions			**0**	**–2,334**
Total Military Construction, Base Funding			**11,222,710**	**10,412,905**

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTIGENCY OPERATIONS
(In Thousands of Dollars)

Service	Country and Location	Project	FY 2013 Request	Conference Authorized
Navy	Sw Asia	Combined Dining Facility	0	0
Navy	Sw Asia	Transient Quarters	0	0
Navy	Camp Lemonier, Djibouti.	Containerized Living and Work Units	0	7,510
Navy	Camp Lemonier, Djibouti.	Fitness Center	0	26,960
Navy	Camp Lemonier, Djibouti.	Galley Addition and Warehouse	0	22,220
Navy	Camp Lemonier, Djibouti.	Joint HQ/Joint Operations Center Facility	0	42,730
Total Military Construction, Navy			**0**	**99,420**
PYS	Unspecified Worldwide Locations.	112–10 and Title Iv of Division H P.l. 112–74.	0	–150,768
Total Prior Year Savings			**0**	**–150,768**

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTIGENCY OPERATIONS
(In Thousands of Dollars)

Service	Country and Location	Project	FY 2013 Request	Conference Authorized
Total Military Construction, OCO Funding			0	–51,348

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	Conference Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies		
Appropriation Summary:		
Energy Programs		
Electricity delivery and energy reliability	6,000	0
Atomic Energy Defense Activities		
National nuclear security administration:		
Weapons activities	7,577,341	7,657,921
Defense nuclear nonproliferation	2,458,631	2,485,631
Naval reactors	1,088,635	1,088,635
Office of the administrator	411,279	382,000
Total, National nuclear security administration	**11,535,886**	**11,614,187**
Environmental and other defense activities:		
Defense environmental cleanup	5,472,001	5,009,001
Other defense activities	735,702	731,299
Total, Environmental & other defense activities	**6,207,703**	**5,740,300**
Total, Atomic Energy Defense Activities	**17,743,589**	**17,354,487**
Total, Discretionary Funding	**17,749,589**	**17,354,487**
Electricity Delivery & Energy Reliability		
Electricity Delivery & Energy Reliability		
Infrastructure security & energy restoration	6,000	0
Weapons Activities		
Directed stockpile work		
Life extension programs		
B61 Life extension program	369,000	369,000
W76 Life extension program	174,931	219,931
Total, Life extension programs	**543,931**	**588,931**
Stockpile assessment and design		
W78 Life extension study		0
W88 Alt 370		0
Total, Stockpile assessment and design	**0**	**0**
Stockpile systems		
Stockpile systems	0	
B61 Stockpile systems	72,364	72,364
W76 Stockpile systems	65,445	65,445
W78 Stockpile systems	139,207	139,207
W80 Stockpile systems	46,540	46,540
B83 Stockpile systems	57,947	57,947
W87 Stockpile systems	85,689	85,689
W88 Stockpile systems	123,217	123,217

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	Conference Authorized
Total, Stockpile systems	**590,409**	**590,409**
Weapons dismantlement and disposition		
Operations and maintenance	51,265	51,265
Stockpile services		
Production support	365,405	371,405
Research and development support	28,103	28,103
R&D certification and safety	191,632	199,632
Management, technology, and production	175,844	175,844
Plutonium sustainment	141,685	141,685
Total, Stockpile services	**902,669**	**916,669**
Total, Directed stockpile work	**2,088,274**	**2,147,274**
Campaigns:		
Science campaign		
Advanced certification	44,104	54,104
Primary assessment technologies	94,000	99,000
Dynamic materials properties	97,000	106,000
Advanced radiography	30,000	30,000
Secondary assessment technologies	85,000	85,000
Total, Science campaign	**350,104**	**374,104**
Engineering campaign		
Enhanced surety	46,421	54,421
Weapon systems engineering assessment technology	18,983	18,983
Nuclear survivability	21,788	21,788
Enhanced surveillance	63,379	63,379
Total, Engineering campaign	**150,571**	**158,571**
Inertial confinement fusion ignition and high yield campaign		
Diagnostics, cryogenics and experimental support	81,942	81,942
Ignition	84,172	84,172
Support of other stockpile programs	14,817	14,817
NIF diagnostics, cryogenics and experimental support	0	0
Pulsed power inertial confinement fusion	6,044	6,044
Joint program in high energy density laboratory plasmas	8,334	8,334
Facility operations and target production	264,691	264,691
Total, Inertial confinement fusion and high yield campaign	**460,000**	**460,000**
Advanced simulation and computing campaign	600,000	600,000
Readiness Campaign		
Stockpile readiness	0	0
High explosives and weapon operations	0	0
Nonnuclear readiness	64,681	64,681
Tritium readiness	65,414	65,414
Advanced design and production technologies	0	0
Total, Readiness campaign	**130,095**	**130,095**
Total, Campaigns	**1,690,770**	**1,722,770**
Readiness in technical base and facilities (RTBF)		
Operations of facilities		
Kansas City Plant	163,602	163,602
Lawrence Livermore National Laboratory	89,048	89,048

