United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, TUESDAY, DECEMBER 18, 2012 No. 163

House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. HAYWORTH).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 18, 2012.

I hereby appoint the Honorable NAN A. S. HAYWORTH to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 6223. An act to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization, and for other purposes.

The message also announced that the Senate passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2076. An act to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1792. An act to clarify the authority of the United States Marshal Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children.

S. 1793. An act to amend title 28, United States Code, to clarify the statutory authority for the longstanding practice of the Department of Justice of providing investigatory assistance on request of State and local authorities with respect to certain serious violent crimes, and for other purposes.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

THE CONNECTICUT SCHOOL CHILDREN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Madam Speaker, there is nothing more Americana than the image of happy children at school during the Christmas season. Last week, that Norman Rockwell picture was stolen by the murders of our greatest natural resource, our children.

Here are photos of 23 of the 26 victims that were murdered that day. We should know their photographs. We should know their names. They were: Chase Kowalski, 7 years of age; James Mattioli, 6; Jack Pinto, 6; Caroline Previdi, 6; Avielle Richman, 6; Benjamin Wheeler, 6 years of age; Allison Wyatt, age 6; Catherine Hubbard, 6 years of age; Daniel Barden, 7 years old; Grace McDonnell, 7; Emilie Parker, 6 years of age; Jesse Lewis, age 6; Ana Marquez-Greene, 6; Noah Pozner, 6; Jessica Rekos, 6; Josephine Gray, age 7; Madeleine Hsu, age 6; Charlotte Bacon, age 6; Olivia Engel, age 6; Dylan Hockley, age 6. Those were the children.

Here are the names of the teachers: Dawn Lafferty Hochsprung, age 47; Victoria Soto, age 27; Anne Marie Murphy, age 52; Lauren Rousseau, 30; Mary Sherlach, 56; Rachel D'Avino, age 29.

Madam Speaker, these were real people. Real victims, real children, and real teachers of Newtown, Connecticut.

The people of Connecticut have started burying these victims of this assault on America. And all Americans can relate to some extent to this crime that has occurred at this elementary school.

Madam Speaker, I have four kids and 10 grandkids. Three of my daughters are teachers by profession. My wife is a first grade elementary schoolteacher. No parent ever wants to bury their child. We just don't want to do that. We never want our children to die in their youth, like these children did.

So, Madam Speaker, we mourn with the families of Connecticut. We must honor the victims in our prayers and in our words and ask the good Lord to bless them, their families, the people of Connecticut, and, yes, our country as well.

And that's just the way it is.

GUN VIOLENCE IN AMERICA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Madam Speaker, the jarring violence of last week seared into our consciousness. It started in Portland, Oregon, with a mall shooting that might have been worse, and ended in Newton, Connecticut, where it's impossible to imagine that it could have

Printed on recycled paper.

been worse. It's part of an ongoing pattern of carnage because we lose one life to gun violence every 20 minutes every hour every day.

The mass murderer's rampage gets the Nation's attention, but the same total loss of life at Sandy Hook happens more than twice every day all year long.

This is personal for me not just because the mall shooter was in my district, but I had a high school friend who was killed with a random, freak drive-by shooting. My brother took his life with a handgun as a young man. I've supported gun safety provisions at the State and Federal level at every opportunity. It might be different now, not just because of the horrific images of parades of funerals for little children.

I salute Mayor Bloomberg's unstinting advocacy for gun safety and mobilizing America's mayors who bear the brunt of gun violence. I welcome the President's leadership and will support any reform that he advances.

But I would urge my colleagues to read the columns in the Sunday Times by my fellow Oregonian, Nick Kristof, and Ezra Klein's article in yesterday's Washington Post. They demonstrate we know what works. There are examples around the world. Even in America with lax, weak gun protections, there are, in fact, some regulations in some places, and they make a difference.

Let's treat gun violence like any public health crisis, which I would say losing 30,000 lives a year would qualify as a crisis. We need to treat it like the threat to public health and families that it is, treat a gun like any other consumer product. This is how we slashed the auto death rate—vehicle design and driver behavior, enforcement and education.

For guns, it starts when Congress stops being intimidated by the extremists, and then just do what the majority of gun owners agree we should do—renew the assault weapon ban which many of us will introduce under the leadership of our dear friend and colleague, CAROLYN MCCARTHY; ban large magazines and the most devastating bullets; and close the gun show loophole. These are for starters, things that NRA members agree with.

□ 1010

Let's care as much about real guns as we do about toy gun consumer protection to start us down the road of making our children safer, by treating children's gun safety like their auto safety.

With all the airbags, anti-drunk driving campaigns, child seats, driver education, careful licensing, we slashed the accident rate. Yes, it didn't eliminate accidents all together. But we can't imagine a world without these protections for our families.

Let's see if we can imagine a world where our children are safer from gun violence, and then make it happen.

HONORING THE LIFE OF PETTY OFFICER FIRST CLASS NICHOLAS CHECQUE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Pennsylvania. Madam Speaker, I rise today with a heavy heart to honor Petty Officer First Class Nicholas Checque, a true hero who sacrificed his life in the most honorable of ways—to protect and save the life of another human being. His life was a testament to the core values of the United States Navy: honor, courage and commitment.

On December 9, 2012, Petty Officer Checque embarked on a daring Special Forces operation in eastern Afghanistan to rescue a kidnapped American doctor from the Taliban in the Sarobi district near Kabul. A veteran of the Iraq war and decorated Navy SEAL, Petty Officer Checque died following critical injuries sustained on the successful mission to save the life of Dr. Joseph. A grateful Nation grieves for him and his family.

Petty Officer Checque strived for excellence, Madam Speaker. As a Norwin High School student, peers described him as diligent and driven, always aware he would someday serve his country. He was a dedicated student and a wrestler. He consistently challenged himself to pursue excellence in everything he did. Such dedication to one's country was also carried on by Petty Officer Checque. That is truly remarkable, but it's also expected of a Navy SEAL.

Among many commendations, Petty Officer Checque was awarded the Bronze Star, the Joint Service Commendation Medal, and the Navy and Marine Corps Commendation and Achievement Medals for service during combat, and now, the Purple Heart.

The Bible reminds us that ''There is no greater love than to lay down one's life for one's friends.'' Through his incredible sacrifice, Petty Officer Checque not only exhibited his great love of country, but unwavering affection for his brothers and sisters.

''The Navy Hymn,'' also known as ''Eternal Father,'' has a verse added. I don't know the author, but it is fitting to recall now. It goes on to say:

> And when at length her course is run, her work for home and country done, of all the souls that in her sailed, let not one life in thee have failed; but hear from heaven our sailor's cry, and grant eternal life on high.

To Petty Officer Checque, we all bid him fair winds and following seas for eternity. May he rest in peace, and may the Lord keep him and his family in his loving hands.

CONGRESS HAS DONE NOTHING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Madam Speaker, Albert Einstein once said, ''The world is a dangerous place, not because of those who do evil, but because of those who look on and do nothing.''

Madam Speaker, we have looked on and done nothing. We in this body, we in this Congress, we in this government, have done nothing, nothing to protect the innocent lives of 20 defenseless children gunned down in Connecticut last Friday. Nothing to protect the 87 people killed each day from guns across America. Nothing to stop the epidemic of senseless gun violence that plagues not only our major cities like New York and Chicago, but countless small towns throughout our Nation, towns with names like Newtown, Aurora, Tucson, Dekalb, Blacksburg, and Littleton.

In the nearly 4 years I've been a Member of this body, this House has not held a single hearing, not one, to address gun violence, while over 30,000 Americans die each year from gun violence, while over 400 lives have been lost to gun violence in my hometown of Chicago. People are dying every day, and we in this body have been afraid to even talk about it.

This crisis demands our action. The time has come for us to stop listening to the gun lobby and start listening to the American people. The fact is, the majority of Americans, gun owning and not, desire commonsense, reasonable gun regulations.

Congress must no longer stand in the way of reasonable regulation. Instead, we must champion it. The American people want to see background checks required on all firearm purchases instead of the fraction of sales that get them today.

Forty percent of U.S. gun sales are by private sellers who are not required to perform background checks. You can be a three-time convicted felon, a serial domestic abuser, severely mentally ill, or even on a terrorist watch list and still go to a gun show or go on the Internet and buy whatever gun you want.

The American people want to strengthen databases to prevent the mentally ill from buying guns. But over a million disqualifying mental health records are still missing from the national background check database. Ten States have failed to flag a single person as mentally ill in their database, and 17 States list fewer than 100 people.

Americans want to see the assault weapons ban reinstated and keep military weapons off our streets and large capacity ammunition clips banned to keep dangerous ammunition out of the hands of madmen.

Let's face it, when you put a 30-round clip in an assault weapon, you're not protecting your home, you're not hunting deer; you are hunting people.

We have hid from this fight for too long. For too long we have used politics and the Second Amendment to cover up our lack of action. Yes, the Supreme Court affirmed that we have a right to bear arms, but in that same

ruling, the Court made clear that right is not unlimited.

We do not, as Justice Scalia put it, have an unlimited right to keep and carry any weapon whatsoever in any manner whatsoever, for whatever purpose. Our individual right to bear arms is limited by our right, among others, to keep our children safe.

Any of those children could have been one of ours, and for 20 parents, it was.

We may not be able to stop every crime. We know that no single law or set of laws can prevent every act of senseless violence in our society, but we have the ability and the know-how to prevent many of them. We must simply find the courage.

We can no longer be bystanders to injustice. We cannot continue to look on and do nothing.

As Shakespeare said, ''The fault, dear Brutus, lies not in our stars but in ourselves.''

We must act.

THIS HAS TO END

The SPEAKER pro tempore. The Chair recognizes the gentleman from Washington (Mr. MCDERMOTT) for 5 minutes.

Mr. MCDERMOTT. Madam Speaker, the Bible says that by their deeds ye shall know them, and this Congress should pay heed to that message.

This week, we're mourning 20 children buried in Newtown, Connecticut. The President is right when he says we've seen this too many times before, and it has to end.

About this time 24 years ago I was sworn into the Congress. Two weeks later, five children were killed and 29 were wounded in the Stockton, California, schoolyard at Cleveland Elementary School.

You would have thought that we would have acted. Bills were put in. It took us until 1993—4 years—to pass the assault weapon ban. Courageous legislators stood up and said enough is enough, but hearings and all went on and on and on about military-style weapons that should be banned.

□ 1020

Anybody knows you don't hunt with a banana clip with 30 bullets in it. That's not hunting. That's not what you use at a gun range. We know that we shouldn't be able to buy a gun if you have a record of serious mental illness. You would think those things that were common sense would become law.

They became law in 1993, and there was a pushback from the National Rifle Association that said, well, all right, you can pass this, but with a 10-year sunset on it. Why do you put a sunset on an assault weapon ban? But we did. The fight was led by a courageous lawmaker who was willing to stand up and take the chance of having the NRA come down on him. His name is PETE STARK. PETE STARK led the fight in the House. DIANNE FEINSTEIN led the fight in the Senate. He pushed and pushed and pushed and put the bill in again and again and again and finally got it through. In a few days, he will cast his last vote in the House. I'm going to miss him. We need courageous legislators like that. What we didn't have 10 years later were courageous legislators.

When the ban came to an end in 2004, the House was in different hands, politics had changed, 9/11 happened, and everybody said, What's the problem, we don't need this ban anymore. It's very clear that there are some things we can do—things like the weapon ban—but the real difficult part for us is to have a discussion about violence in our society.

One of my old friends in Afghanistan told me you can tell a country by what its national game is. Ours used to be baseball. But it's hard to believe that baseball is our national game anymore when you look at Sunday Night Football and realize how we glorify violence. Go into a game store and look at the games that we buy for our kids at Christmas—games that make it possible for you to sit and kill people hour after hour after hour, sitting alone by a computer.

We don't want to talk about those issues. We've managed to get some of the violence on television down before 8 o'clock at night when kids are still up, but we struggle because in a free enterprise society you can do anything you want. Well, we run the risk of having the difficulties we have here today.

The other thing we have to think about is the whole question of how we deal with the mentally ill. In 1996, the Lanterman-Petris-Short Act passed in California. It made it almost impossible to put anybody in a locked facility unless they were imminently going to kill somebody or kill themselves. ''Gravely disabled'' was the term. We made it very hard to deal with these kinds of cases, and privacy rules and all of this we've added on over time has made it even more difficult. But it is clear that we as a society have to face the fact that there are some people who need help. This mother was looking for it.

We must act in this House.

TRAGEDY WITH NO POLITICAL BOUNDARIES

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. Madam Speaker, the tragedy in Newtown, Connecticut, highlights an issue. And I think so often in this Chamber, actually, we talk about things that separate us, things that we have political battles and fights over. Unfortunately, on Friday, a tragedy occurred in Connecticut, taking the lives of far too many—20 children—and is a tragedy that knows no political boundaries. These are children that had their entire lives in front of them. On Friday, like many of us here, we were back at home in our districts. After hearing the news, many of us went to our schools to pick up our children to hug them just a little bit longer.

This is a tragedy, Madam Speaker; and, frankly, it highlights a number of issues that many of us have talked about on the floor today: it's about the mentally ill; it's about what we can do as a country to make sure that, yes, we have a Second Amendment. And many of us here even in this Chamber, Madam Speaker, are gun owners. But I do believe that we are all for responsible gun ownership. And I do believe that there are reasonable restrictions that can be put in place.

But today, Madam Speaker, it's not about that for us. Today, I rise because America is hurting. The country is looking for answers—answers that I'm not so sure will come immediately. As we look at the pictures of these first-graders, of these kindergartners, we ask, Why? Those answers won't come today. Those answers might not come next week. What we do know is that our job, our basic function, is to make sure that we try to provide an environment throughout our country where people can achieve their dreams. That ought to be something that, again, is not a Republican idea or a Democrat idea. That's an American ideal and the American Dream.

A very sick individual robbed 20 children and six adults of their American Dream. I would like to think that they're in a better place today. I take some solace in my faith that I don't understand the Grand Plan and that the good Lord does. But what I will say is that we all believe that this was a senseless killing and tragedy. I hope we can learn from it.

I hope those in Newtown, Connecticut, feel the warmth of the Nation that is sending their thoughts and prayers to them this day, especially as we look forward to the holidays in front of us. We will all say a special prayer for those that have been lost so needlessly in this act. I hope our country can come together. I hope we can focus on the American Dream and the opportunity for all children and all Americans going forward.

FISCAL CLIFF NEGOTIATIONS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. As I speak on the floor today, the Republicans are in conference with Speaker BOEHNER, talking about and getting an update on the so-called ''fiscal cliff'' negotiations. There seems to have been some progress.

A number of us are opposed to the idea of reducing further the already inadequate COLA granted to seniors on Social Security, but in some other areas there does seem to have been some meaningful progress. I was particularly pleased to hear that the

White House is insisting that infrastructure investment needs to be part of this negotiation.

A third of our deficit is due to chronic high unemployment in the United States of America. If we could put people back to work, a third of the deficit goes away. What if we put them to work rebuilding our crumbling infrastructure? There are 150,000 bridges in America that need substantial repair or replacement. Forty percent of the pavement on the National Highway System doesn't just need resurfacing. It needs to be dug up; it needs new roadbed. And there is a $70 billion backlog on transit systems in this country, replacing worn, outmoded equipment. Those are manufacturing jobs, energy jobs—jobs not only in construction, but in many other areas; and they spill over into small business and the general economy.

□ 1030

We also need to build an efficient 21st century infrastructure. It's about 27,000 jobs for every billion dollars we invest. Now, historically we haven't borrowed money to make these investments. We have paid for our infrastructure with fees and taxes—principally the gas tax, but others, but the Federal gas tax hasn't changed since 1993. In 1993, you paid $1.11 for a gallon of gas and 18.4 cents went to build our national infrastructure. This last year in my district, people paid over $4.40 for a gallon of gas and 18.4 cents went to rebuild our crumbling infrastructure.

We've lost more than a third of the purchasing power of the highway trust fund just due to inflation. Over the next 2 years we will borrow $18 billion just to tread water with the highway trust fund, and if we want to tread water over the next 10 years we'll borrow another $110 billion. Will that happen in deficit-obsessed Washington, D.C.? Not likely. Does that mean quicker deterioration of our infrastructure? Does that mean we forego the jobs? Perhaps not.

If we just simply indexed the existing Federal gas tax set in 1993 at 18.4 cents to highway cost construction inflation and improved fleet fuel economy—so that you don't lose ground because people purchase less gas—we could, over the next decade, save $128 billion—deficit reduction—and have an additional increment on top of that to begin to catch up with the huge backlog in our crumbling infrastructure in this country and put millions of people to work. It seems a very sensible solution: deficit reduction, jobs, and sound infrastructure. I hope those on the other side of the aisle will be receptive to the proposals from the White House for this needed investment.

This isn't the stupid stimulus bill that threw everything but the kitchen sink at the economy. Many things were not well spent. Four percent of that money went to infrastructure investment; over 40 percent went to stupid tax cuts that didn't put anybody back to work.

NEWTOWN

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. Madam Speaker, our hearts are grieving with the entire Newtown community and all the families who lost loved ones last Friday. We mourn the 26 innocent lives, including those 20 children who have been lost in this unimaginable tragedy. Let me also just acknowledge the quick action of the brave law enforcement and first responders who prevented additional losses of life.

Words cannot express my deep sorrow, but as a mother and as a grandmother I join the country and my district in extending my condolences to every family and the entire community touched by this unspeakable tragedy.

This violence must stop. As President Obama so eloquently said on Sunday, we cannot accept that this violence visited on children year after year is somehow the price of freedom. No more excuses, Madam Speaker. No more kicking the can down the road. Not one more innocent life—not one more in Chicago, not one more in Oakland, not one more in any town, in any city, in any school, in any theater, or in any place of worship, in any mall, or in any of our neighborhoods. We have an obligation to our children to ensure that Newtown marks a turning point that made us finally say, enough is enough.

My district, unfortunately, knows these weapons of war oh so well, where too many innocent children continue to be killed in these war zones. We must come together to build an America where our children do not have to live in fear and where they do have a future.

Madam Speaker, we need to take some serious action that includes gun safety by banning these high-capacity magazines, expanding the 24-hour gun background check, closing the gun show loophole, and reinstituting the assault weapons ban immediately. This of course includes ending violence in our homes, in our streets, and in our communities.

By seeking input from young people, community stakeholders, the faith community and others, we need to work together to identify the root causes of this country's more than 16,000 homicides a year—this also includes recognizing gun violence as a critical public health crisis—and continue to support comprehensive violence prevention plans.

I've heard many say this over and over again, but we also must focus on making mental health care widely accessible and affordable. As a psychiatric social worker and someone who founded a community mental health center when the psychiatric facilities were beginning to shut down, I understand firsthand why we need to look at how we have to help people struggling with mental illness and make serious progress in treatment and reduce the stigma associated with seeking help.

All of this of course is going to take resources. Nowhere do we know this more than in my own congressional district in Alameda County and in Oakland, where we know all too well the impact of budget cuts on violence and crime. We cannot allow any cuts to Medicare and Medicaid that might prevent families from getting the psychiatric help and support that they need. How else can we look at our children and our grandchildren this holiday season if we don't move as a Nation to finally address this violence that threatens the very core of our country?

In the coming weeks, all of us must work with President Obama, Senator FEINSTEIN, Congresswoman CAROLYN MCCARTHY, Congressman BOBBY SCOTT and all of our colleagues to be brave and to be bold enough to pass measures that ensure gun safety and a comprehensive solution to ensure that our children have a future in a peaceful Nation.

Madam Speaker, we can and we must do all of these things and more so that we can prevent tragedies like this from ever happening again.

On behalf of all my constituents, let me express once again our thoughts and our prayers for all of those impacted by this tragedy in Newtown and the entire State of Connecticut.

SANDY HOOK ELEMENTARY SCHOOL SHOOTING

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. FUDGE) for 5 minutes.

Ms. FUDGE. Madam Speaker, it is with great sorrow that I rise today to address the senseless murders that took place in Newtown, Connecticut, this past Friday. Mass shootings are always difficult to bear. This one is exceptionally disturbing due to the loss of so many children and those who bravely tried to protect them.

The massacre that occurred at Sandy Hook Elementary School will forever be embedded in our memory, as will the photos of 20 children as young as 5 years of age who perished in that school, a place that should be safe, a school. These innocent children will never have the opportunity to enjoy their teenage years, to go to a prom, or have families of their own. We owe a debt of gratitude to the teachers who lost their lives trying to shield our children from this senseless crime.

I stand here today unable to make sense of what is a completely incomprehensible situation. We may never know what compelled the shooter in this tragedy to use such high-powered weapons to inflict pain on so many innocent people, but what we do know is that these kinds of crimes are on the rise in our society.

Gun violence, and the culture associated with it, has become so prevalent that now our babies can't even go to

school without fear of being gunned down in their classrooms. We've seen this kind of violence on a college campus in Blacksburg, at a high school in Columbine, and now at an elementary school in Newtown.

Since 1982 there have been more than 60 mass murders carried out with firearms across this country. In the last 5 years alone we have had 19 mass shootings. That's a rate of more than one every 4 months. These are alarming numbers, and we as a Nation must be willing to do something about it.

There have been calls by some for meaningful action, but I implore my colleagues that what we really need is immediate action. The issue of eradicating gun violence is ripe, and we must act now.

The first thing we must do is ban assault weapons of all types. Their only purpose is to kill the largest amount of people in the shortest amount of time. Tragically, the Newtown shooter used a military-style weapon to perform his evil deeds.

□ 1040

Weapons with the ability to carry out such deadly force do not belong on our streets. I challenge anyone to justify the use of these weapons anywhere but on the battlefield for which they were designed.

Proponents of gun rights say that there is an absolute right to bear arms. I disagree. All rights are subject to reasonable restrictions. But what is absolute is that I have a right to leave my home without being shot. People have the right to worship their God without being massacred. The children of Sandy Hook Elementary had an absolute right to go to school without being gunned down. No one sends their child to school expecting that they won't come home.

I understand there are many factors that contribute to these unforgivable acts of violence, but we must start somewhere. It is time for us to have a serious and deliberate conversation about a comprehensive national gun policy that eliminates loopholes in the laws and requires uniform background checks. Enforcing current laws is not getting the job done. We must do more to ensure that our citizens feel safe and secure in their homes, schools, movie theaters, shopping malls, and neighborhoods. We cannot wait for another Tucson, Aurora, Oak Creek, or Newtown massacre. We must take action now.

I ask my colleagues, where do you stand? Whose side are you on? I'm on the side of every man, woman, and child killed in senseless violence. Who in this House can be against commonsense gun safety regulations? Anyone who is is on the wrong side.

PAYING TRIBUTE TO THE HONORABLE DANIEL K. INOUYE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Hawaii (Ms. HIRONO) for 5 minutes.

Ms. HIRONO. I stand here today to give tribute to my friend, Hawaii's senior Senator—our country's senior Senator—DANIEL K. INOUYE. With your passing, my friend, I want to tell you that no one can fill your shoes.

In Hawaii, we jokingly say that there are three economic drivers in our State: tourism, defense, and Senator INOUYE. And it's true. His work and his unselfishness in serving his State and country are unparalleled.

He served our country during war at a time when people who looked like him were not considered American citizens. He did it and served our country honorably and with respect and with incredible strength and character. He did it because he believed in what our country should and could be. Our country—great; our country—about service; our country—about our children and our future; our country—honorable. His personal legacy in my home State of Hawaii could and will never be matched. Never.

Hawaii, we will never be able to thank Senator INOUYE for his service and what he has done for us. It is too great to put into words, and it cannot be done in a 5-minute tribute.

But what I want to give my aloha and thanks to Senator INOUYE for, is bigger than all of us: for his commitment to serve and protect our brave men and women who fight for our country, for his dedication and willingness to work in a bipartisan fashion, for standing up for the ideals of freedom and justice that our country is founded upon, for always standing up for our proud heritage in Hawaii.

Senator INOUYE was, as so many have recognized, a genuine patriot, a uniquely proud American, and a man and a leader always true to his word. But Senator INOUYE was also an architect and a builder. Half a century ago, he had an architect's vision of the Hawaii we inherit from him today. Over his many decades of service, he displayed a builder's skill—pouring the foundation of the modern and vibrant Hawaii that we inherit from him today. That is his legacy.

So the greatest tribute we can pay Senator INOUYE is to acquire his vision, to apply his skills and build on the remarkable foundation he laid for us.

I know this is the tribute that I will pay to my friend. I know this is the tribute that the people of Hawaii will pay to Senator INOUYE. Hawaii drew incredible strength from the life and service of DAN INOUYE, and it is that very strength—strength of purpose and strength of character—that will keep Hawaii and our country strong for years to come.

The Senator INOUYE I knew and loved, and that we all loved and respected, would expect this of Hawaii and us, and we will not let him down.

THE SHOOTING TRAGEDY IN NEWTOWN, CONNECTICUT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Now it's Newtown, 20 innocents and their six teachers. More tears, more burials, but will we heed its meaning? Will we break the gun lobby spell that has held us in thrall to a psychosis that has left us numb and paralyzed with each passing tragedy? I think so.

First step in any recovery program: admit the problem. We have too many weapons with too much ammunition that is unregulated, unchecked, and unjustified. We need to restore rigorous background checks to keep dangerous weapons away from criminals and the mentally ill. We need to close the gun show loophole. We need to facilitate database sharing among law enforcement agencies—Federal, State, and local.

Next step: limit access to weapons of mass killing. No hunter needs an Uzi; no citizen needs an assault-style weapon for self-defense. No other civilized society has allowed the argument that any restriction of any kind is a direct assault on our personal liberty, except us.

Next: require registration and stiff penalties for failure to secure dangerous weapons in the home or workplace while banning their presence in a select number of public places such as churches, police stations, mental health facilities, recreation and youth centers, government buildings, and—oh, yes—schools.

The gun lobby has bullied and intimidated us for too long. Reasonable gun control measures like those just listed provide for public safety; they don't threaten it. The lobby loves to fall back on trite mantras that unfortunately have proved all too effective in silencing any meaningful public debate heretofore: ''Guns don't kill; people do.'' ''Any restriction real or imagined contravenes my Second Amendment rights to bear arms.''

Oh, really?

Even Justice Scalia, in writing his unprecedented and deeply flawed Heller opinion, acknowledged that it did not preclude reasonable gun control measures. Even Scalia has had to admit in his originalist interpretation of the Second Amendment he cannot answer whether the Constitution envisioned a universal right to possess rocket launchers, RPGs, stinger missiles, or military assault weapons in our homes. That is the logical fallacy and folly of the argument of unrestricted rights to bear arms without limit. Its proponents allow for no check on this right in the Constitution. Even the First Amendment has limitations. So does this one.

We've been lulled into a passivity and fatalism with the logical fallacies and sometimes thuggish tactics of the gun lobby and its extreme right-wing allies at a terrible cost. Each year, guns kill

almost 10 times the number of Americans lost on that tragic day in 9/11; and each year, we face another massacre: Aurora, Tucson, Virginia Tech, and now Newtown.

Time for our outrage to return us to action and reshape this gun culture. It is in our hands.

SIMPLE RESPECT FOR OUR VETERANS OF THE DISTRICT OF COLUMBIA AND THE U.S. TERRITORIES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON) for 5 minutes.

Ms. NORTON. Madam Speaker, as we end the 112th Congress, we are faced with two crises: the fiscal cliff crisis; and now a gun crisis and a mental health crisis, that comes to us from Newtown, Connecticut. When you consider that this is a Congress which has not been able to handle even minor issues, much less crises, one begins to wonder whether we will live up to what is required of any person who is a Member of the United States Congress.

□ 1050

This morning, I come for something less than a crisis for the country, something far easier to solve. I am calling on the Defense Authorization Conference Committee to solve a simple noncrisis problem, a problem, though, that casts shame on our treatment of our active-duty military, our veterans, and their families.

Thanks to Chairman BUCK MCKEON and Ranking Member ADAM SMITH, the House passed Defense Authorization bill contains a simple provision. That provision says that when you raise the flags of the 50 States at military ceremonies, if you're raising or displaying the flags of the 50 States, you must also display the flags of the District of Columbia and the five territories.

The territories and the District have always served disproportionately in war, but what we are asking for today and what the House bill provides is the simple respect that anyone who wears the uniform and any family member of that active military person or veteran is entitled to.

I thank the House for recognizing that in some matters all of us are certainly equal. We are all equal in according respect for members of our military. I've spoken with Senator LEVIN, the chair of the Defense Authorization Committee, and am convinced that he is for this provision. I have spoken to the White House at the highest levels, and I have asked all concerned to simply recede to the House provision.

For reasons that escape us all, the Senate removed this provision when the House, last year, put it in the Defense Authorization bill. It would be impossible to remove this provision if the Members of the Senate, who are responsible for doing so, could have heard from our veterans who went to speak to the staff of Senator MCCAIN and Senator LEVIN and told of their own experience. There was the colonel who said that when he was welcomed home from the Gulf War, the flag of every State was raised, but not the flag of the District of Columbia. There was the mother who wrote me, Tomi Rucker, to say that she and the father went to the graduation of her son from Navy boot camp Great Lakes Naval Station full of pride, and as each graduate's name was called, the home state flag was raised, but no flag for Jonathan Rucker of the District of Colombia when his name was called. The colonel's son, who came back three times from war, a combat veteran in Iraq, and each and every time the flag of the District of Columbia was not raised as the flags of others were.

And my colleagues from the territories have come forward with equally heartbreaking stories. This, my colleagues of the House of Representatives, you can solve, you can solve this very day, and my colleagues in the other body need only follow your lead.

The Defense Department some months ago issued a memorandum that said that raising the flags should be done at the discretion of the commander. Well, it wasn't at the commander's discretion that our young men and women volunteered to risk their lives for their country. And would such a memorandum have been put forward to say that the commander could decide whether to honor the flag of Virginia or Maryland, to take my closest neighbors, when their veterans came home? What is the difference between their veterans who have gone to war and the veterans of the District of Columbia?

There are very few ways to honor our veterans. We honor foreign dignitaries by raising their flag. The least we can do is to honor our own military, our veterans and their families, by raising the flags of their home district or territory.

IN RECOGNITION OF MS. CAROLYN COLEMAN'S 45 YEARS OF SERVICE TO WORKING FAMILIES AS AN EMPLOYEE OF THE UNITED AUTO WORKERS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. CURSON) for 5 minutes.

Mr. CURSON of Michigan. Madam Speaker, today I rise to recognize Ms. Carolyn Coleman, executive secretary to the secretary treasurer of the International Union, UAW, on her retirement.

As a Member of Congress, it is both my privilege and honor to recognize Ms. Coleman for her many years of service and her contributions which have enriched and strengthened our communities. Ms. Coleman brings a lifetime of experience to her current position with the United Auto Workers, a career which began in July of 1967 in the UAW's women's department. Carolyn's skill and knowledge led her to be selected to premiere assignments. She directly assisted many great union leaders in their important work, including UAW Vice Presidents Dick Shoemaker and Cal Rapson, as well as UAW President Owen Bieber, and UAW Secretary Treasurer Dennis Williams, her current supervisor.

Her work is impeccable, her advice valued, and her friendship treasured. Carolyn is one of the many unsung heroes of the labor movement. She was never the one who gained headlines for making fiery speeches that inspired the masses or received credit for labor agreements that have lifted so many working families into the prosperous middle class. But behind the scenes, she contributed to both. For 45 years, Carolyn Coleman reported to work for the United Auto Workers with one simple goal in mind: to do her very best work so that working people will have a better life.

Ms. Coleman believes in her community and has shown a commitment which has exceeded the years of her tenure with the UAW. A longtime member of Hartford Memorial, she has long been actively volunteering in numerous ministries of her church. As well as being a member of the Red Hat Club, she has volunteered her time in a broad array of capacities and community activities.

In addition to her service to the community, Ms. Coleman is the proud mother of two daughters and a son: Lisa, Tonya, and Jimmie. She is also a proud grandmother to six grandchildren and two great-grandchildren.

I ask that my colleagues join me today to honor Ms. Carolyn Coleman for her dedicated service to working men and women. I join with many others who have been blessed to have worked beside her and have benefited from her labors to wish her many more years of health, happiness, and productive service to our community.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 58 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Gracious God, we give You thanks for giving us another day.

Lord of the ages, ever faithful to Your promises, be with Your people now and forever.

The sun grows dim and the daylight is measured. In the darkness, phantoms loom. The eye cannot discern as the distance fades. Be a light for us.

Help the Members of this people's House make clear judgments that will propel us into a future filled with hope. Remove all clouds of darkness that they might follow the patterns of light that come from Your gifts of wisdom and understanding.

O Lord of the ages, ever faithful to Your promises, be with Your people now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. ALTMIRE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. ALTMIRE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Oregon (Mr. WALDEN) come forward and lead the House in the Pledge of Allegiance.

Mr. WALDEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

POSTPONING CALL OF PRIVATE CALENDAR

The SPEAKER. This is the day for the call of the Private Calendar.

Without objection, the Private Calendar will be called after 1-minute speeches today.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

OUR THOUGHTS AND PRAYERS ARE WITH NEWTOWN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last Friday's massacre at Sandy Hook Elementary School in Newtown, Connecticut, was heartbreaking. Americans are devastated as reports emerge detailing how a deranged individual murdered 20 innocent children, six heroic faculty members, and his mother before turning the gun on himself.

As a husband to a former schoolteacher, a father, a grandfather, and an American, my thoughts and prayers are with the teachers, families, children, and first responders involved in last Friday's school shooting. Our hearts go out to the Newtown community as we mourn.

This kind of senseless, horrific violence has no place in American society. As elected officials, it's our responsibility to make sure work is done to prevent these types of devastating events from ever happening again.

I appreciate the Rotary Club of Newtown for its efforts to assist the victims of the Sandy Hook school tragedy, their families, and those in the Newtown community who have been affected.

SANDY HOOK TRAGEDY

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, today we mourn as a nation with Newtown, Connecticut, and the Sandy Hook Elementary community. My thoughts and prayers go out to the victims of this horrendous tragedy and their families.

On Friday, 27 people, including children, had their futures stolen from them as a result of another senseless act of violence. My heart breaks for their loved ones and the community of Newtown.

Unfortunately, this is the fourth mass shooting that our Nation has endured in as many years. This tragedy in particular hits home for the millions of parents across America because the victims were elementary school kids—children who expected to be in a safe and secure environment.

We must begin to have a meaningful discussion not only on gun control, but about the security of our schools, as well as the access to mental health care services. While one bill won't end all evil actions, Congress must begin to work together to improve the safety of our citizens.

I'd like to conclude with honoring our Nation's teachers, those individuals who day in and day out provide for and nurture our children, and in this circumstance, gave their lives.

DUE PROCESS FOR OREGON'S FARMERS

(Mr. WALDEN asked and was given permission to address the House for 1 minute.)

Mr. WALDEN. Mr. Speaker, over 2 weeks ago, I came to this floor to ask for answers from the Department of Labor on behalf of Oregon farmers. Well, yesterday, I did get a letter from the Secretary, which I appreciated, but it was not answering our questions from the delegation. It was congratulating me on my reelection.

122 days ago, nearly every member of the Oregon delegation, Republicans and Democrats, wrote the Labor Secretary after hearing reports of so-called ''hot goods'' enforcement tactics that stopped shipments of highly perishable berries with little opportunity for appeal.

One farmer was told verbally that a shipment was on hold because the inspector determined it was impossible for an individual picker to pick as much as records showed. But to lift the hold, the farm was directed to pay an undetermined amount in fines and back wages and sign a consent judgment requiring the farm to ''waive further findings of fact''—without even getting an explanation of alleged violations.

The farm was left with the choice of paying the fine and signing the consent judgment or allowing a few hundred thousand dollars of perishable produce to spoil. In the end, the farm felt it had little choice but to pay the $170,000 and sign the consent judgment so that the fruit could be shipped.

In light of these and other complaints, our delegation asked the Department for detail on its policies and procedures for making these decisions; 122 days later, we've yet to get an answer. That's not right.

CUTS TO SOCIAL SECURITY AND MEDICARE

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, I rise today because I just don't get this discussion about the fiscal cliff.

Republicans are saying that in order to raise taxes on the very wealthiest Americans—and actually, by a historically small amount—that the price that has to be paid is to ask the poorest adult Americans to pay more, that is, to reduce Social Security and Medicare benefits.

I don't get the equivalency that is being asked for: the richest to pay a bit more, and the price to be that the poor, the poorest, have to pay more. Seniors in this country have a median income of just $22,000 a year. That means half of all seniors are below that. They also spend an average, right now, of $4,500 a year on health care costs out of their own pockets.

So I think that we have to change the debate here. There is a parable in the Bible that makes this point. When you ask a person with one coat to give up that coat, it's not the same as asking someone with 10 coats to donate one to the cause.

U.S. MARINE JON HAMMAR

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to call attention to the plight of the United States Marine veteran, Jon Hammar, who has been unjustly jailed in a Mexican prison since August. Jon is an American hero and a patriot.

After tours in both Iraq and Afghanistan, including time in Fallujah, Jon began to suffer from post-traumatic stress syndrome. In order to help cope with PTSD, Jon and a friend embarked upon a surfing trip to Costa Rica. However, when they got to Mexico, Jon was arrested after receiving inaccurate information from our own Customs and Border Patrol agents. Since then, Jon has been languishing in his own personal hell. He was beaten by other inmates, his parents were being extorted, and he has been chained to his bed.

I'm asking my fellow Members of Congress to join me and over 50 of our colleagues to urge our State Department and the Mexican authorities to resolve this matter immediately and bring Jon Hammar home for Christmas. Please call our congressional office to sign these important letters.

□ 1210

ENACT A BIPARTISAN SOLUTION

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, as both parties continue to negotiate over the looming fiscal cliff, Congress is presented with a real opportunity to pass long-term, comprehensive deficit reduction plans. We cannot let this opportunity pass us by.

Of course, this is not the first time that Congress has tried to solve this challenge, but it is vital that we learn from our past failures. We have to check our partisan talking points at the door and put everything on the negotiating table.

This time, let's work from the middle out to build a bipartisan consensus, instead of searching for solutions at the ideological extremes. This time, let's listen to the vast majority of Americans who occupy the middle ground and who want Congress to enact a bipartisan solution, a bipartisan solution that would help restore the public's confidence in Congress while reassuring the nervous financial markets. And most importantly, it would secure a lasting economic future for our country. The American people deserve nothing less.

RESTORE THE AMERICAN DREAM

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, we must remember America is exceptional, and the entrepreneurial spirit and innovative drive of our small businessowners is what makes the American engine hum.

Two-thirds of all new jobs created in America are by these men and women who risk capital, give their time and effort, and take risks to grow their business. We call this the American Dream. When we place too many obstacles on small businesses, it stifles their ability to grow, hinders their ability to hire new employees, and slows our economic recovery.