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	Conference Authorized
Los Alamos National Laboratory	335,978	335,978
Nevada National Security Site	115,697	115,697
Pantex	172,020	172,020
Sandia National Laboratory	167,384	167,384
Savannah River Site	120,577	120,577
Y–12 National security complex	255,097	255,097
Institutional site support	0	0
Total, Operations of facilities	**1,419,403**	**1,419,403**
Program Readiness	0	0
Science, technology and engineering capability support	166,945	166,945
Maintenance and repair of facilities	0	0
Nuclear operations capability support	203,346	203,346
Subtotal, Readiness in technical base and facilities	**1,789,694**	**1,789,694**
Construction:		
13–D–301 Electrical infrastructure upgrades, LANL/LLNL	23,000	23,000
12–D–301 TRU waste facilities, LANL	24,204	24,204
11–D–801 TA–55 Reinvestment project, LANL	8,889	8,889
10-D–501 Nuclear facilities risk reduction Y–12 National security complex, Oakridge, TN	17,909	17,909
09–D–404 Test capabilities revitalization II, Sandia National Laboratories, Albuquerque, NM	11,332	11,332
08–D–802 High explosive pressing facility Pantex Plant, Amarillo, TX	24,800	24,800
07–D–140 Project engineering and design (PED) various locations	0	0
06–D–140 Project engineering design (PED) various locations	0	0
06–D–141 PED/Construction, Uranium Capabilities Replacement Project Y–12 , Oak Ridge, TN	340,000	0
06–D–141 PED/Construction, Uranium Capabilities Replacement Project Y–12 , Phase 1, Oak Ridge, TN	0	340,000
04–D–125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM	0	0
Total, Construction	**450,134**	**450,134**
Total, Readiness in technical base and facilities	**2,239,828**	**2,239,828**
Secure transportation asset		
Operations and equipment	114,965	114,965
Program direction	104,396	104,396
Total, Secure transportation asset	**219,361**	**219,361**
Nuclear counterterrorism incident response	247,552	247,552
Site stewardship		
Operations and maintenance	90,001	79,581
Construction		
11–D–601 Sanitary effluent reclamation facility, LANL	0	0
Total, Site stewardship	**90,001**	**79,581**
Defense nuclear security		
Operations and maintenance	643,285	643,285

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	Conference Authorized
NNSA CIO activities	155,022	155,022
Legacy contractor pensions	185,000	185,000
Science, Technology and Engineering Capability	0	0
National security applications	18,248	18,248
Subtotal, Weapons activities	**7,577,341**	**7,657,921**
Rescission		0
Total, Weapons Activities	**7,577,341**	**7,657,921**
Defense Nuclear Nonproliferation		
Nonproliferation and verification R&D		
Operations and maintenance	398,186	398,186
Domestic Enrichment R&D	150,000	150,000
Subtotal, Nonproliferation and verification R&D	**548,186**	**548,186**
Nonproliferation and international security	150,119	150,119
International nuclear materials protection and cooperation	311,000	311,000
Fissile materials disposition		
U.S. surplus fissile materials disposition		
Operations and maintenance		
U.S. plutonium disposition	498,979	498,979
U.S. uranium disposition	29,736	29,736
Total, Operations and maintenance	**528,715**	**528,715**
Construction:		
99–D–143 Mixed oxide fuel fabrication facility, Savannah River, SC	388,802	388,802
99–D–141–01 Pit disassembly and conversion facility, Savannah River, SC	0	0
99–D–141–02 Waste Solidification Building, Savannah River, SC	0	0
Total, Construction	**388,802**	**388,802**
Total, U.S. surplus fissile materials disposition	**917,517**	**917,517**
Russian surplus fissile materials disposition	3,788	3,788
Total, Fissile materials disposition	**921,305**	**921,305**
Global threat reduction initiative	466,021	493,021
Legacy contractor pensions	62,000	62,000
Subtotal, Defense Nuclear Nonproliferation	**2,458,631**	**2,507,211**
Rescission		0
Total, Defense Nuclear Nonproliferation	**2,458,631**	**2,485,631**
Naval Reactors		
Naval reactors development	418,072	418,072
Ohio replacement reactor systems development	89,700	89,700
S8G Prototype refueling	121,100	121,100
Naval reactors operations and infrastructure	366,961	366,961
Construction:		
13–D–905 Remote-handled low-level waste facility, INL	8,890	8,890
13–D–904 KS Radiological work and storage building, KSO	2,000	2,000
13–D–903, KS Prototype Staff Building, KSO	14,000	14,000