As we discuss and debate the fiscal cliff deadline that is quickly approaching, we must keep in mind this American Dream. Our policies should focus on how our Nation creates jobs and the economy grows. It's the drive and determination of the American people that makes the United States the most prosperous Nation the world has ever seen. Now is our time to unite around sound pro-growth, pro-job creation policies.

Mr. Speaker, let's create long-term certainty when it comes to taxes and regulations. Let's reduce spending and rein in the national debt. Let's help our Nation restore the American Dream.

WE MUST FIND CONSENSUS

(Ms. BONAMICI asked and was given permission to address the House for 1 minute.)

Ms. BONAMICI. Mr. Speaker, our constituents across this great Nation are looking to Congress for leadership.

Here we are, back in Washington this week, still in negotiations to find a compromise to avert this so-called ''fiscal cliff.'' The yearend is fast approaching. Before last Friday, almost every conversation I had with my neighbors back in Oregon centered on this question: What will happen after January 1? How much will taxes increase if Congress, as is too often the case, is too paralyzed by gridlock to act?

My constituents found common ground in expressing this simple view: that the middle class families and those who are struggling have done enough to bear the brunt of the country's economic difficulties and should not be asked to pay more. To see people coming together to ask their legislators to do what is right, what is balanced, and what is responsible encouraged me that we might reach some solution.

So I'm here today, Mr. Speaker, to ask that we all join together to do what my constituents and your constituents and all of our constituents have asked us to do. We must find consensus and allow tax rates on most Americans to remain as they are so our communities and businesses can move forward with certainty and faith in their government to work together and do what's right for our constituents.

KEEP CRUSHABLE PILLS OFF THE MARKET

(Mr. ROGERS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGERS of Kentucky. Mr. Speaker, while the impending fiscal cliff is on our minds, I rise to alert my colleagues to another end-of-the-year deadline with potentially deadly consequences. If the FDA fails to act, on January 1 our streets could be flooded with cheap, crushable prescription painkillers ripe for abuse and misuse.

After OxyContin came on the market 15 years ago, a wave of overdose deaths devastated entire towns in my region of Appalachian Kentucky before spreading like wildfire to the big cities and suburban communities across the country. By crushing these 12-hour-delay pain pills, abusers can experience a euphoric, and sometimes deadly, high.

But today, the FDA has an opportunity to keep these crushable pills out of our children's reach. A number of prescription medicines already on the market use tamper-resistant technologies that can cut back on abuse. No generic pill should come to market without these live-saving features.

The FDA must take the necessary steps to keep us from careening off this pain-pill cliff.

REINSTATE THE ASSAULT WEAPONS BAN

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, we've been to this place before. Before the gut-churning horror and sadness of the killings at the elementary school in Newtown, there was a movie theater in Aurora, a college campus in Virginia, a high school in Columbine.

On Friday, I couldn't stop thinking about my own grandson, Josiah, who is 6 and a first-grader at a school in Colorado. How much grief is enough? I think this grief is enough.

We need to reinstate the assault weapons ban. We need to ban high-capacity clips. We need more thorough background checks. And we need to offer more mental health services. But a life taken with a handgun is no less of a tragedy. A mother does not suffer less knowing that her child's life was extinguished with a gun that did not have a 30-round clip. Guns kill people. They need to be a lot harder to buy. We need to do a lot more to get them off our streets.

This is our time, colleagues. This is our time. We need to pass bold, necessary, overdue gun control legislation. If we do not, this will happen again.

IN MEMORY OF TOMMY DECKER OF COLD SPRING

(Mrs. BACHMANN asked and was given permission to address the House

for 1 minute and to revise and extend her remarks.)

Mrs. BACHMANN. Mr. Speaker, I rise today to honor the life and the service and the memory of Officer Tommy Decker of Cold Spring, Minnesota.

On November 29, Officer Tommy Decker was tragically killed in the line of duty, and he was only 31 years old. Officer Decker served with distinction. In 6 years at the Cold Spring Police Department, he received no less than six commendations and letters of appreciation. He touched so many lives in his distinguished career. The overwhelming outpouring of community love and support at the funeral, where there were over 3,000 police cars, was an amazing sight to behold, and I was privileged to be there.

In honor of Officer Decker's service, I'm proud to join with all of Minnesota's colleagues to introduce legislation to rename his hometown post office the Officer Tommy Decker Memorial Post Office. We hope to complete that soon.

And though he is no longer with us, Officer Decker's example of unparalleled courage and compassion lives on, and I pray that his four young children will grow up to know just how much their father meant to the people of Minnesota and what a remarkable hero and an example he was to us all.

□ 1220

PREVENTING THE NEXT SANDY HOOK TRAGEDY

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, in our continuing efforts to turn the tragic events at Newtown to high purpose, I include in the RECORD today two articles from the USA Today newspaper, one entitled, ''A Boy Lost in the Shadows,'' and another, ''Newtown Puts Mental Services in Spotlight.''

These articles remind me of a conversation I had a few years ago with a caring grade-school teacher from my own district who became quite frustrated with the local school system's inability to help her manage the behavior of a child in her elementary classroom. After repeated attempts that took 3 years—and let me emphasize 3 years—the teacher was able to have the child referred to behavioral specialists and placed in a more appropriate learning environment.

As a society, we seem to lack the methods to identify troubled youth and to put them on a proper path early to healing. Too often, a child is left floundering due to our collective inabilities to help him find a constructive path forward. Many of our local boards of education often are not properly equipped to identify and assist children who are uncivil or who are completely alienated in their surroundings.

Mr. Speaker, I was very pleased with the President's announcement the other night, that of a commission on youth violence to be formed to look into what is happening across our country; let us hope that it provides a national forum to listen to those voices among us who grapple with these human challenges every day. This must be our responsibility to future generations.

A CALL FOR ACTION AGAINST GUN VIOLENCE

(Mr. PAYNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAYNE. Mr. Speaker, I rise first to offer my deepest condolences to the families of the victims in the recent Sandy Hook Elementary tragedy. In addition, I add my voice to the outcry of my colleagues, constituents, and Americans around the Nation to call for action against gun violence in this country. This Connecticut tragedy was the 30th mass murder in the U.S. since the 1999 Columbine incident, but mass murders only represent a small portion of the gun violence in America. In my hometown of Newark, New Jersey, 348 shootings and 93 deaths occurred last year as a result of gun violence.

Unfortunately, it is too late to save these victims, but it is not too late to prevent the next attack. With stricter gun laws and the ban on certain types of guns, specifically assault weapons, carnage clips, and armor-piercing bullets, it would undoubtedly help to save lives. Now is the time for action.

PREVENTING ANOTHER SANDY HOOK MASSACRE

(Ms. DEGETTE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DEGETTE. Mr. Speaker, last Friday, 20 beautiful children and their loving teachers were shot by a deranged man with an assault rifle that had a high-capacity magazine. The time has come for us to have a national conversation about this—about mental health, about the community issues, about school safety, and about these types of weapons.

Now, we know we are never going to be able to stop disturbed individuals from going into a school or a movie theater or a shopping mall to do harm, but we can slow them down. We don't have to give them so many bullets in high-capacity clips so that they can shoot 26 people in 10 minutes multiple times. We can take those away, and that will give people a fighting chance. By limiting those clips, we can save lives.

We can start right now by doing that, Mr. Speaker. There is a bill which Congresswoman MCCARTHY, Congresswoman MALONEY, and I are sponsoring. We can pass the bill this week on a bipartisan basis, and we can tell the moms and dads of America that it's a first step to keeping their kids safe.

FIXING THE ECONOMY

(Ms. DELBENE asked and was given permission to address the House for 1 minute.)

Ms. DELBENE. Mr. Speaker, I rise today to call on us to work together quickly.

We have an opportunity to accelerate the Nation's recovery, create jobs, and reduce our deficit but only if we are willing to do it together and take a balanced approach. Failing to do so will hurt millions of families and will create unnecessary uncertainty for small businesses.

We will be hurting families like Blaine and Jeannie Parks, with whom I met last weekend at their home in Redmond, Washington. Blaine is a truck driver, and Jeannie works at an elementary school. Blaine also owns a small fishing guide company. They told me how worried they are about higher taxes and cuts to programs they count on, like our schools. They work hard, pay their fair share; and for them a tax hike would make it harder for them to make ends meet. It would hurt Blaine's business and would prevent them from taking care of basic things like simple repairs to their home.

I hope that the next time I see the Parks family, I will be able to say that Congress came together, saved them from a tax hike, and got our economy back on track.

EXTEND THE MIDDLE CLASS TAX CUTS

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. On behalf of the citizens of the Fourth Congressional District of Georgia, I wish to extend our condolences to the people of the great State of Connecticut. Please know that you are in our thoughts and prayers.

Mr. Speaker, unless this Congress acts, taxes will go up on the middle class by $2,200 starting in January 2013. As time is wasted, tax cuts for 98 percent of Americans are being held hostage in order to give more tax breaks to the wealthy. It is ridiculous to hold the whole Nation hostage to protect the top 2 percent of Americans, and it is more egregious to continue offering plans that would balance the budget on the backs of the middle class.

I ask my friends on the other side of the aisle to extend the middle class tax cuts, sending the American people a hopeful message of compromise during this holiday season.

SENIOR CITIZENS ARE COLLATERAL DAMAGE

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BROWN of Florida. Social Security has nothing to do with the debt

problems that we are facing now, and seniors and the disabled should not be held hostage by the Republicans, whose only priority in this debate is to protect America's wealthiest citizens.

Under former President Bush, our Nation financed two wars on our credit card, and senior citizens should not be collateral damage. We lost trillions of dollars through irresponsible tax cuts. So let's be clear that tax cuts are the same as spending when it comes to the deficit. Now the Republican Party's proposed solution is to make up the difference by taking money from seniors. That is unacceptable.

I am from Florida, the home of Claude Pepper. If he were here today, he would be furious that a program developed to keep seniors out of poverty has been jeopardized by tax cuts for millionaires and billionaires.

WE NOW MUST LIVE AND HELP LIVE

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. The old adage ''live and let live'' is not enough. We now must live and help live. We have persons who will be severely impacted by the fiscal cliff if we don't take action. FEMA may lose as much as $878 million, and this would affect persons who are victims of disasters. Persons who receive rental assistance may lose as much as $2.3 billion in help.

It is not enough to live and allow others to live. We have to live and help others to have a better quality of life. Let's avert and avoid the fiscal disaster.

MANAGING ASSAULT WEAPONS AND ASSAULT CLIPS

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute.)

Mr. PERLMUTTER. We've heard about it already: Friday was a terrible day in America, a terrible day in Connecticut. I represent the city of Aurora, Colorado, and we had a terrible day on July 20 when 12 people were killed and 58 were injured through assault weapons and these assault clips, these high-capacity clips. We've had numerous people killed at a Sikh temple since then, and shots were fired in a shopping center in Oregon just last week.

Assault weapons and assault clips, we must manage these things. The old saying is, ''Guns don't kill people. People kill people.'' Well, crazy people with guns kill people, and we've got to start handling this so that we protect our children, our seniors, our shoppers, our churchgoers. This is something that we need to tackle now, Mr. Speaker. I appreciate the opportunity to speak about this. It is time to tackle these assault clips and assault weapons, which have done such terrible damage to our kids and our people.

□ 1230

PRIVATE CALENDAR

The SPEAKER pro tempore (Mr. MARCHANT). This is the day for the call of the Private Calendar.

SOPURUCHI CHUKWUEKE

The SPEAKER pro tempore. The Clerk will call the bill on the calendar.

The Clerk called the bill (S. 285) for the relief of Sopuruchi Chukwueke.

There being no objection, the Clerk read the bill as follows:

S. 285

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

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Sopuruchi Chukwueke shall be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for adjustment of status to that of an alien lawfully admitted for permanent residence under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) upon filing an application for such adjustment of status.

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for adjustment of status is filed with appropriate fees not later than 2 years after the date of the enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of permanent resident status to Sopuruchi Chukwueke, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the birth of Sopuruchi Chukwueke under section 202(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1152(a)(2)).

(d) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of Sopuruchi Victor Chukwueke shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

The bill was ordered to be read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

SMALL BUSINESS INVESTMENT COMPANY MODERNIZATION ACT OF 2012

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6504) to amend the Small Business Investment Act of 1958 to provide for increased limitations on leverage for multiple licenses under common control, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6504

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Small Business Investment Company Modernization Act of 2012''.

SEC. 2. IN GENERAL.

Section 303(b)(2)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)(B)) is amended by striking ''$225,000,000'' and inserting ''$350,000,000''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentlewoman from New York (Ms. VELÁZQUEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 6504, the Small Business Investment Company Modernization Act of 2012. This is a bipartisan bill I introduced along with Representative RENEE ELLMERS and Representative DAVID CICILLINE that will increase the leverage limit for a family of SBIC funds from $225 million to $350 million.

I introduced this legislation because the need for increasing small business access to capital is something universally agreed upon, and this legislation does exactly that. Specifically, this bill will increase investments to small businesses by $500 million per year without requiring an appropriation.

In addition to having bipartisan Member support, this bill has the support of the Small Business Investor Alliance, the association that represents SBICs and other small business investors, as well as the support of the U.S. Chamber of Commerce, the world's largest business organization. Additionally, the Obama administration recommended this provision as a part of the President's Startup America initiative.

The Small Business Investment Company program was created in 1958 and provides leverage to highly regulated

private investors. These private investment funds are called small business investment companies, or SBICs for short. SBICs raise private capital from institutions like banks and pension funds, and they also borrow Federal capital to invest in our country's most promising small businesses. As required by law, 100 percent of the money is invested in American companies. Small businesses need capital to grow and create jobs to support our local and regional economies.

SBICs have invested in over 110,000 businesses since the creation of this program. Twenty-three percent of the investments are made in the manufacturing sector of our economy, and 18 percent of the investments are made in the transportation sector.

The manufacturing economy is very important to my State in particular, Ohio, and we need to continue committing to this. In the past 6 years, Ohio's businesses have benefited from an investment of over $307 million from SBICs.

Last year, representatives of one of the SBIC funds in Ohio testified before the House Small Business Committee about the benefits of the SBIC program and in support of the legislation we have in front of us here today. Northcreek Mezzanine, which is located in Cincinnati, Ohio, has successfully invested in five companies since it became an SBIC a little more than 3 years ago. Northcreek understands the importance of supporting successful managers through this program.

It's important for my colleagues to know that this bill does not cost the taxpayers' money, nor does it increase the risk of the program. The SBIC debenture program will remain a zero subsidy program. That means that the SBICs that participate must pay an upfront fee to cover any losses. It's good public policy like this that truly helps business grow and access capital at no cost to taxpayers.

This legislation assists proven fund managers, like Northcreek Mezzanine, as I mentioned before, that have a track record of success by allowing them access to additional funds that they can then use to assist small businesses. We have here a bill that increases the leverage to $350 million for successful investors.

The SBA, the Small Business Administration, will continue to determine whether funds receive additional leverage after meeting certain licensure requirements. Investment decisions will be made by proven private sector fund managers, not the SBA, thus ensuring that the amount of new capital used by this bill will go to qualified small business investors.

H.R. 6045 is the perfect gift this Christmas season as it is the gift that keeps on giving. The increase in the flow of capital to small businesses will have a ripple effect throughout the economy as businesses will expand, create jobs, and invest in research and development. Congress can take an important step in getting the capital to businesses that need it the most.

I would urge my colleagues to vote for H.R. 6504 on the floor today, and I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. I want to take this opportunity to thank the gentleman from Ohio for his work on this issue.

Since 1958, the SBIC program has been an integral part of SBA's mission to provide small businesses with capital and create jobs. To date, the program has invested approximately $63 billion in more than 110,000 U.S. companies. In fact, some of the Nation's most successful corporations, including Apple, FedEx, and Costco, received early-stage financing from SBICs. The key to the program's success is leveraging Federal funds to increase the amount of private capital invested in promising start-up companies.

Access to capital is the lifeblood of every small business. After the 2008 financial crisis froze traditional credit markets, many firms sought out alternative providers of financing, particularly SBICs. Demand quickly outpaced the program's capacity, requiring a significant increase in the leverage caps to keep up. Under the American Recovery and Reinvestment Act, the leverage cap on an SBIC family of funds nearly doubled to $225 million.

As a result, the program experienced unprecedented growth, setting a record in 2012 with over $2.5 billion in equity financings made, an 85 percent increase from 2010. This success has pushed many SBIC licensees against the new leverage caps, reducing the flow of capital to worthy small businesses.

As you know, the goal of the SBIC program is to fill the gap between the availability of venture capital and the needs of small businesses in start-up and growth situations. Although this bill only addresses the needs of some in the SBIC community, it will still get additional equity capital flowing. As the economy continues its recovery, every dollar invested in small businesses will be important.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I have no additional speakers on our side at this time, and so I continue to reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. CICILLINE).

Mr. CICILLINE. Mr. Speaker, I thank the gentlelady for the courtesy of this time, and I thank my Republican colleagues, Congressman CHABOT and Congresswoman ELLMERS, for reaching across the aisle and working with us to introduce H.R. 6504, the Small Business Investment Company Modernization Act.

Small businesses, our Nation's most effective job creators, have faced the brunt of the recession, and Congress needs to work in a bipartisan fashion to ensure our small firms are able to access private capital.

□ 1240

One important tool that we have in our toolbox is the Small Business Investment Company (SBIC) program, and today's bill will help keep the SBIC program a healthy and robust public-private partnership, providing vitally important capital to small businesses in my home State of Rhode Island and across this country.

The SBIC program leverages private investment to provide greater capital to small businesses. Since its creation in 1958, the SBIC program has promoted more than $62.6 billion in financial assistance and made more than 164,000 investments in small businesses.

In the past 2 years, SBICs supported more than 130,000 jobs. In the past 6 years, SBICs have invested more than $68 million in Rhode Island small businesses, including over $40 million in fiscal year 2011 alone.

H.R. 6504 is a commonsense, bipartisan measure that raises the amount of leverage that a group of commonly-held, sound and successful small business investment companies, referred to as a family of funds, can access.

The Small Business Investor Alliance estimates that increasing the leverage limit from $225 million to $350 million, which is achieved through this legislation, would facilitate approximately $500 million a year in new small business investment.

This is legislation that does not require an additional appropriation of funding and was outlined as part of President Obama's Startup America Initiative, and the bill is supported by the Chamber of Commerce.

I'm proud to join with my colleagues across the aisle to support this bill, which will strengthen the SBIC program, enhancing this public-private partnership and the flow of investment to promising small businesses.

Mr. CHABOT. Mr. Speaker, I would ask the gentlelady if she has any additional speakers.

Ms. VELÁZQUEZ. I don't have any additional speakers, and I yield back the balance of my time, Mr. Speaker.

Mr. CHABOT. Mr. Speaker, I would urge my colleagues to support the Small Business Investment Company Modernization Act of 2012, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill, H.R. 6504.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CHABOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the

point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

COUNTERING IRAN IN THE WESTERN HEMISPHERE ACT OF 2012

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3783) to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

On page 11, strike lines 17–19 and insert the following:

(d) FORM.—The strategy in this section may be submitted in classified form, but shall include an unclassified summary of policy recommendations to address the growing Iranian threat in the Western Hemisphere.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from New Jersey (Mr. SIRES) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to insert extraneous material into the RECORD on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support today of H.R. 3783, as amended, the Countering Iran in the Western Hemisphere Act of 2012, a bill introduced by my good friend from South Carolina and a member of our Foreign Affairs Committee, Mr. DUNCAN, who is here with us.

In September, the House acted and passed the Duncan bill overwhelmingly, and last week the Senate further reiterated its strong bipartisan and bicameral support for the bill and the need to address Iran's increased presence in the Western Hemisphere.

In February, the Committee on Foreign Affairs held a hearing entitled ''Ahmadinejad's Tour of Tyrants and Iran's Agenda in the Western Hemisphere'' in order to examine the growing threat posed by Iran and its proxies to U.S. national security interests in the Western Hemisphere, a threat that first became evident 18 years ago with the deadly assault on the AMIA Jewish Community Center in Buenos Aires, Argentina.

Eighteen years ago, so-called Iranian diplomats readily partnered with Hezbollah, a U.S.-designated foreign terrorist organization, to carry out the AMIA attack. Since then, Tehran has only increased its subversive actions, as well as its diplomatic and economic relations with radical regimes in Latin America.

Iran's Ahmadinejad made two trips to Latin America this year in an attempt to garner support from his fellow tyrants, the Castro brothers in Cuba, Ortega in Nicaragua, Correa in Ecuador, Chavez in Venezuela, and Morales in Bolivia. Just last week, the Iranian Deputy Foreign Minister for Europe and the Americas finished a similar tour around Latin America seeking support for a nuclear Iran.

The Pentagon's Southern Command, SOUTHCOM, underscores that Iran continues to expand its influence throughout the region, opening more embassies and more cultural centers in Bolivia, Ecuador, Nicaragua, Colombia, Chile, and Uruguay, in addition to its existing diplomatic missions in Cuba, Argentina, Brazil, Mexico, and Venezuela.

According to a U.S. intelligence analyst, these diplomatic missions are simply fronts for Iran to carry out its nefarious activities in the region and a potential platform to increase the presence of Quds Force operatives, a designated foreign terrorist organization and an arm of Iran's Revolutionary Guard.

Iran is not only an enemy of the United States but also of our allies. In the recent conflict between Israel and the Palestinians, the Iranian regime has time and again displayed its brazen disregard for peace by wanting to resupply the Hamas terrorist organization in Lebanon to continue their deadly rocket barrage on our greatest ally, the democratic Jewish State of Israel.

One state sponsor of terrorism after another continues to receive the royal treatment from these tyrants of Latin America. Last month, Syria's Deputy Foreign Minister also visited the regimes of Venezuela, Cuba, Nicaragua, and Ecuador.

After that trip, news reports indicated that Assad, a close ally of the Iranian regime, and an enabler for their Hezbollah branch, may be seeking political asylum in one of these countries as the situation in Syria continues to rapidly deteriorate.

Mr. Speaker, we cannot allow these violent actors a safe haven to conduct their evil schemes, and the presence of these individuals only reaffirms the significant threat posed by Iran and its proxies to the United States and to the hemisphere.

H.R. 3783 requires that the Secretary of State outline a U.S. Government-wide strategy to combat the aggressive actions of Iran and its proxies, such as Hezbollah in the Western Hemisphere, toward a comprehensive policy stance that protects the security interests of the United States.

We must do everything we can to isolate Iran and its proxies from sources of financial assistance in the hemisphere, as well as prevent entities from possibly helping Iran to evade sanctions. We must ensure that the U.S. is actively monitoring this threat and takes appropriate steps to counter the Iranian regime's agenda in our hemisphere.

I strongly support passage of this legislation, and I look forward to the President signing it into law.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. SIRES. Mr. Speaker, I rise in support of H.R. 3783, as amended by the Senate, and I yield myself as much time as I may consume. And I want to thank the Congresswoman for all her hard work on this issue.

The underlying bill, H.R. 3783, has already been passed by the House, and for that reason, I will only briefly summarize the bill and then move to explain the Senate amendment.

This legislation authorizes $1 million for the State Department to generate an assessment of the threat posed to our country by Iran's growing presence and hostile activity in the Western Hemisphere, as well as a strategy to address that threat.

□ 1250

As many of our colleagues reminded us during House consideration of the bill, the issue could not be more pressing. Tehran's pursuit of a nuclear weapons capability, its continued support for international terrorism, and its abuse of basic human rights require the United States to maintain extreme vigilance in countering these threats. Thanks to the leadership of this Congress and the Obama administration, more pressure has been placed on the Iranian regime than ever before. But now is not the time to let down our guard.

In a show of defiance to the U.S., Ahmadinejad has made six trips to our hemisphere. Although it is unclear that he has put anything of real value on the table, it is important that the U.S. Government continue to closely monitor the nature and effectiveness of these Iranian efforts, including attempts to gain support for circumventing international sanctions.

None of this occurs in a vacuum. Iran was complicit in the horrific bombings of the Israeli Embassy and the Jewish Community Center in Buenos Aires, Argentina, in the first half of the 1990s. And we have evidence of Iran's increasing willingness to conduct an attack on U.S. soil, such as the discovery this year of a twisted Iranian plot to assassinate the Saudi Ambassador here in Washington. It is clear that Iran's behavior poses a clear and obvious danger to its own people and its neighbors, and its growing presence closer to our shores also deserves closer attention.

H.R. 3783 makes clear that we must continue to monitor this situation closely and provide resources necessary

to ensure that the efforts of various U.S. Government agencies are coordinated and clearly focused. The amendment adopted by the Senate provides that the strategy generated by the administration ''may be submitted in classified form, but shall include an unclassified summary of policy recommendations.'' This modifies the original formulation, which provided that this strategy be unclassified, but with a classified addition.

I urge my colleagues to support this amended legislation, and I reserve the balance of my time.

Ms. ROS-LEHTINEN. I am so honored to yield 3 minutes to the author of this legislation, the gentleman from South Carolina (Mr. DUNCAN).

Mr. DUNCAN of South Carolina. Let me first say how proud we are that the Governor of South Carolina appointed one of our colleagues, TIM SCOTT, to the United States Senate yesterday. We wish him well.

I want to thank Madam Chairman for her leadership on this issue and her leadership on the Foreign Affairs Committee. I also want to thank Chairman ROYCE, the new chairman of the Foreign Affairs Committee, for his leadership on this as this bill came through the TNT Subcommittee. I want to thank the folks on the other side of the aisle that worked with us in a bipartisan fashion to pass this unanimously through the committee. It passed the House unanimously. I thank the Senate for taking up this very important issue. Furthermore, I want to thank Chairman MIKE MCCAUL, the new chairman of the Homeland Security Committee, for leading a codel specifically focused on this issue this past summer to South America.

We're all aware of the Iranian threat or their proxies' activity here in this hemisphere. Whether it's the thwarted assassination attempt last year where the Quds Force operatives of the Iranian Revolutionary Guard were trying to use Mexican drug cartel connections to enter the United States to assassinate the Ambassador from Saudi Arabia, or the fact that it has recently been revealed that Hezbollah had a terrorist training camp or a training camp of some origin in Nicaragua here in this hemisphere, we know that Iran is active here.

Last week, the Iranian Deputy Foreign Minister for Europe and the Americas visited Cuba, Venezuela, Bolivia, and Uruguay. This follows Iranian President Mahmoud Ahmadinejad's frequent trips to the region. Most recently, Iranian naval commanders have expressed their intent to extend Iran's maritime presence into the Atlantic Ocean, closer to the coastlines of the U.S.

With this piece of legislation, we seek to protect U.S. citizens from threats from Iran and defend American interests and assets here in this hemisphere. It requires the Secretary of State to conduct an assessment and develop a coordinated and targeted strategy, working together with our allies and partners here in the region, to address Iran's growing hostile presence and activity in the Western Hemisphere. With this, it establishes a strong U.S. posture, policy, and most important, a relationship with Latin American countries. It requires a plan to define and outline the presence, activities, and operations of Iran, the Revolutionary Guard, the Quds Force, Hezbollah, and any of their proxy organizations or transnational criminal organizations linked to Iran that may be present here. We require a plan to protect U.S. interests and assets here in the Western Hemisphere, including our embassies, consulates, businesses, energy pipelines, and cultural organizations, including threats to U.S. allies.

Iran's actions here in our neighborhood represent a real threat to our safety and security, and I urge my colleagues to concur in the Senate amendment so that this legislation may pass the House and be sent to the desk of the President of the United States.

Mr. SIRES. I have no further requests for time, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. I yield such time as he may consume to the incoming chairman of our Foreign Affairs Committee, the esteemed gentleman from California (Mr. ROYCE), who is currently the chairman of the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. ROYCE. I thank the gentlelady for yielding.

I would like to begin by thanking JEFF DUNCAN and his staff, as well, for their good work on this legislation. But I would remind the Members, in terms of Iranian activity in this hemisphere, we think what first comes to mind is the attack in the 1990s in Argentina. But more recently, Hezbollah has penetrated our borders. One example I would give to you is Mahmoud Kourani, trained by Iranian intelligence. He paid a bribe in order to get to Mexico from Beirut. Once in Mexico, he paid a second bribe, this time to a cartel group, in order to have himself inserted into a special compartment in the back of a car.

The reason Mahmoud Kourani is important is because it was his brother who was in charge of security in Israel during the Hezbollah war. I was there at the time. I saw those missiles that were ordered launched by Hezbollah into the town of Haifa. Haifa was under attack. There were some 600 casualties in that hospital that were a direct result of those Iranian and Syrian missiles that were being fired on the hospital—frankly, one of the targets—but fired on that town, fired on the residential sections of that city.

So the brother was caught coming into the United States. Actually, he was caught near Detroit. He's now serving time. There were some 50 other Hezbollah operatives who were also discovered here. When you go through the background of his training in terror in terms of weapons and in terms of the capabilities that Iranian intelligence gave him, you begin to realize why our intelligence officials are so concerned about Iran's attempts to penetrate here.

Look at Iran's attempt last year to assassinate the Saudi Ambassador on U.S. soil using a Mexican drug cartel. That's the latest example of the threat. I've had many ambassadors tell me that they dined in that same restaurant. You saw the commentary that they were willing to accept their deaths as collateral damage to the bombing in order to kill the Saudi Ambassador.

These are the designs of Hezbollah. This is the problem with Iran. Many believe that countries close to Iran and that they're courting in this hemisphere, they're doing it because they're trying to help them beat back these sanctions—the sanctions bill which Chairman ILEANA ROS-LEHTINEN and I are going to be meeting on this afternoon. This is an attempt of Iran to extend their authority and try to convince those would-be allies that they should help them avoid these sanctions.

I'll just quote our DNI, Director of National Intelligence. He told us:

> The dangerous activities of Iran and Hezbollah so near our borders demand a whole-of-government strategy, beginning with an interagency review to understand and assess the transnational multifaceted nature of this problem and to mobilize friendly governments to respond.

□ 1300

We're concerned that the administration is not doing that. That's why in this legislation we are pushing for this action. This bill requires that review; it requires that strategy. It will kick the bureaucracy into gear, and it enjoys strong bipartisan support. I urge its passage.

This is an issue that the House Foreign Affairs Committee looks forward to continuing our oversight and work on in the 113th Congress. I really commend the chairwoman and Mr. DUNCAN for their work.

Ms. ROS-LEHTINEN. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3783.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SIRES. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PATENT OVERHAUL TECHNICAL CORRECTIONS

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6621) to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6621

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

SECTION 1. TECHNICAL CORRECTIONS.

(a) ADVICE OF COUNSEL.—Notwithstanding section 35 of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), section 298 of title 35, United States Code, shall apply to any civil action commenced on or after the date of the enactment of this Act.

(b) TRANSITIONAL PROGRAM FOR COVERED BUSINESS METHOD PATENTS.—Section 18 of the Leahy-Smith America Invents Act (35 U.S.C. 321 note) is amended—

(1) in subsection (a)(1)(C)((i), by striking ''of such title'' the second place it appears; and

(2) in subsection (d)(2), by striking ''subsection'' and inserting ''section''.

(c) JOINDER OF PARTIES.—Section 299(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by striking ''or counterclaim defendants only if'' and inserting ''only if''.

(d) DEAD ZONES.—

(1) INTER PARTES REVIEW.—Section 311(c) of title 35, United States Code, shall not apply to a petition to institute an inter partes review of a patent that is not a patent described in section 3(n)(1) of the Leahy-Smith America Invents Act (35 U.S.C. 100 note).

(2) REISSUE.—Section 311(c)(1) of title 35, United States Code, is amended by striking ''or issuance of a reissue of a patent''.

(e) CORRECT INVENTOR.—

(1) IN GENERAL.—Section 135(e) of title 35, United States Code, as amended by section 3(i) of the Leahy-Smith America Invents Act, is amended by striking ''correct inventors'' and inserting ''correct inventor''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(f) INVENTOR'S OATH OR DECLARATION.—Section 115 of title 35, United States Code, as amended by section 4 of the Leahy-Smith America Invents Act, is amended—

(1) by striking subsection (f) and inserting the following:

''(f) TIME FOR FILING.—The applicant for patent shall provide each required oath or declaration under subsection (a), substitute statement under subsection (d), or recorded assignment meeting the requirements of subsection (e) no later than the date on which the issue fee for the patent is paid.''; and

(2) in subsection (g)(1), by striking ''who claims'' and inserting ''that claims''.

(g) TRAVEL EXPENSES AND PAYMENT OF ADMINISTRATIVE JUDGES.—Notwithstanding section 35 of the Leahy-Smith America Invents Act (35 U.S.C. 1 note), the amendments made by section 21 of the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 335) shall be effective as of September 16, 2011.

(h) PATENT TERM ADJUSTMENTS.—Section 154(b) of title 35, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(i)(II), by striking ''on which an international application fulfilled the requirements of section 371 of this title'' and inserting ''of commencement of the national stage under section 371 in an international application''; and

(B) in subparagraph (B), in the matter preceding clause (i), by striking ''the application in the United States'' and inserting ''the application under section 111(a) in the United States or, in the case of an international application, the date of commencement of the national stage under section 371 in the international application'';

(2) in paragraph (3)(B)(i), by striking ''with the written notice of allowance of the application under section 151'' and inserting ''no later than the date of issuance of the patent''; and

(3) in paragraph (4)(A)—

(A) by striking ''a determination made by the Director under paragraph (3) shall have remedy'' and inserting ''the Director's decision on the applicant's request for reconsideration under paragraph (3)(B)(ii) shall have exclusive remedy''; and

(B) by striking ''the grant of the patent'' and inserting ''the date of the Director's decision on the applicant's request for reconsideration''.

(i) IMPROPER APPLICANT.—Section 373 of title 35, United States Code, and the item relating to that section in the table of sections for chapter 37 of such title, are repealed.

(j) FINANCIAL MANAGEMENT CLARIFICATIONS.—Section 42(c)(3) of title 35, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking ''sections 41, 42, and 376,'' and inserting ''this title,''; and

(B) by striking ''a share of the administrative costs of the Office relating to patents'' and inserting ''a proportionate share of the administrative costs of the Office''; and

(2) in subparagraph (B), by striking ''a share of the administrative costs of the Office relating to trademarks'' and inserting ''a proportionate share of the administrative costs of the Office''.

(k) DERIVATION PROCEEDINGS.—

(1) IN GENERAL.—Section 135(a) of title 35, United States Code, as amended by section 3(i) of the Leahy-Smith America Invents Act, is amended to read as follows:

''(a) INSTITUTION OF PROCEEDING.—

''(1) IN GENERAL.—An applicant for patent may file a petition with respect to an invention to institute a derivation proceeding in the Office. The petition shall set forth with particularity the basis for finding that an individual named in an earlier application as the inventor or a joint inventor derived such invention from an individual named in the petitioner's application as the inventor or a joint inventor and, without authorization, the earlier application claiming such invention was filed. Whenever the Director determines that a petition filed under this subsection demonstrates that the standards for instituting a derivation proceeding are met, the Director may institute a derivation proceeding.

''(2) TIME FOR FILING.—A petition under this section with respect to an invention that is the same or substantially the same invention as a claim contained in a patent issued on an earlier application, or contained in an earlier application when published or deemed published under section 122(b), may not be filed unless such petition is filed during the 1-year period following the date on which the patent containing such claim was granted or the earlier application containing such claim was published, whichever is earlier.

''(3) EARLIER APPLICATION.—For purposes of this section, an application shall not be deemed to be an earlier application with respect to an invention, relative to another application, unless a claim to the invention was or could have been made in such application having an effective filing date that is earlier than the effective filing date of any claim to the invention that was or could have been made in such other application.

''(4) NO APPEAL.—A determination by the Director whether to institute a derivation proceeding under paragraph (1) shall be final and not appealable.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall be effective as if included in the amendment made by section 3(i) of the Leahy-Smith America Invents Act.

(3) REVIEW OF INTERFERENCE DECISIONS.—The provisions of sections 6 and 141 of title 35, United States Code, and section 1295(a)(4)(A) of title 28, United States Code, as in effect on September 15, 2012, shall apply to interference proceedings that are declared after September 15, 2012, under section 135 of title 35, United States Code, as in effect before the effective date under section 3(n) of the Leahy-Smith America Invents Act. The Patent Trial and Appeal Board may be deemed to be the Board of Patent Appeals and Interferences for purposes of such interference proceedings.

(l) PATENT AND TRADEMARK PUBLIC ADVISORY COMMITTEES.—

(1) IN GENERAL.—Section 5(a) of title 35, United States Code, is amended—

(A) in paragraph (1), by striking ''Members of'' and all that follows through ''such appointments.'' and inserting the following: ''In each year, 3 members shall be appointed to each Advisory Committee for 3-year terms that shall begin on December 1 of that year. Any vacancy on an Advisory Committee shall be filled within 90 days after it occurs. A new member who is appointed to fill a vacancy shall be appointed to serve for the remainder of the predecessor's term.'';

(B) by striking paragraph (2) and inserting the following:

''(2) CHAIR.—The Secretary of Commerce, in consultation with the Director, shall designate a Chair and Vice Chair of each Advisory Committee from among the members appointed under paragraph (1). If the Chair resigns before the completion of his or her term, or is otherwise unable to exercise the functions of the Chair, the Vice Chair shall exercise the functions of the Chair.''; and

(C) by striking paragraph (3).

(2) TRANSITION.—

(A) IN GENERAL.—The Secretary of Commerce shall, in the Secretary's discretion, determine the time and manner in which the amendments made by paragraph (1) shall take effect, except that, in each year following the year in which this Act is enacted, 3 members shall be appointed to each Advisory Committee (to which such amendments apply) for 3-year terms that begin on December 1 of that year, in accordance with section 5(a) of title 35, United States Code, as amended by paragraph (1) of this subsection.

(B) DEEMED TERMINATION OF TERMS.—In order to implement the amendments made by paragraph (1), the Secretary of Commerce may determine that the term of an existing member of an Advisory Committee under section 5 of title 35, United States Code, shall be deemed to terminate on December 1 of a year beginning after the date of the enactment of this Act, regardless of whether December 1 is before or after the date on which such member's term would terminate if this Act had not been enacted.

(m) REPORT ON PRE-GATT APPLICATIONS.—Using existing resources, not later than four months after the date of the enactment of this Act, the Director of the United States Patent and Trademark Office shall submit a report to the Committees on the Judiciary of the United States House of Representatives and the Senate that describes—

(1) the total number of pending United States applications for patent that—

(A) are not subject to an order under section 181 of title 35, United States Code; and

(B) were filed before the effective date of the amendments made by section 532 of the Uruguay Round Agreements Act (Public Law 103–465; 108 Stat. 4983);

(2) the filing date of each such application;

(3) the filing date of the earliest application for which each such application claims the benefit of or a right of priority to its filing date;

(4) the inventor and assignee named on each such application;

(5) the amount of time that examination of each such application has been delayed because of a proceeding under section 135(a) of title 35, United States Code, an appeal to the Patent Trial and Appeal Board under section 134(a) of such title, a civil action in a United States District Court under section 145 or 146 of such title, or an appeal to the United States Court of Appeals for the Federal Circuit under section 141 of such title; and

(6) other information about such applications that the Director believes is relevant to their pendency.