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	Conference Authorized
10-D–903, Security upgrades, KAPL	19,000	19,000
10-D–904, NRF infrastructure upgrades, Idaho	0	0
09–D–902, NRF Office Building #2 ECC Upgrade, Idaho	0	0
08–D–190 Expended Core Facility M–290 recovering discharge station, Naval Reactor Facility, ID	5,700	5,700
07–D–190 Materials research technology complex (MRTC)	0	0
Total, Construction	**49,590**	**49,590**
Program direction	43,212	43,212
Subtotal, Naval Reactors	**1,088,635**	**1,088,635**
Adjustments:		
Rescission of prior year balances	0	0
Total, Naval Reactors	**1,088,635**	**1,088,635**
Office Of The Administrator		
Office of the administrator	411,279	382,000
Total, Office Of The Administrator	**411,279**	**382,000**
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	1,990	1,990
Hanford site:		
River corridor and other cleanup operations	389,347	389,347
Central plateau remediation	558,820	558,820
Richland community and regulatory support	15,156	15,156
Total, Hanford site	**963,323**	**963,323**
Idaho National Laboratory:		
Idaho cleanup and waste disposition	396,607	396,607
Idaho community and regulatory support	3,000	3,000
Total, Idaho National Laboratory	**399,607**	**399,607**
NNSA sites		
Lawrence Livermore National Laboratory	1,484	1,484
Nuclear facility D & D Separations Process Research Unit	24,000	24,000
Nevada	64,641	64,641
Sandia National Laboratories	5,000	5,000
Los Alamos National Laboratory	239,143	239,143
Total, NNSA sites and Nevada off-sites	**334,268**	**334,268**
Oak Ridge Reservation:		
Building 3019	0	0
OR Nuclear facility D & D	67,525	67,525
OR cleanup and disposition	109,470	109,470
OR reservation community and regulatory support	4,500	4,500
Total, Oak Ridge Reservation	**181,495**	**181,495**
Office of River Protection:		
Waste treatment and immobilization plant		
01–D–416 A-E/ORP-0060 / Major construction	690,000	690,000
Tank farm activities		
Rad liquid tank waste stabilization and disposition	482,113	482,113

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	Conference Authorized
Total, Office of River protection	**1,172,113**	**1,172,113**
Savannah River sites:		
Savannah River risk management operations	444,089	444,089
SR community and regulatory support	16,584	16,584
Radioactive liquid tank waste:		
Radioactive liquid tank waste stabilization and disposition	698,294	698,294
Construction:		
05–D–405 Salt waste processing facility, Savannah River	22,549	22,549
PE&D glass waste storage building #3	0	0
Total, Radioactive liquid tank waste	**720,843**	**720,843**
Total, Savannah River site	**1,181,516**	**1,181,516**
Waste Isolation Pilot Plant		
Waste isolation pilot plant	198,010	198,010
Total, Waste Isolation Pilot Plant	**198,010**	**198,010**
Program direction	323,504	323,504
Program support	18,279	18,279
Safeguards and Security:		
Oak Ridge Reservation	18,817	18,817
Paducah	8,909	8,909
Portsmouth	8,578	8,578
Richland/Hanford Site	71,746	71,746
Savannah River Site	121,977	121,977
Waste Isolation Pilot Project	4,977	4,977
West Valley	2,015	2,015
Total, Safeguards and Security	**237,019**	**237,019**
Technology development	20,000	20,000
Uranium enrichment D&D fund contribution	463,000	0
Subtotal, Defense environmental cleanup	**5,494,124**	**5,031,124**
Adjustments		
Use of prior year balances	–12,123	–12,123
Use of unobligated balances	–10,000	–10,000
Rescission		
Total, Adjustments	**–22,123**	**–22,123**
Total, Defense Environmental Cleanup	**5,472,001**	**5,009,001**
Other Defense Activities		
Health, safety and security		
Health, safety and security	139,325	139,325
Program direction	106,175	106,175
Undistributed adjustment		–4,403
Total, Health, safety and security	**245,500**	**241,097**
Specialized security activities	188,619	188,619
Office of Legacy Management		
Legacy management	164,477	164,477
Program direction	13,469	13,469
Total, Office of Legacy Management	**177,946**	**177,946**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	Conference Authorized
Defense-related activities		
Infrastructure		
Idaho sitewide safeguards and security	0	0
Defense related administrative support	118,836	118,836
Office of hearings and appeals	4,801	4,801
Subtotal, Other defense activities	**735,702**	**731,299**
Total, Other Defense Activities	**735,702**	**731,299**

Approved January 2, 2013.

LEGISLATIVE HISTORY—H.R. 4310 (S. 3254):

HOUSE REPORTS: Nos. 112–479, Pt. 1 and 2 (Comm. on Armed Services) and 112–705 (Comm. of Conference).

SENATE REPORTS: No. 112–173 (Comm. on Armed Services) accompanying S. 3254.

CONGRESSIONAL RECORD, Vol. 158 (2012):
May 16–18, considered and passed House.
Dec. 4, considered and passed Senate, amended, in lieu of S. 3254.
Dec. 12, Senate vitiated passage; reconsidered and passed, amended.
Dec. 20, House agreed to conference report.
Dec. 21, Senate agreed to conference report.

DAILY COMPILATION OF PRESIDENTIAL DOCUMENTS (2013):
Jan. 3, Presidential statement.