(n) CLERICAL AMENDMENT.—Section 123(a) of title 35, United States Code, is amended in the matter preceding paragraph (1) by inserting ''of this title'' after ''For purposes''.

(o) EFFECTIVE DATE.—Except as otherwise provided in this Act, the amendments made by this Act shall take effect on the date of the enactment of this Act and shall apply to proceedings commenced on or after such date of enactment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6621, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Leahy-Smith America Invents Act, or AIA, was signed into law on September 16, 2011. It was the first major patent reform bill in over 60 years and the most substantial reform of U.S. patent law since the 1836 Patent Act. The Leahy-Smith AIA reestablishes the United States patent system as a global standard.

Over the past year, the Patent Office has worked diligently to implement the provisions of the act to ensure that the bill realizes its full potential to promote innovation and create jobs. The bill that we consider today includes several technical corrections and improvements that ensure that the implementation of the bill can proceed efficiently and effectively.

The bill is supported by all sectors of our economy from across the United States, including manufacturers, universities, technology, pharmaceutical and biotech companies, and innovators. I've also received letters in support from the Coalition for 21st Century Patent Reform, which represents manufacturers, pharmaceutical, technology, defense companies, and universities; the Innovation Alliance, which represents high-tech companies and licensors; and the BSA, the Business Software Alliance, which represents a range of high technology and software companies.

The Leahy-Smith AIA fundamentally changes our Nation's innovation infrastructure. With any such substantive and wide-ranging legislation, unforeseen issues may arise as implementation occurs. H.R. 6621 corrects many of these issues.

This package consists of several technical corrections to the AIA that are essential to the effective implementation of the bill. Other technical corrections and improvements may arise in the future, for example, the issue surrounding the correction of the post-grant review estoppel provision in the Leahy-Smith AIA. This was the result of an inadvertent scrivener's error, an error that was made by legislative counsel. That technical error has resulted in an estoppel provision with a higher threshold than was intended by either House of Congress.

Additionally, we must remain watchful as we examine ways to deal with the abusive and frivolous litigation that American innovators face from patent assertion entities or patent trolls.

As the provisions of the Leahy-Smith AIA continue to take effect, our Nation's innovation infrastructure becomes much stronger, unleashing the full potential of American innovators and job creators.

Mr. Speaker, I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Members of the House, I rise in support, as well, of H.R. 6621 because it's a measure that improves the America Invents Act—the most significant reform to the Patent Act law since 1952—that was signed by President Obama last year.

As many of my colleagues may recall, I had concerns about the act as to whether it would benefit large multinationals at the expense of independent inventors, and thereby harm job creation in our Nation. For this reason, I opposed the version of the patent bill that was considered by the House last year; but given the fact that this bill is now law, our focus should be on how it can be improved. That's why I support it presently, because it accomplishes that very goal in several respects.

To begin with, this law clarifies that the Advice of Counsel section applies to civil actions commenced on or after the date of this legislation's enactment. Why is that important? Well, because the America Invents Act created a new section that prevents use of evidence of an accused infringer's failure to obtain advice of counsel, or his failure to waive privilege and introduce such opinion, to prove either willfulness or intent to induce infringement. This provision, however, failed to specify when the new authority would go into effect, and it makes a series of other technical clarifications to the act.

In addition, we find that this bill is necessary and has made the necessary commonsense technical corrections and involves including any substantive revisions to the act. So it's my hope that the Judiciary Committee will continue its oversight of the act into the next Congress and consider ways in which it can be further improved.

I commend the chairman of the committee for his moving this bill forward, and I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in strong opposition to H.R. 6621.

The bill being considered is being promoted as a technical corrections piece of legislation, and by and large that's exactly what it is. But also, there is one provision in this bill that raises significant concerns and needs to be addressed. I would ask my friend from Michigan perhaps to consider this and perhaps reconsider his position on the bill, because I'm sure he does not know about this.

Our country's patent system has long been one of the strongest in the world.

□ 1310

One of its basic tenets has been the steadfast adherence to the principle of total confidentiality of a patent application until the patent is granted. Congress has repeatedly stood by that principle even though there have been many powerful forces in this country trying to eliminate that concept, but we've stood by this principle that these applicants should have confidentiality as their application works its way through the patent system. It prevents the big guys with money and power from attacking and neutralizing the little guys with genius but few resources.

H.R. 6621 threatens to disrupt this longstanding practice and principle by requiring the United States Patent and Trademark Office to submit a report to Congress on certain patent application sections. This report, as mandated by this bill, will include information about the applications that have been traditionally kept confidential, including the name of the inventor, which has always been confidential to prevent these inventors from attack by very powerful interests who would steal their invention.

While the technical contents of the applications would be most likely not included in the report, this legislation

requires the PTO, in their report to Congress, to report the names of the applicants.

The SPEAKER pro tempore (Mr. YODER). The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional 1 minute.

Mr. ROHRABACHER. There is a requirement to report the names, so this bill requires in this report to have the names of the applicants and other identifying information that could be used by powerful outside groups—yes, read that foreign and multinational corporations—to make these applicants potential targets even before their patent is granted.

Anonymity could easily be accomplished by a simple change to one section of this bill. Perhaps the PTO could create a unique identifier for each applicant so that they could easily be tracked but without giving risk that the public would know about this and be able to identify the inventor.

We can make this a good bill. We just need to take a couple words out of it or one small section out of it, because as the ranking member suggested, it does a lot of good, but it does a lot of harm, much more harm, unless we take this out of the bill.

So I would ask my colleagues to oppose this legislation until it is perfected so we are not going to hurt the little inventors and hurt our country's ability on the technology front by trying to make a few technical corrections to the way the Patent Office does its job.

Mr. CONYERS. Mr. Speaker, I am pleased to recognize the ranking member of our Intellectual Property Subcommittee, MEL WATT of North Carolina. I yield him as much time as he may consume.

Mr. WATT. Mr. Speaker, I rise in support of H.R. 6621, as amended.

(Mr. WATT asked and was given permission to revise and extend his remarks.)

Mr. WATT. And with having been granted that unanimous consent, I think I can submit substantially all of my statement into the RECORD. However, I did want to acknowledge the outstanding stewardship of Under Secretary of Commerce for Intellectual Property and the director of the Patent and Trademark Office, David Kappos, and his remarkable staff for their tireless efforts both in getting patent reform across the finish line and in the timely implementation of its provisions.

In connection with these amendments to the bill, Director Kappos has announced that he intends to leave the Patent and Trademark Office in January. He will leave behind a long line of achievements and good will that were instrumental throughout this process, and he will leave behind a Patent and Trademark Office that is much better respected and equipped to serve the important purpose of recognizing and protecting our important intellectual property than the office was before he arrived there. His successor, no doubt, will have some big shoes to fill. And we wish Director Kappos all our best in all of his future endeavors.

Mr. Speaker, after concerted effort over at least three terms of Congress, last year we completed a major overhaul of our patent system designed to afford American inventors with a more efficient, effective, and well-resourced patent office. President Obama signed the Leahy-Smith America Invents Act into law on September 16, 2011. Since that time the PTO has been diligently working to implement the provisions of the Act which approved significant reforms designed to simplify the process for acquiring patents, enhance patent quality, reduce costs, improve fairness and make it easier for American inventors to market their products in the global marketplace.

As with almost every piece of major legislation, the need for technical corrections and improvements became obvious after passage. H.R. 6621 goes a long way towards addressing the concerns which have been identified by staff, the patent office and various stakeholders in the time since the law's enactment.

Among the provisions addressed by H.R. 6621, important adjustments have been made to ensure that inadvertent "dead zones," in which post grant review proceedings could not be initiated as intended, are eliminated. H.R. 6621 will also tighten language to prevent dilatory tactics and gamesmanship in the newly created derivation proceedings. A third fundamental correction involves PTO funding and will guarantee that all PTO administrative costs will be covered either by patent fees or trademark fees.

While there are other provisions of the America Invents Act that will likely require legislative corrections or adjustments, this bill, like the underlying Act, enjoys bipartisan support and should be passed.

Mr. Speaker, I would also like to acknowledge the outstanding stewardship of Under Secretary of Commerce for Intellectual Property and Director of the PTO, David Kappos, and his remarkable staff for their tireless efforts both in getting patent reform across the finish line and in the timely implementation of its provisions. Director Kappos has announced that he intends to leave the PTO in January. He will leave behind a long line of achievements and good will that were instrumental throughout this process and he will leave behind a Patent and Trademark office that is much better respected and equipped to serve the important purpose of recognizing and protecting our important intellectual property than it was when he arrived. His successor, no doubt, will have some big shoes to fill. We wish Director Kappos the best in all his future endeavors.

With that, Mr. Speaker, I urge support for H.R. 6621.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, The report on pre-GATT applications refers to applications that were filed prior to the Uruguay Round amendments taking effect in June 1995. The 103rd Congress intended for a brief transition period as the United States patent system was updated. Unfortunately, a small number of applicants have engaged in clearly dilatory behavior and continue to maintain pending applications with effective filing dates that predate 1995. In fact, some of these applications have been pending for 20, 30, and even 40 years.

The 103rd Congress never intended for such applications to stay pending for half a century. To remove such technology from the public domain in 2012, would bear no relation to the patent system's Constitutional purpose to promote the progress of science and the useful arts.

Now it is important for the 113th Congress and the Public to learn fully about these applications from the USPTO. The Committee expects that the report will contribute to an understanding of whether these applications present special circumstances that require further action to protect the public's interests.

Those who may have concerns about this report must understand that there is no way to "target" these submarine applications—the targets are, in fact, the people who will be sued once these submarine patents surface. The real targets are American job creators like small businesses, innovators and university researchers. And the public has a right to know in advance if certain widely used and long known technology is about to be withdrawn from the public domain.

The patent system was never intended to be a playground for trial lawyers and frivolous lawsuits. Sound patents should issue in a timely manner and should be used to create wealth and jobs.

I urge my colleagues to support this bill, and I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield back any time remaining on our side.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time, as well.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6621, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. ROHRABACHER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

KATIE SEPICH ENHANCED DNA COLLECTION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6014) to authorize the Attorney General to award grants for States to implement minimum and enhanced DNA collection processes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6014

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Katie Sepich Enhanced DNA Collection Act of 2012".

SEC. 2. DEFINITIONS.

For purposes of this Act:

(1) DNA ARRESTEE COLLECTION PROCESS.—The term ''DNA arrestee collection process'' means, with respect to a State, a process under which the State provides for the collection, for purposes of inclusion in the index described in section 210304(a) of the DNA Identification Act of 1994 (42 U.S.C. 14132(a)) (in this Act referred to as the ''National DNA Index System''), of DNA profiles or DNA data from the following individuals who are at least 18 years of age:

(A) Individuals who are arrested for or charged with a criminal offense under State law that consists of a homicide.

(B) Individuals who are arrested for or charged with a criminal offense under State law that has an element involving a sexual act or sexual contact with another and that is punishable by imprisonment for more than 1 year.

(C) Individuals who are arrested for or charged with a criminal offense under State law that has an element of kidnaping or abduction and that is punishable by imprisonment for more than 1 year.

(D) Individuals who are arrested for or charged with a criminal offense under State law that consists of burglary punishable by imprisonment for more than 1 year.

(E) Individuals who are arrested for or charged with a criminal offense under State law that consists of aggravated assault punishable by imprisonment for more than 1 year.

(2) STATE.—The term ''State'' means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

SEC. 3. GRANTS TO STATES TO IMPLEMENT DNA ARRESTEE COLLECTION PROCESSES.

(a) IN GENERAL.—The Attorney General shall, subject to amounts made available pursuant to section 5, carry out a grant program for the purpose of assisting States with the costs associated with the implementation of DNA arrestee collection processes.

(b) APPLICATIONS.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, in addition to any other requirements specified by the Attorney General, a State shall submit to the Attorney General an application that demonstrates that it has statutory authorization for the implementation of a DNA arrestee collection process.

(2) NON-SUPPLANTING FUNDS.—An application submitted under paragraph (1) by a State shall include assurances that the amounts received under the grant under this section shall be used to supplement, not supplant, State funds that would otherwise be available for the purpose described in subsection (a).

(3) OTHER REQUIREMENTS.—The Attorney General shall require a State seeking a grant under this section to document how such State will use the grant to meet expenses associated with a State's implementation or planned implementation of a DNA arrestee collection process.

(c) GRANT ALLOCATION.—

(1) IN GENERAL.—The amount available to a State under this section shall be based on the projected costs that will be incurred by the State to implement a DNA arrestee collection process. Subject to paragraph (2), the Attorney General shall retain discretion to determine the amount of each such grant awarded to an eligible State.

(2) MAXIMUM GRANT ALLOCATION.—In the case of a State seeking a grant under this section with respect to the implementation of a DNA arrestee collection process, such State shall be eligible for a grant under this section that is equal to no more than 100 percent of the first year costs to the State of implementing such process.

(d) GRANT CONDITIONS.—As a condition of receiving a grant under this section, a State shall have a procedure in place to—

(1) provide written notification of expungement provisions and instructions for requesting expungement to all persons who submit a DNA profile or DNA data for inclusion in the index;

(2) provide the eligibility criteria for expungement and instructions for requesting expungement on an appropriate public Web site; and

(3) make a determination on all expungement requests not later than 90 days after receipt and provide a written response of the determination to the requesting party.

SEC. 4. EXPUNGEMENT OF PROFILES.

The expungement requirements under section 210304(d) of the DNA Identification Act of 1994 (42 U.S.C. 14132(d)) shall apply to any DNA profile or DNA data collected pursuant to this Act for purposes of inclusion in the National DNA Index System.

SEC. 5. OFFSET OF FUNDS APPROPRIATED.

Any funds appropriated to carry out this Act, not to exceed $10,000,000 for each of fiscal years 2013 through 2015, shall be derived from amounts appropriated pursuant to subsection (j) of section 2 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135) in each such fiscal year for grants under such section.

SEC. 6. CONFORMING AMENDMENT TO THE DEBBIE SMITH DNA BACKLOG GRANT PROGRAM.

Section 2(a) of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. 14135(a)) is amended by adding at the end the following new paragraph:

''(6) To implement a DNA arrestee collection process consistent with the Katie Sepich Enhanced DNA Collection Act of 2012.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6014, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California (Mr. SCHIFF) for sponsoring this commonsense, bipartisan legislation. H.R. 6014, the Katie Sepich Enhanced DNA Collection Act, authorizes incentive grants to States that implement programs to collect DNA samples from felony arrestees.

DNA arrestee programs provide an important law enforcement tool to identify perpetrators of open and unsolved cases. DNA arrestee programs can also prevent crimes by linking career criminals to crimes and locking them up before they have the chance to strike again.

By collecting DNA samples from arrestees and uploading them into the national DNA database, States can empower police and prosecutors to not only solve cold cases but also to apprehend violent criminals before more innocent people are victimized or precious lives are lost. Similar legislation passed the House last Congress by an overwhelming bipartisan vote of 357–32.

H.R. 6014 adds a new purpose area to the DNA Analysis Backlog Elimination Act to fund State DNA arrestee programs. This is limited, cost-effective legislation that will help States make use of DNA evidence to catch serious criminals at the earliest stage possible.

In the 20th century, law enforcement used fingerprints to link criminals to unsolved crimes. In the 21st century, law enforcement can now use DNA fingerprint technology to apprehend dangerous offenders.

I want to thank my colleague from California, again, Mr. SCHIFF, for his hard work on this issue. I urge my colleagues to support this legislation, and I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Katie Sepich Enhanced DNA Collection Act of 2012, or Katie's Law, has laudable goals of helping to prevent violent crime, exonerating the innocent, giving our police access to cutting-edge forensic techniques, reducing the cost of criminal investigations, and giving victims of violent crime and their families the answers and closure they deserve. All of this can result from the enhanced DNA collection provided for in this bill.

I voted for Katie's Law last Congress, and the goals of Katie's Law are goals that I wholeheartedly support, but unfortunately, right now is not the time to pass the law. This bill would enable the Attorney General to provide grant money to States if they implement a process for DNA testing upon arrest and preservation of the DNA profile.

□ 1320

The last time I voted for the bill, or one similar to it, I viewed the collection of arrestee DNA as essentially the same from a constitutional point of view as the collection of fingerprints, which are collected and preserved in a database for arrestees, whether there is a conviction or not. Since then, however, serious questions have been raised about the constitutionality of arrestee DNA collection and the preservation of that information in a database where there has been no subsequent conviction.

These constitutional questions are currently before the Supreme Court in Maryland v. King. The Supreme Court granted certiorari in that case in November, and we're taking this bill up now before the Supreme Court has had a chance to hear the case and issue its decision. In just a couple of months, the Supreme Court will have decided the King case, and we'll know whether

or not it's constitutional to preserve this data and how the States can collect it from people upon arrest and what to do with that information. With the decision at hand, we can then craft a program that encourages States to implement DNA collecting and testing systems that fully comply with whatever the Supreme Court rules in the King case.

Whereas I believe that the Supreme Court will find this proposed bill constitutional, it just makes sense that we wait until the decision is rendered before we pass the bill. For that reason, I will oppose the bill.

With that, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from Colorado (Mr. TIPTON), who happens to have passed legislation very similar to this when he was in the legislature in Colorado.

Mr. TIPTON. Mr. Speaker, I would like to thank the gentleman from Texas for this time.

I think it's important for us to understand the importance of this legislation and the opportunity that this literally presents for the protection of our wives and our daughters across this Nation.

I visited with Jayann Sepich. Her daughter Katie literally had to fight for her life. And the only evidence after her body was discovered, raped and burned in a garbage dump, was the DNA collected under those fingernails. While we now have the empirical evidence, had Katie's law been in place at that time, we could have saved an additional 13 lives: 12 women who were raped and murdered and another who was pregnant with child. That is the importance, and the timeliness, as well, of moving forward with this legislation.

In the State of Colorado, we've taken perpetrators off the streets. In fact, one of the challenges that we often don't discuss is not just future events that could potentially happen, but bringing resolution to families who have lost a loved one: solving cold cases. In the State of Colorado, we've now had 398 people identified for past crimes, those unsolved murders that haunt families.

This is a piece of legislation that's revenue neutral for Americans, a piece of legislation that's going to provide that opportunity for other States to do what Colorado has been able to accomplish, to be able to pass legislation that is going to stand up and protect our daughters and our wives from violent predators who are impacting families across this country.

The time is now. It is of essence. We are approaching the 10th anniversary of the death of Katie Sepich. I would see no greater tribute to her, her mother and father, and all families across this country, than to put forward this legislation, allow it to pass, to move forward, and to be able to do the right thing.

This legislation is designed so well that when we look at those identifiers, it is the 21st century fingerprint. We cannot tell the color of skin, and we cannot tell the color of hair. It is just an identifier for who the person is. It's well thought out, and it's important. I believe our daughters, our wives, and our mothers count on this type of practical legislation. I urge its adoption.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the author of the bill, a former prosecutor and valued member of the House Judiciary Committee, the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding, and I rise in support of the Katie Sepich Enhanced DNA Collection Act.

Katie's Law is named for Katie Sepich, a bright, vivacious 22-year-old from New Mexico who was brutally assaulted, raped, and murdered in 2003. Police were able to extract the DNA profile of her killer from underneath Katie's fingernails, but they got no match in the offender database. When they finally did get a hit on the attacker's DNA 3 years later, they discovered that the murderer had been arrested repeatedly after 2003, but because he was never convicted, he was not required to submit a DNA sample for the database. Had New Mexico required arrestees to submit a DNA sample, Katie's killer would have been apprehended and taken off the street years earlier.

Katie's Law applies the lesson that New Mexico and now 24 States across the country have learned: arrestee testing works. This bill would create a new category of grants for States that collect DNA from arrestees for certain felonies. By joining the 25 States, plus the Federal Government, that already collect DNA from arrestees, additional State participation will make the national DNA index system more effective in helping to solve violent crimes. It does so without authorizing any new spending and while protecting civil liberties by putting in place strong expungement requirements.

We passed very similar legislation in 2010 with an overwhelming bipartisan majority. In the few short days we have left before the end of this year, we have a window to potentially send this bill to the Senate, where we'll also attract bipartisan support. I believe we should take that opportunity.

It has been argued by my colleague that we should wait to consider this bill until the Supreme Court rules on Maryland v. King, the case in which the Maryland State Supreme Court overturned the State's arrestee testing statute on Fourth Amendment grounds. I would simply note that three Federal courts of appeals and the State Supreme Court of California have looked at arrestee testing, and all have found it constitutional. The Supreme Court also took the unusual step of staying the order of the Maryland court. In his order staying the Maryland decision, Chief Justice Roberts writes:

> Collecting DNA from individuals arrested for violent felonies provides a valuable tool for investigating unsolved crimes and thereby helping to remove violent offenders from the general population. Crimes for which DNA evidence is implicated tend to be serious, and serious crimes cause serious injuries. That Maryland may not employ a duly enacted statute to help prevent these injuries constitutes irreparable harm.

This is a practice that is used in 25 States and by the Federal Government. It is not new. I'm confident the practice will be upheld by the Court. And even if we are wrong, the Court will decide this case long before any grant funding would be dedicated to help States build arrestee collection laws, so no funding would be wasted.

I want to acknowledge my friend and colleague, Chairman SMITH, who has been so supportive of this effort and has done such a marvelous job chairing the Judiciary Committee. I also want to acknowledge Ranking Member CONYERS and the ranking member of the subcommittee, BOBBY SCOTT, for their great work on the committee and subcommittee. I also want to thank my colleague from Washington (Mr. REICHERT), who knows firsthand the power of DNA evidence from his years as a sheriff. And finally and most importantly, I thank Katie's family and her mother, Jayann Sepich. Jayann has endured every parent's worst nightmare. Her determination and dedication are inspiring. And when Katie's Law is signed into law—and it will be—it will be a testament to her work and her love for her daughter.

Mr. Speaker, I urge the House to pass Katie's Law.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from New Mexico (Mr. PEARCE).

□ 1330

Mr. PEARCE. I thank the gentleman from Texas for yielding. I thank the gentleman from California (Mr. SCHIFF) for his leadership on this.

I rise in strong support of H.R. 6014. Today, Katie Sepich, pictured here, tells us a lot. She is fun, loving, vibrant, outgoing. She was leader in her age group. She made things happen. Katie, beginning in January of 2002, was in her last year of grad school. During that year, in one of the last conversations with her daughter, Jayann Sepich—her mom—asked her the same question that many of us receive from our parents: What are you going to do when you graduate with your master's degree in business? The reply was the same one that many of us have given: I'm not sure, but I want to change the world.

That's what each one of us as parents aspires to develop in our children—it's what each one of us tries to train them for—and Katie was at the point of decision. She was on her way until her journey of life was brutally interrupted by someone who raped her and strangled her. Then he burned her body and left her body abandoned at a dumpsite.

Now, there was a full DNA sample under Katie's fingernails, attesting to Katie's character, but the uploaded DNA did not match anything in the government database. Meanwhile, Gabriel Avila was arrested 6 weeks after the murder; but because New Mexico and the Federal Government had no laws, no DNA sample was taken, and so no match was made. For 3 years, Mr. Avila walked free on the streets of America and on the streets of New Mexico after having committed this horrendous crime, but there was nothing to link them until New Mexico passed a statute very similar to this one that we are passing today.

It simply said that we are going to collect DNA samples when we have people who are under the suspicion of violent crimes. It is no different than my fingerprints, which are available to anyone who wants to look. They were taken by the U.S. Government when I entered into the United States Air Force. I understand the constitutional concerns, but I also understand the pain of families who have no answers. After New Mexico passed this law, Mr. Avila committed another violent crime. This time, by New Mexico law, they had to take his DNA sample, and immediately they matched that now-3-year-old crime that took Katie's life.

All this bill does is simply help provide funds to States to take these DNA samples. The U.S. Government will put them in the database and compare them. They're the 21st-century version of fingerprints.

One in six American women is a victim of rape or attempted rape, and 90 percent of the people who commit the crimes are repeat offenders like Mr. Avila; yet they walk free because we care more for the rights of perpetrators than of victims. This bill will not prevent violent crimes, but it will help stem the tide of the repeat offenders.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Texas. I yield the gentleman an additional minute.

Mr. PEARCE. Dave and Jayann Sepich, Katie's parents, have worked tirelessly, first to get the bill through New Mexico and then to get it to the attention of the Federal Government. The bill stands poised here on the floor of the House of Representatives today, asking that we as Americans and we as legislators take a stand on behalf of the families who have young daughters and young sons who want to change the world; and maybe, just maybe, we will do something right here.

Katie's legacy will live on no matter what we do here today, because of her parents and because of her sacrifice. I humbly suggest that we would want to pass this bill.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the ranking member of the Judiciary Committee, the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Thank you, Ranking Member SCOTT.

This is an unusual circumstance in which the Fourth Amendment, which protects individual privacy from unreasonable searches and seizures by the government, has hardly been mentioned. Another thing that is curious about this measure is that there hasn't been a hearing on the bill, not a single hearing. Now, I suppose we should just skip over that. Oh, by the way, the Supreme Court of the United States has a case which is testing the issue of the appropriateness of collecting the DNA of arrestees, which will soon reasonably be decided.

As one who supports the goals of this legislation—its objectives to apprehend offenders and provide relief to victims—it seems like, in our haste, we've tossed procedure into the waste basket. I just can't understand why we can't examine the constitutionality of the practice of DNA in an appropriate manner, and that's what Maryland v. King would do. I know it's being used in other places, but I have never participated in legislation that attempts to become law while the matter is still in the Supreme Court, about to be decided. Maybe if I looked hard enough, we could find some cases in which that may have happened.

When you combine all of these unusual circumstances, as a former chairman of the Committee on the Judiciary, I would urge that we follow the recommendations of our ranking member and have this matter brought before the committee in a more proper and orderly way. I hope that we can ensure the constitutionality of H.R. 6014 since that test is about to be submitted before the Supreme Court of the United States.

Mr. Speaker, I rise today in opposition to H.R. 6014, the "Katie Sepich Enhanced DNA Collection Act of 2012," or "Katie's Law."

I want to begin by noting that I support the important goals of this legislation, which are to apprehend offenders and provide relief to victims.

But we must not allow our criminal justice system to circumvent the protections of the Constitution so that criminal offenders are caught at all costs.

It is critical that we adhere to the Constitution and consider any measure that possibly conflicts with it through a deliberate process.

Unfortunately, there has not been nearly enough process to ensure that H.R. 6014 is constitutional.

For example, there has neither been a single hearing on this bill, nor has the Judiciary Committee marked up this measure.

As many of you know, the constitutionality of collecting DNA from arrestees is an unresolved question under the Fourth Amendment, which protects individuals' privacy from unreasonable searches and seizures by the government.

In fact, the constitutionality of the practice of DNA testing upon arrest is currently before the Supreme Court in Maryland v. King. We should at least wait until the Court decides this issue before we rush to pass this legislation.

I voted for Katie's law in the last Congress, and I support the goals of Katie's law, but right now is not the time to pass this measure.

Mr. SMITH of Texas. Mr. Speaker, in closing, I would like to, once again, thank my friend and colleague from California (Mr. SCHIFF) for introducing this bill and for getting us to the point at which we are now—hopefully, on the cusp of passage.

I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Chairman, I yield such time as he may consume to a member of the Judiciary Committee, the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Speaker, I rise in opposition to H.R. 6014, the Katie Sepich Enhanced DNA Collection Act of 2012.

I strongly support measures to increase our public safety, and the rationale behind the bill is laudable. I care about using DNA evidence in criminal prosecutions in order to solve crimes and to convict wrongdoers. I also appreciate the fact that DNA can many times clear persons, even persons who have been wrongfully convicted; but there is much doubt, Mr. Speaker, surrounding whether or not the DNA collection of arrested persons is good policy, let alone constitutional.

By providing more incentives to extract DNA at arrests, this bill promotes restrictions on civil liberties, which are restrictions we do not and should not tolerate as a society, and it undermines the very criminal justice system it seeks to strengthen. Unlike collecting the DNA from a convicted felon, collecting DNA samples during arrests violates the Fourth Amendment's protection against unreasonable searches and seizures.

I sincerely doubt that the Framers intended the Fourth Amendment to allow the State to hold a person's genetic blueprint without first finding that person guilty of a crime. Although the bill provides for the expungement of DNA profiles, it only does so after lengthy procedures undertaken by an innocent person.

□ 1340

Moreover, it does not address the physical DNA samples that would remain in storage. We should not permit our government, Mr. Speaker, to hold DNA samples of arrested persons forever, despite the fact that the arrestee was never convicted of a crime. To keep these DNA samples under these circumstances is the essence of violating the arrested person's right to privacy. There can be no more fundamental right to privacy than that which exists in the DNA profile of a person. One should not give up that right to privacy in one's DNA profile simply because one has been arrested.

Not only is this inconsistent with our fundamental beliefs, but DNA profiling of arrestees diverts resources away from DNA profiles with far greater impact on aiding investigations.

I'm also concerned that this practice would perpetuate the current racial disparities in our criminal justice system. As more minority DNA profiles

are included in databases, more minorities are potential suspects, regardless of their actual guilt. We cannot allow this injustice to blossom in a free country where people are presumed innocent until proven guilty.

Mr. SCOTT of Virginia. Mr. Speaker, I think the chairman has the right to close, and I would yield him time if he has any concluding comments. He apparently doesn't have any further comments.

I yield back the balance of my time.

Mr. REICHERT. Mr. Speaker, I rise today in support of Katie's Law. I rise as a Congressman, but also as a cop and a sheriff with 33 years of experience investigating crimes.

This bill, simply put, assists states with the implementation of DNA arrestee collection programs so that the DNA collected can be entered into the national DNA database. DNA is an invaluable piece of evidence when solving crimes.

As the lead investigator on the Green River Killer Task Force my colleagues and I started collecting evidence in the early 80's . . . hoping only for, in those days, a saliva or a blood-type match that would tie a suspect to the crimes.

We worked that case for nearly two decades, continuing to collect evidence, interrogate suspects, and discover horrific murder scenes. In 2001, the technology finally caught up and through DNA we made a match and were finally able to arrest a single suspect on four counts of murder. That arrest eventually led to 49 murder convictions.

This bill is named for Katie Sepich. Katie was a young woman from Carlsbad, New Mexico who was 22 years old when she was brutally raped and murdered—because of the lack of DNA collection procedures in New Mexico at the time, it was three years before Katie's parents, Jayann and David, had the closure of knowing Katie's attacker.

Katie's Law provides a critical resource to aid our law enforcement officials in investigating crimes and protecting the innocent. It does so without the appropriation of new funds and with privacy protections.

What happened to Katie Sepich is a shocking, horrible tragedy. It is our duty to assist law enforcement in preventing these tragedies from ever re-occurring, and to continue the tireless work of keeping our communities safe.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 6014, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: ''A bill to authorize the Attorney General to award grants for States to implement DNA arrestee collection processes.''.

A motion to reconsider was laid on the table.

THEFT OF TRADE SECRETS CLARIFICATION ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 3642) to clarify the scope of the Economic Espionage Act of 1996.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 3642

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Theft of Trade Secrets Clarification Act of 2012''.

SEC. 2. AMENDMENT.

Section 1832(a) of title 18, United States Code, is amended in the matter preceding paragraph (1), by striking ''or included in a product that is produced for or placed in'' and inserting ''a product or service used in or intended for use in''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on S. 3642, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 3642, the Theft of Trade Secrets Clarification Act of 2012, clarifies the scope of the Economic Espionage Act, EEA, and protects American jobs and businesses from the theft of their valuable trade secrets. I want to thank Senator LEAHY for his hard work on this piece of legislation.

Since 1996, the EEA has served as the primary tool the Federal Government uses to protect secret, valuable, commercial information from theft. The Second Circuit's Aleynikov decision revealed a dangerous loophole that demands our attention. In response, the Senate unanimously passed S. 3642 in November. We need to act today to send this important measure directly to the President. We must also take action in response to the Second Circuit's call and ensure that we have appropriately adapted the scope of the EEA to the digital age.

I again thank Senator LEAHY for his leadership on this issue. I urge my colleagues to support the bill, and I reserve the balance of my time.

Mr. Speaker, S. 3642, the ''Theft of Trade Secrets Clarification Act of 2012,'' clarifies the scope of the Economic Espionage Act (EEA) and protects American jobs and businesses from the theft of their valuable trade secrets. I thank Senator LEAHY for his hard work on this bill.

Sergey Aleynikov was convicted for stealing and transferring valuable proprietary computer source code that belonged to his former employer, Goldman Sachs. Earlier this year, he was released from a federal penitentiary after serving only one year of an eight-year sentence.

According to the Second Circuit Court of Appeals, he had accepted an offer in 2009, to become a senior executive at a Chicago-based startup that intended to compete against Goldman in the provision of high frequency trading (HFT) services.

The Appeals Court explained:

> just before his going-away party, Aleynikov encrypted and uploaded to a server in Germany more than 500,000 lines of source code for Goldman's HFT system . . . On June 2, 2009, Aleynikov flew . . . to Chicago to attend meetings at Teza. He brought with him a flash drive and a laptop containing portions of the Goldman source code. When Aleynikov flew back the following day, he was arrested by the FBI . . .''

Aleynikov was convicted of violating the EEA and the National Stolen Property Act. After reviewing the trial record, the Appeals Court issued an order in February 2012, which reversed Aleynikov'convictions on both counts.

The court's decision construed the scope of the two federal criminal statutes. It observed that there is a limitation that products be ''produced for'' or ''placed in'' interstate or foreign commerce.

The court concluded, ''Goldman's HFT system was neither 'produced for' nor 'placed in' interstate or foreign commerce,'' despite evidence that it facilitated millions of proprietary trades and transactions each year. It then determined that the theft of source code was not an offense under the EEA.

The court explained that when a statute, particularly a criminal statute, is ambiguous, it is appropriate to construe it narrowly and, ''to require that Congress should have spoken in language that is clear and definite'' before choosing a stricter interpretation.

In his concurring opinion, Judge Calabresi [Cal-abress-E] directly called upon Congress to clarify the scope of the EEA as he wrote:

> [I]t is hard for me to conclude that Congress, in [the EEA], actually meant to exempt the kind of behavior in which Aleynikov engaged . . . [n]evertheless, while concurring [in the opinion], I wish to express the hope that Congress will return to the issue and state, in appropriate language, what I believe it meant to make criminal in the EEA.

The FBI estimated earlier this year that U.S. companies had lost $13 billion to trade secret theft in just over six months. Over the past six years, losses to individual U.S. companies have ranged from $20 million to as much as $1 billion.

Since 1996, the EEA has served as the primary tool the federal government uses to protect secret, valuable, commercial information from theft.

The Second Circuit's Aleynikov [Alay-nakov] decision revealed a dangerous loophole that demands our attention. In response, the Senate unanimously passed S. 3642 in November.

We need to act today to send this important measure directly to the President. We must also take action in response to the Second Circuit's call and to ensure that we have appropriately adapted the scope of the EEA to the digital age.

I again thank Senator LEAHY for his leadership on this issue and I urge my colleagues to support the bill.

The SPEAKER pro tempore. Without objection, the gentleman from Virginia controls the time.

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 3642, the Theft of Trade Secrets Clarification Act, will help ensure that American businesses can effectively protect their trade secrets. This legislation passed the Senate by unanimous consent last month, and we are proud to be passing it today.

S. 3642 responds to a recent Federal court decision that exposed a gap in Federal law. In April of this year, the Second Circuit Court of Appeals held that the Federal statute prohibiting the theft of trade secrets does not apply to computer source code in some circumstances.

In the Aleynikov case, the defendant, a computer programmer who worked for Goldman Sachs, electronically copied and remotely stored thousands of lines of source code from the company's internal, high-frequency trading system and then downloaded that code to his new employer's server after leaving Goldman Sachs.

The transfer of the source code would potentially save up to $10 million and 2 years of programmers' time for the new employer and would eliminate some of the competitive advantage Goldman Sachs achieved by developing their own trading program.

Federal law prohibits the conversion of any trade secret that is related to or included in a product that is produced or placed in interstate or foreign commerce. Because the code that was stolen is a component of an internal computer system, the court found that it is not covered by the statute because it was not produced for, or placed in, a product in interstate or foreign commerce.

This bill will close the gap exposed in that case by clarifying that the statute applies to both products and services which are used in or intended for use in interstate or foreign commerce.

Congress needs to act quickly to enhance the ability of American businesses to safeguard the proprietary information they develop to gain a competitive advantage. This is particularly important as our country's economy is increasingly knowledge- and service-based.

We must ensure that our statutes designed to prohibit the theft of trade secrets appropriately cover the range of intellectual property generated and used by our businesses.

This bill is an important step to accomplish this goal, and I commend the senior Senator from Vermont, the chair of the Judiciary Committee in the Senate, Mr. LEAHY, for his leadership on the bill; and I urge my colleagues to support this legislation so it can be sent directly to the President's desk to be signed into law.

I yield back the balance of my time.

Mr. Speaker, S. 3642, the "Theft of Trade Secrets Clarification Act, will help ensure that American businesses can effectively protect their trade secrets. This legislation passed the Senate by unanimous consent last month and I am proud to support it today.

S. 3642 responds to a recent federal court decision that exposed a gap in federal law.

In April of this year, the SeCond Circuit Court of Appeals held that the federal statute prohibiting the theft of trade secrets does not apply to computer source code in some circumstances.

In the Aleynikov case, the defendant, a computer programmer who worked for Goldman Sachs, electronically copied and remotely stored thousands of lines of source code for the company's internal, high-frequency trading system and then downloaded that code to his new employer's server after leaving Goldman Sachs.

The transfer of the source code would potentially save $10 million and two years of programmers' time for the new employer and would eliminate some of the competitive advantage Goldman achieved by developing their own trading program.

Federal law prohibits the conversion of any trade secret that is related to or included in a product that is produced or placed in interstate or foreign commerce. Because the code that Mr. Aleynikov stole is a component of an internal computer system, the court found that it is not covered by the statute because it is not produced for, or placed in, a product in interstate or foreign commerce.

S. 3642 would close the gap exposed in the Aleynikov case by clarifying that the statute applies to both products and services which are used in or intended for use in interstate or foreign commerce.

Congress needs to act quickly to enhance the ability of American businesses to safeguard the proprietary information they develop to gain competitive advantage. This is particularly important as our country's economy is increasingly knowledge and service-based.

We must ensure that our statutes designed to prohibit the theft of trade secrets appropriately cover the range of intellectual property generated and used by our businesses.

This bill is an important step to accomplish this goal, and I commend the gentleman from Vermont, Senator LEAHY. I urge my colleagues to support this legislation today so that it can be sent to the President's desk to be signed into law.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time as well.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of S. 3642, the "Theft of Trade Secrets Clarification Act of 2012," a bill that simply clarifies a provision of the Economic Espionage Act for the purpose of protecting American business and jobs.

More specifically, S. 3642 would broaden language in the Economic Espionage Act so that it protects businesses from trade secret theft to the extent that it was originally intended to rather than the narrow scope applied by a recent Second Circuit court opinion.

In United States v. Aleynikov (April 2012 decision), the Second Circuit overturned the conviction of a defendant who was found guilty of stealing computer code from his employer. The reason for this reversal was that the court determined that the theft of the trade secret did not meet the interstate commerce threshold delineated in the Economic Espionage Act.

Even though the Defendant copied stolen code from his New York office to a computer server in Germany, downloaded the code in New Jersey, and then took the code with him to his new job in Illinois, the Second Circuit found that the stolen trade secret was not part of a product that was produced for or placed in interstate commerce and, therefore, was not the subject of this criminal provision of the Economic Espionage Act.

Effective protection of intellectual property rights, including trade secrets, is essential for fostering innovation. Innovation typically requires substantial investment in education, research and development, and labor to bring a new idea to the marketplace.

The fact that the stolen computer code, which was proprietary, was not produced to be placed in interstate commerce should not preclude a guilty verdict from being rendered.

Businesses often spent time and money to develop their own proprietary software to be used internally; if others can steal their idea, it undermines the creator's ability to recoup the cost of his or her innovative investment, and the incentive to innovate is reduced.

These innovations add value to the overall business, even if they are not commercial end-products themselves. The language contained in this bill will fix the problem so that trade secret thieves cannot take advantage of the loophole in the Economic Espionage Act.

For that reason, I urge my colleagues to support S. 3642, the "Theft of Trade Secrets Clarification Act of 2012."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, S. 3642.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. SCOTT of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

VIDEO PRIVACY PROTECTION ACT AMENDMENTS ACT OF 2012

Mr. GOODLATTE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6671) to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6671

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Video Privacy Protection Act Amendments Act of 2012".

SEC. 2. VIDEO PRIVACY PROTECTION ACT AMENDMENT.

Section 2710(b)(2) of title 18, United States Code, is amended by striking subparagraph (B) and inserting the following:

"(B) to any person with the informed, written consent (including through an electronic

means using the Internet) of the consumer that—

''(i) is in a form distinct and separate from any form setting forth other legal or financial obligations of the consumer;

''(ii) at the election of the consumer—

''(I) is given at the time the disclosure is sought; or

''(II) is given in advance for a set period of time, not to exceed 2 years or until consent is withdrawn by the consumer, whichever is sooner; and

''(iii) the video tape service provider has provided an opportunity, in a clear and conspicuous manner, for the consumer to withdraw on a case-by-case basis or to withdraw from ongoing disclosures, at the consumer's election;''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. GOODLATTE) and the gentleman from North Carolina (Mr. WATT) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. GOODLATTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6671, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

□ 1350

Mr. GOODLATTE. Mr. Speaker, I yield myself such time as I may consume.

Today I am pleased that we are considering a bipartisan bill to update the Video Privacy Protection Act of 1988. This bill will ensure that a law related to the handling of videotape rental information is updated to reflect the realities of the 21st century.

The VPPA was passed by Congress in the wake of Judge Robert Bork's 1987 Supreme Court nomination battle, during which a local Washington, D.C., newspaper obtained a list of videotapes the Bork family rented from its neighborhood videotape rental store. This disclosure caused bipartisan outrage, which resulted in the enactment of the Video Privacy Protection Act.

The commercial video distribution landscape has changed dramatically since 1988. Back then, the primary consumer consumption of commercial video content occurred through the sale or rental of prerecorded videocassette tapes. This required users to travel to their local video rental store to pick a movie. Afterward, consumers had to travel back to the store to return the rented movie. Movies that consumers rented and enjoyed were recommended to friends, primarily through face-to-face conversations. With today's technology, consumers can quickly and efficiently access video programming through a variety of platforms, including through Internet protocol-based video services, all without leaving their homes.

This bill is extremely similar to H.R. 2471, which passed the House overwhelmingly a year ago. This newer version incorporates provisions suggested by the Senate that allows greater consumer flexibility in their video sharing habits. I support these enhancements to the bill.

This bill updates the Video Privacy Protection Act to allow videotape service providers to facilitate the sharing on social media networks of the movies watched or recommended by users. Specifically, it is narrowly crafted to preserve the VPPA's protections for consumers' privacy, while modernizing the law to empower consumers to do more with their video consumption preferences, including sharing names of new or favorite TV shows or movies on social media in a simpler way. However, it protects the consumer's control over the information by requiring consumer consent before any of this occurs, and it makes clear that a consumer can opt in to the ongoing sharing of his or her favorite movies or TV shows without having to provide consent each and every time a movie is rented.

It also makes clear that written affirmative consent can be provided through the Internet and can be withdrawn at any time. The bill we are considering today requires that the consent be distinct and separate from any other form setting forth other legal and financial obligations. Companies must provide consumers with the clear and conspicuous option to withdraw their consent to share at any time. Finally, a consumer's consent to share expires after 24 months unless the consumer chooses to opt in again.

This bill is truly pro-consumer and places the decision of whether or not to share video rentals with one's friends squarely in the hands of the consumer. In fact, the cochairs of the Future of Privacy Forum correctly pointed out, in an opinion piece in Roll Call on November 29, 2011, that ''the antiquated law on the books is a hindrance to consumers.''

This legislation does not change the scope of who is covered by the VPPA or the definition of ''personally identifiable information.'' In addition, it preserves the requirement that the user provide affirmative, written consent.

It's time that Congress updates the VPPA to keep up with today's technology and the consumer marketplace. This bill does just that. I hope my colleagues will join me in supporting this important piece of legislation.

I reserve the balance of my time.

Mr. WATT. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 6671. Last year, I came to the floor to oppose the predecessor bill to this legislation, which we in the House passed and sent to the Senate. But today, I rise to support the amendments to the Video Privacy Protection Act contained in the bill because of important amendments to the bill that have been made in the Senate.

I said when we debated the bill before, and I say now, that while I support innovation on the Web, I do not support it at the expense of consumer privacy. I believe the Senate amendments make for a strong bill, with more robust consumer protections, and respond, in many respects, to the concerns I raised about the prior bill.

The Video Privacy Protection Act was passed in reaction to the unauthorized release of Judge Robert Bork's rental history during his contentious confirmation hearings to the Supreme Court and stands today as the gold standard for privacy protection.

The amendments made by this bill would allow a video service provider to obtain universal, ongoing electronic consent from consumers to share their viewing history across social media like Facebook. The consumer would have to affirmatively opt in, and the service must provide a clear and conspicuous opportunity to withdraw the consent to share video viewing information at any time. Finally, advance consent may be valid for no longer than 2 years.

Mr. Speaker, I'm satisfied that the amendments made in the Senate, before which I testified in opposition to the original bill, have adequately addressed the privacy-related concerns I expressed.

Opt-in consent is widely regarded by privacy advocates as a vigorous protection for consumers. The requirement that the consumer must revisit the decision to share his video history reinforces the protections provided in the initial consent.

And finally, the bill now allows what I suggested during the Judiciary Committee markup in the House, that the consumer be provided the option to give consent on a video-by-video basis, or in advance for all views until that consent is withdrawn, or until the expiration of 24 months.

Because of these important changes, I support the chairman in his effort to assist online companies to initiate creative options on behalf of their subscribers. While these are welcome improvements that allow me to support this bill, I remain concerned that the bill fails to provide needed updates to the Video Privacy Protection Act, in particular, and fails to consider implications for the ongoing national debate on privacy laws governing digital privacy.

I continue to believe that the underlying Video Privacy Protection Act must be updated to address destruction of records in the online environment. Also, the damages provision should be updated to ensure that consumers are adequately compensated when harmed and that online companies are not unfairly penalized because of the reach of their media.

Finally, I firmly believe that the provision in the Video Privacy Protection Act that requires a warrant for law enforcement to obtain consumer records must be preserved and that future debates on electronic consumer privacy reforms must not undercut those protections.

I understand that the incoming chair of the Judiciary, my good friend, Mr. GOODLATTE, agrees with most of these observations and will work with me to ensure that the Judiciary Committee, next year, tries to address some of these concerns.

So, Madam Speaker, my concerns are not so much about what's in this bill as much as they are concerns about what is not in the bill. So I'm agreeing not to allow the perfect to be the enemy of the good.

I, therefore, ask my colleagues to join me in supporting the bill, but I also ask them to join me, in the next term of Congress, to protect consumer privacy and to update the outdated provisions of the Video Privacy Protection Act.

I reserve the balance of my time.

Mr. GOODLATTE. Madam Speaker, I yield myself such time as I may consume to thank both the ranking member, the gentleman from Michigan (Mr. CONYERS), for his longtime support, as well as the gentlewoman from California (Ms. LOFGREN), who I'm sure will have a word to say about this as well, and also the work that the gentleman from North Carolina, the ranking member of the subcommittee that I chair—and he has done a good job as the ranking member on—for working with us to find ground here that we could reach agreement upon.

I will also say that I have a great interest in looking at the Electronic Communications Privacy Act and other privacy issues that need to be reviewed and modernized, and I hope that, in my new capacity as chairman of the Judiciary Committee in the next Congress, we'll have the opportunity to work together on issues of that nature.

I reserve the balance of my time.

□ 1400

Mr. WATT. Madam Speaker, I yield such time as he may consume to the ranking member of the Judiciary Committee, Mr. CONYERS.

Mr. CONYERS. I would like to let everyone know that the gentleman from North Carolina, who's worked on this and has pledged to continue to work on it, has my support for the new ideas. Well, they're not new. They're old ideas that just didn't get into this bill. And we're going to work on it together.

I congratulate, of course, the chairman-elect of the Judiciary Committee, Mr. GOODLATTE, for his long work and service on that committee and look forward to joining with him to continue the kind of bipartisanship that frequently is worked out in our committee.

I believe this amended version of H.R. 6671 is a distinct improvement over its predecessor and urge that we continue the kind of vigilance that the gentleman from North Carolina, MEL WATT, has demonstrated in his zeal to protecting consumer privacy. Technology is constantly evolving. Each new development presents new opportunities and challenges to improve our lives. This bill is a good step toward addressing this technological development, and we must continue to monitor it to ensure consumer privacy continues to be protected.

The language added by the Senate, the other body, improved the bill for consumers, and so I, too, urge my colleagues to support its passage today.

Mr. GOODLATTE. I reserve the balance of my time.

Mr. WATT. I yield such time as she may consume to a valued member of our Intellectual Property Subcommittee and a valued member of the Judiciary Committee, the gentlelady from California (Ms. LOFGREN).

Ms. ZOE LOFGREN of California. I thank you, Mr. WATT and Mr. GOODLATTE. I am pleased that we've come together to support this good bill. This bill is going to allow consumers to share their video viewing habits as they see fit, and it will actually enhance consumer privacy without causing any significant detriment to providers of digital services.

I agree that the Senate amendments actually improve the bill, and I think, also, that passing this bill is going to support and enhance emerging online video companies to grow and expand their services. I think it's important that we come together to make sure that our laws actually work well in the Internet environment, which this bill now does.

I look forward to Congress working to do the same thing when it comes to the Electronic Privacy Act reforms we know that are necessary, even copyright reform, to make sure that the laws actually work with modern Internet services. The VPPA is a great start down this road. I look forward to voting in favor of it, and I commend all who worked on it.

Mr. WATT. Madam Speaker, I urge my colleagues to join us in supporting the bill and working with us next year to address the things that are not in the bill.

I yield back the balance of my time.

Mr. GOODLATTE. I thank my colleagues for coming together on this legislation. I believe that it is very good legislation that modernizes the use of the Internet and the use of information that people want to share with each other. It makes it feasible to do that now in ways that newer users of the Internet have become used to with music and other things they share, and now they'll be able to do that with video, television, and movies and other things like that.

So I urge my colleagues to support this legislation, and I yield back the balance of my time.

Mr. SMITH of Texas. Madam Speaker, H.R. 6671 makes a minor, overdue change to update the Video Privacy Protection Act. I thank the gentleman from Virginia, Mr. GOODLATTE, for sponsoring this commonsense, bipartisan legislation.

The Video Privacy Protection Act prohibits video stores from disclosing certain "personally identifiable information" of their customers.

In the event of an unauthorized disclosure, an individual can sue in civil court for damages. But the law has always allowed some personally identifiable information to be released in limited circumstances, such as in response to a court order or when the customer gives their prior, written consent.

However, the technologies of entertainment are changing. Today, consumers are just as likely to stream a movie from the Internet as they are to rent a movie from a video store. And when people view entertainment on the Internet, often they like to share their activities with friends through social media like Facebook and Twitter.

Under current law, the social media sites would have to obtain written consent each time someone wishes to share their video choices.

H.R. 6671 does not change the prohibition on disclosure of personal information or expand the exceptions when information can be disclosed. It does not change the requirement for informed, written consent by a consumer. It simply allows the consumer to consent once before using new social media programs to share their movie or TV show preferences.

An earlier version of this bill passed the House last year, by a vote of 303 to 116. In the Senate, two amendments were adopted to make the bill even more consumer friendly. This new version adopts these amendments to accommodate concerns about consumer choice and privacy.

H.R. 6671 adopts an amendment proffered in mark-up by Congressman NADLER, which requires the consumer consent agreement to be in a completely separate form apart from the other contract details.

In addition, H.R. 6671 adopts two Senate amendments that place limitations on how consent is obtained from consumers. The bill now limits the disclosure agreement to 2 years.

The bill also requires the video provider to give consumers easy options to end the sharing agreement. These changes will ensure that consumers are aware they are sharing information and are voluntarily taking part.

Rather than dramatically alter the Act's existing provisions, H.R. 6671 keeps the vast majority of the Act in place and simply modernizes the way in which consumers can give their informed consent. This bill brings the Video Privacy Protection Act into the 21st century. And the changes adopted made from the previous bill increase consumer protection from the beginning of the process to its end.

I again thank my colleague from Virginia, the Chairman-Elect of the Judiciary Committee, Mr. GOODLATTE, for his work on this important issue. I urge my colleagues to support this legislation.

The SPEAKER pro tempore (Ms. ROS-LEHTINEN). The question is on the motion offered by the gentleman from Virginia (Mr. GOODLATTE) that the House suspend the rules and pass the bill, H.R. 6671.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 5 minutes p.m.), the House stood in recess.

□ 1815

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BASS of New Hampshire) at 6 o'clock and 15 minutes p.m.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 18, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 18, 2012 at 2:19 p.m.:

That the Senate passed S. Res. 622.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

PERMISSION TO FILE CONFERENCE REPORT ON H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

Mr. RIGELL. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight, December 18, to file the conference report to accompany H.R. 4310.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 6504, de novo;

H.R. 3783, by the yeas and nays;

H.R. 6621, by the yeas and nays;

S. 3642, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

SMALL BUSINESS INVESTMENT COMPANY MODERNIZATION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 6504) to amend the Small Business Investment Act of 1958 to provide for increased limitations on leverage for multiple licenses under common control, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. CHABOT) that the House suspend the rules and pass the bill.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. RIGELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 359, nays 36, answered ''present'' 1, not voting 35, as follows:

[Roll No. 629]

YEAS—359

Adams
Aderholt
Alexander
Altmire
Amodei
Andrews
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
Deutch
Diaz-Balart
Dicks
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kline
Kucinich
Labrador
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lungren, Daniel E.
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Noem
Nugent
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Polis
Posey
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stivers
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—36

Amash
Barton (TX)
Broun (GA)
Burton (IN)
Campbell
DesJarlais
Duncan (SC)
Duncan (TN)
Flake
Garrett
Graves (GA)
Harris
Hensarling
Huelskamp
Huizenga (MI)
Jordan
Kingston
Lamborn
Lankford
Lummis
Massie
McClintock
Neugebauer
Paul
Pearce
Poe (TX)
Pompeo
Ribble
Royce
Scott (SC)
Southerland
Stearns
Stutzman
Walsh (IL)
Westmoreland
Woodall

ANSWERED ''PRESENT''—1

Mulvaney

NOT VOTING—35

Ackerman
Akin
Austria
Baca
Bartlett
Berman
Bono Mack
Boren
Costello
Cravaack
Dingell
Fleming
Frank (MA)
Gonzalez
Granger
Grijalva
Johnson (IL)
Kissell
Landry
Luján
Lynch
Mack
Moran
Nunes
Nunnelee
Pence
Price (GA)
Reyes
Ross (AR)
Ryan (WI)
Sanchez, Loretta
Shuler
Stark
Sullivan
Yarmuth

□ 1850

Messrs. POE of Texas, BURTON of Indiana, SCOTT of South Carolina, SOUTHERLAND, KINGSTON, DESJARLAIS, HUELSKAMP, and ROYCE changed their vote from ''yea'' to ''nay.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. PRICE of Georgia. Mr. Speaker, on rollcall No. 629 I was unavoidably detained. Had I been present, I would have voted "nay."

COUNTERING IRAN IN THE WESTERN HEMISPHERE ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill (H.R. 3783) to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and concur in the Senate amendment.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 386, nays 6, not voting 39, as follows:

[Roll No. 630]

YEAS—386

Adams
Aderholt
Alexander
Altmire
Amodei
Andrews
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonamici
Bonner
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Edwards
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Luetkemeyer
Lummis
Lungren, Daniel E.
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—6

Amash
Duncan (TN)
Jones
Kucinich
Massie
Paul

NOT VOTING—39

Ackerman
Akin
Austria
Baca
Bartlett
Berman
Black
Bono Mack
Boren
Costello
Cravaack
Dingell
Ellison
Frank (MA)
Gonzalez
Granger
Green, Al
Grijalva
Johnson (IL)
Johnson, Sam
King (IA)
Kissell
Landry
Lucas
Luján
Lynch
Mack
Moran
Nunes
Nunnelee
Pence
Reyes
Ross (AR)
Ryan (WI)
Sanchez, Loretta
Shuler
Stark
Sullivan
Yarmuth

□ 1857

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. BLACK. Mr. Speaker, on rollcall No. 630, I was delayed in a meeting. Had I been present, I would have voted "yea."

CONGRATULATING REPRESENTATIVE TIM SCOTT OF SOUTH CAROLINA ON BEING NAMED SENATOR

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. WILSON of South Carolina. Mr. Speaker, as the senior Republican member of the delegation from South Carolina, it's my honor, on behalf of my colleagues, Congressman MULVANEY, Congressman DUNCAN, and Congressman TREY GOWDY, to be here to recognize—and I will be recognizing the senior member of the other party in just one second. I'm very grateful to be here this afternoon to give recognition to a person whom we have the highest regard for, the former chairman of the county council of my birthplace of Charleston, a former member of the statehouse, a distinguished Member of the House of Representatives, and now the next U.S. Senator from South Carolina.

I now defer, before he has comment, to the senior member of our delegation, Congressman JIM CLYBURN of South Carolina.

Mr. CLYBURN. Thank you very much, Representative WILSON. I didn't think I would ever live long enough or serve here long enough to call myself the dean of the South Carolina delegation, but I seem to have reached that point.

I would like to add my voice of congratulations to TIM SCOTT. TIM I have known for some time. He has worked in the vineyards of Charleston County and in the State legislature. I enjoy TIM a whole lot. I enjoy those moments when we talk about the issues and then go to our respective voting places and cancel each other out. He is that kind of guy, and I appreciate him for it.

But I also know that TIM is the personification, as I said to one media, of South Carolina's motto. Our State's motto is: ''While I breathe, I hope.'' It's a great motto for a State, and it personifies what TIM SCOTT's appointment has meant, not just to South Carolina, but to this great Nation of ours.

TIM, congratulations. Godspeed. I know that you will represent our State and Nation honorably.

Mr. SCOTT of South Carolina. Thank you, sir.

Let me just say thank you to everyone. I have thoroughly enjoyed my time in the House. To my delegation

members, there is no better delegation in America to serve with than all of you.

I thought I would get a standing ovation for that one, but obviously not.

I will say this, though, that one of the things that I've learned in this House is that there is a way to disagree without being disagreeable. And JIM CLYBURN, you've helped me to understand that.

To my guys here, I will say without any question that being a part of the team is important. And when I think about our country, I think of our country as a team. And as a kid coming from a single-parent household looking for opportunities, I found that in my team at home and my mentor. And now as I head to the Senate, I hope that we will continue to be a team. But America needs us to remember them. So thank you all so very much for this opportunity.

Mr. WILSON of South Carolina. I yield back the balance of my time.

PATENT OVERHAUL TECHNICAL CORRECTIONS

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6621) to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 308, nays 89, not voting 34, as follows:

[Roll No. 631]

YEAS—308

Adams
Aderholt
Alexander
Altmire
Amodei
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Bonamici
Bonner
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Cohen
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crawford
Crenshaw
Crowley
Cuellar
Culberson
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Dent
Deutch
Diaz-Balart
Dicks
Doggett
Dold
Donnelly (IN)
Dreier
Duffy
Ellison
Ellmers
Engel
Eshoo
Farenthold
Farr
Fattah
Fitzpatrick
Fleming
Flores
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garrett
Gerlach
Gibbs
Gingrey (GA)
Goodlatte
Gosar
Gowdy
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanna
Harper
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holt
Honda
Hoyer
Huizenga (MI)
Hultgren
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, Sam
Keating
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kline
Lance
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Maloney
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mulvaney
Murphy (CT)
Murphy (PA)
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Olson
Olver
Owens
Pallone
Pascrell
Paulsen
Payne
Pelosi
Perlmutter
Peters
Pingree (ME)
Pitts
Pompeo
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Richardson
Richmond
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Ros-Lehtinen
Roskam
Ross (FL)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schrader
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sessions
Sewell
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Speier
Stivers
Stutzman
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Tonko
Towns
Tsongas
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Welch
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Womack
Woolsey
Yoder
Young (FL)
Young (IN)

NAYS—89

Amash
Andrews
Benishek
Biggert
Black
Blackburn
Brooks
Broun (GA)
Burgess
Burton (IN)
Coffman (CO)
Cole
Critz
Cummings
Denham
DesJarlais
Doyle
Duncan (SC)
Duncan (TN)
Edwards
Emerson
Fincher
Flake
Fleischmann
Garamendi
Gardner
Gibson
Gohmert
Graves (GA)
Green, Gene
Hanabusa
Harris
Hartzler
Holden
Huelskamp
Hunter
Johnson, E. B.
Jones
Jordan
Kaptur
Kelly
Kingston
Kucinich
Labrador
Lamborn
Langevin
Lummis
Lungren, Daniel E.
Manzullo
Massie
McClintock
Miller (FL)
Moore
Myrick
Palazzo
Pastor (AZ)
Paul
Pearce
Peterson
Petri
Platts
Poe (TX)
Polis
Posey
Ribble
Roe (TN)
Rohrabacher
Rooney
Royce
Scalise
Schilling
Schmidt
Schock
Schwartz
Sensenbrenner
Sherman
Smith (NE)
Southerland
Stearns
Thompson (PA)
Tipton
Turner (NY)
Walsh (IL)
Webster
West
Westmoreland
Wolf
Woodall
Young (AK)

NOT VOTING—34

Ackerman
Akin
Austria
Baca
Bartlett
Berman
Blumenauer
Bono Mack
Boren
Costello
Cravaack
Dingell
Gonzalez
Granger
Green, Al
Grijalva
Johnson (IL)
Kissell
Landry
Luján
Lynch
Mack
Markey
Moran
Nunes
Nunnelee
Pence
Reyes
Ross (AR)
Sanchez, Loretta
Shuler
Stark
Sullivan
Yarmuth

□ 1909

Messrs. COLE and FLEISCHMANN changed their vote from ''aye'' to ''no.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THEFT OF TRADE SECRETS CLARIFICATION ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 3642) to clarify the scope of the Economic Espionage Act of 1996, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 388, nays 4, not voting 39, as follows:

[Roll No. 632]

YEAS—388

Adams
Aderholt
Alexander
Altmire
Amodei
Andrews
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Curson (MI)
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
DelBene
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Doggett
Dold
Donnelly (IN)
Doyle
Dreier

Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
Kingston
Kinzinger (IL)
Kline
Kucinich
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lummis
Lungren, Daniel E.
Maloney
Manzullo
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Mulvaney
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Olson
Olver
Owens
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda T.
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stearns
Stivers
Stutzman
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yoder
Young (FL)
Young (IN)

NAYS—4

Amash
Massie
Paul
Young (AK)

NOT VOTING—39

Ackerman
Akin
Austria
Baca
Bartlett
Berman
Bono Mack
Boren
Costello
Cravaack
Dicks
Dingell
Farr
Flores
Gonzalez
Granger
Green, Al
Grijalva
Gutierrez
Johnson (IL)
King (NY)
Kissell
Landry
Luján
Lynch
Mack
Markey
Meeks
Moran
Nunes
Nunnelee
Pence
Reyes
Ross (AR)
Sanchez, Loretta
Shuler
Stark
Sullivan
Yarmuth

□ 1916

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, today, due to unforeseen circumstances, I missed the following votes:

Senate Amendment to H.R. 3783—Countering Iran in the Western Hemisphere Act of 2012—had I been present, I would have voted "yea" on this bill.

H.R. 6621—To correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code—had I been present, I would have voted "yea" on this bill.

S. 3642—Theft of Trade Secrets Clarification Act of 2012—had I been present, I would have voted "yea" on this bill.

□ 1920

AMENDING THE FEDERAL WATER POLLUTION CONTROL ACT

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that the Committees on Transportation and Infrastructure, Natural Resources and the Judiciary be discharged from further consideration of the bill (S. 3687) to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program, to designate certain Federal buildings, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the bill is as follows:

S. 3687

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

SECTION 1. LAKE PONTCHARTRAIN BASIN RESTORATION PROGRAM.

Section 121 of the Federal Water Pollution Control Act (33 U.S.C. 1273) is amended—

(1) in subsection (d), by inserting "to pay not more than 75 percent of the costs" after "make grants"; and

(2) in subsection (f)(1), in the first sentence, by striking "2011" and inserting "2012 and the amount appropriated for fiscal year 2009 for each of fiscal years 2013 through 2017".

SEC. 2. ENVIRONMENTAL PROTECTION AGENCY HEADQUARTERS.

(a) REDESIGNATION.—The Environmental Protection Agency Headquarters located at 1200 Pennsylvania Avenue N.W. in Washington, D.C., known as the Ariel Rios Building, shall be known and redesignated as the "William Jefferson Clinton Federal Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Environmental Protection Agency Headquarters referred to in subsection (a) shall be deemed to be a reference to the "William Jefferson Clinton Federal Building".

SEC. 3. GEORGE H.W. BUSH AND GEORGE W. BUSH UNITED STATES COURTHOUSE AND GEORGE MAHON FEDERAL BUILDING.

(a) REDESIGNATION.—The Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, known as the George Mahon Federal Building, shall be known and redesignated as the "George H.W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States Courthouse referred to in subsection (a) shall be deemed to be a reference to the "George H.W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building".

SEC. 4. THOMAS P. O'NEILL, JR. FEDERAL BUILDING.

(a) DESIGNATION.—The Federal building currently known as Federal Office Building 8, located at 200 C Street Southwest in the District of Columbia, shall be known and designated as the "Thomas P. O'Neill, Jr. Federal Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in subsection (a) shall be deemed to be a reference to the "Thomas P. O'Neill, Jr. Federal Building".

SEC. 5. COMPLIANCE WITH LACEY ACT.

The Lacey Act Amendments of 1981 (16 U.S.C. 3371 et seq.) and section 42 of title 18, United States Code, shall not apply with respect to any water transfer by the North Texas Municipal Water District and the Greater Texoma Utility Authority using only closed conveyance systems from the Lake Texoma raw water intake structure to treatment facilities at which all zebra mussels are extirpated and removed from the water transferred.

SEC. 6. CONVEYANCE OF MCKINNEY LAKE NATIONAL FISH HATCHERY.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) STATE.—The term "State" means the State of North Carolina.

(b) CONVEYANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall convey to the State, without reimbursement, all right, title, and interest of the United States in and to the property described in subsection (c), for use by the North Carolina Wildlife Resources Commission as a component of the fish and wildlife management program of the State.

(c) DESCRIPTION OF PROPERTY.—The property referred to in subsection (b) is comprised of the property known as the "McKinney Lake National Fish Hatchery", which—

(1) is located at 220 McKinney Lake Road, Hoffman (between Southern Pines and Rockingham), in Richmond County, North Carolina;

(2) is a warmwater facility consisting of approximately 422 acres; and

(3) includes all improvements and related personal property under the jurisdiction of the Secretary that are located on the property (including buildings, structures, and equipment).

(d) USE BY STATE.—

(1) USE.—The property conveyed to the State under this section shall be used by the State for purposes relating to fishery and wildlife resources management.

(2) REVERSION.—

(A) IN GENERAL.—If the property conveyed to the State under this section is used for any purpose other than the purpose described in paragraph (1), all right, title, and interest in and to the property shall revert to the United States.

(B) CONDITION OF PROPERTY.—If the property described in subparagraph (A) reverts to the United States under this paragraph, the State shall ensure that the property is in substantially the same or better condition as the condition of the property as of the date of the conveyance of the property under this section.

(C) EXCEPTION.—This paragraph shall not apply with respect to use of the property under subsection (e).

(e) USE BY SECRETARY.—The Secretary shall require, as a condition and term of the conveyance of property under this section, that the State shall, upon the request of the Secretary, allow the United States Fish and Wildlife Service to use the property in cooperation with the Commission for propagation of any critically important aquatic resources held in public trust to address specific restoration or recovery needs of such resource.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ESTABLISHING THE DATE FOR THE COUNTING OF THE ELECTORAL VOTES FOR PRESIDENT AND VICE PRESIDENT CAST BY THE ELECTORS IN DECEMBER 2012

Mr. DENHAM. Mr. Speaker, I send to the desk a joint resolution and ask unanimous consent for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the joint resolution is as follows:

H.J. RES. 122

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DATE FOR COUNTING 2012 ELECTORAL VOTES IN CONGRESS.

The meeting of the Senate and House of Representatives to be held in January 2013 pursuant to section 15 of title 3, United States Code, to count the electoral votes for President and Vice President cast by the electors in December 2012 shall be held on January 4, 2013 (rather than on the date specified in the first sentence of that section).

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PRIVILEGED REPORT ON RESOLUTION OF INQUIRY TO ATTORNEY GENERAL

Mr. SMITH of Texas, from the Committee on the Judiciary, submitted an adverse privileged report (Rept. No. 112–704) on the resolution (H. Res. 819) directing the Attorney General of the United States to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, any documents and legal memoranda in the Attorney General's possession relating to the practice of targeted killing of United States citizens and targets abroad, which was referred to the House Calendar and ordered to be printed.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal, which the Chair will put de novo.

The question is on the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

MARC BOLDT, AN EXTRAORDINARY MAN

(Ms. HERRERA BEUTLER asked and was given permission to address the House for 1 minute.)

Ms. HERRERA BEUTLER. Mr. Speaker, I rise today to honor a dedicated public servant, Marc Boldt. Through 18 years of public service, both as a State representative and as a Clark County commissioner, Marc has put the people of Clark County first.

Marc has been a business advocate, a tireless supporter of the farming community, and a friend of the people he was elected to serve. He is a current member of the Clark County Farm Bureau and has served 18 years as a local youth leader and Sunday school teacher. He has also served for over 10 years as a 4–H leader. In the month of August, there is one place you are going to find Marc, and that's at the Clark County Fair, serving up barbecue to support young lives.

He has deep roots in our community, and his dedication and work has earned the respect of people throughout our community of all political stripes. While his time as county commissioner will end in January of 2013, Marc will no doubt continue to serve the people of southwest Washington.

Today, I ask all Members of Congress to join me in honoring an extraordinary man, a public servant, and my friend, Marc Boldt.

A MOMENT OF SILENCE IS NOT ENOUGH

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. GEORGE MILLER of California. Mr. Speaker, our hearts were broken over the senseless shooting deaths of 20 first grade children and their teachers in Newtown, Connecticut, and we wish that we could undue this unimaginable tragedy; but we know we can't do that. Instead, the House held a moment of silence. It is what the House does to show empathy, and it is a kind and sincere gesture, but it is not enough.

Last week, the House held a moment of silence for two adults killed by a gunman in a Portland, Oregon, shopping mall. Earlier, the House held a moment of silence after the horrific mass killings in an Aurora, Colorado, movie theater; and it held a moment of silence after our colleague Gabby Giffords and her staff and constituents were shot in Arizona.

A moment of silence felt like an honorable thing to do; but, clearly, a moment of silence is not enough. Americans don't need another moment of silence from the United States Congress. They need us to pass legislation immediately to ban automatic weapons, semiautomatic weapons, high-capacity ammunition clips, and to expand access to quality mental health services. Congress needs to act now. A moment of silence is not enough. It can not substitute for action.

HONORING JAY PIERSON ON HIS RETIREMENT FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. FLORES). Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. WOODALL) is recognized for 60 minutes as the designee of the majority leader.

Mr. WOODALL. I thank you, Mr. Speaker, and I hope 60 minutes will be enough because we're here tonight to honor one of the great servants of this institution, Jay Pierson, who has dedicated the last 34 years to the service of us, particularly on this side of the aisle; but, it's noteworthy to say, to folks on both sides of the aisle.

I want to go ahead and get started with someone much more eloquent than I am. Actually, he is a gentleman who has served here on the floor with Jay. He is the chairman of the Rules Committee, the gentleman from California, DAVID DREIER.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. It is a great privilege to stand here to recognize and honor Jay Pierson for his stellar service to this institution and, by virtue of that, to the United States of America.

Two years ago this month, I stood in the well to honor one of Jay's greatest friends, Dean Hirsch, who was the president of World Vision—an amazing organization that has dealt with hunger and strife around the world. Interestingly enough, I was recognizing Dean Hirsch's 34 years of service to World Vision; and when I think about the kind of work that Dean Hirsch has done, in many ways, the issues that we

address and continue to pursue vigorously here in this institution are designed to do the exact same thing. We are focused on improving the quality of life and on recognizing societal needs not only here in the United States but around the world.

The reason I talk about this high-minded issue is that it's the kind of thing that our friend Jay Pierson has spent his life working on as well. Not everyone knows that he has roots in California. He is an alumnus of Westmont College, and he is someone who cannot be replaced and will not be replaced because he has this amazing skill on the House floor to ensure that things go smoothly. Now, things don't always go smoothly on the House floor, and you'll notice that when they're not going smoothly the reason is that Jay Pierson is not always at hand.

I will say that this institution is a greater place for his incredible service, and he has been a great friend to so many of us. As he heads into retirement, in recognizing that many of our colleagues want to speak, I just want to wish Jay well and congratulate him on his great service. I know that we are going to continue to hear and see great things that will come from this very, very patriotic American and committed public servant.

Mr. WOODALL. I thank the chairman.

I would like to yield to the minority leader, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for his observations as to who I am. It's not missed on me. I am pleased to join the gentleman from Georgia, my friend Mr. DREIER, and so many others who I know will speak.

I've had the privilege of serving in this institution since 1981, so I will soon be in my 32nd year of serving in this institution. For all of those years, I have served with Jay Pierson. For all of those years, he has been a presence on this floor. For all of those years, he has been like so many members of our staff—a number of whom we see here on the floor with us today—a critical component of the success of this institution. DAVID DREIER said that sometimes we do not have peace and harmony and good order on the floor of this House. He's absolutely correct on that. All of us know it.

□ 1930

For that, we as Members are responsible, not our staffs.

Jay Pierson has worked on the minority side and on the majority side, the Republican side of the aisle. But like so many of our staff, they work not for a party but for an institution created by our Founders to be the people's House, the House that is most responsive to the people because we are elected every 2 years. We're closest to the people in that respect. We need to seek their affirmation on a biennial basis, and they send to this House their neighbors, people whom they ask to come and reflect their views.

Jay Pierson has been, for the 30-plus years I've served with him in this House, my friend. He's been somebody whom I respect, someone who treated us all with respect and was willing to help all of us irrespective of what side of the aisle on which we serve. Since 1978, Jay Pierson has been an intimate and an important part of the House of Representatives.

Jay, I want to thank you. I want to thank you for your friendship. I want to thank you for your always-present civility, helpfulness, good humor, and advice and counsel. Few in this House know as much about this House as you do; and, therefore, on your retirement, we will miss you. But we wish you Godspeed, good health, and much success in the days to come.

Thank you, good friend.

Mr. WOODALL. I thank the gentleman.

Mr. Speaker, at this time, it is my great pleasure to yield to our chairman of the Budget Committee, my good friend PAUL RYAN.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding.

Mr. Speaker, I would like to take a moment to recognize the career and the retirement of Jay Pierson. We've been hearing from both sides of the aisle accolades for Jay. Jay has been the floor assistant to the Speaker, and I want to thank Jay for his 34 years of service to this Congress.

He began his career in Congress in 1978 by joining the office of Republican Leader John Rhodes, and has served three Speakers of the House during his career. I've had the opportunity to see Jay's contribution to the House during my nearly 14 years as a Member of Congress; and while he may work in the Speaker's office, he helps us all with our essential duty as legislators and he makes this place run well.

As the chairman of the Budget Committee, I have a responsibility to manage the budget legislation on the House floor. That can be a little tricky sometimes. You can always count on Jay to greet you with a smile on the House floor and to make sure things go well. In addition to his demeanor and his dedication, his institutional knowledge and expertise on floor procedure will be sorely missed. It's irreplaceable, that kind of experience that we've benefited from.

For all of the outstanding work that he has done in his 34-year career, we deeply appreciate Jay Pierson's long service to the United States House of Representatives, to Congress, and to the American people. We wish him the best in his retirement and his new opportunity to spend more time with his family. We are all better served by his service.

Mr. WOODALL. I thank the chairman.

At this time, it is my great pleasure to yield to one of my Rules Committee colleagues, the gentleman from Florida, ALCEE HASTINGS.

Mr. HASTINGS of Florida. Thank you very much. I appreciate very much, ROB, you giving us an opportunity to speak regarding Jay's service. I am especially grateful to you, Congressman WOODALL, for asking me to participate.

I met Jay 19 years ago. I've been in this institution now, this is my 20th year. Nineteen years ago, I had quintuple heart bypass surgery, and during the period of recuperation and rehabilitation, I did most of my work here on the floor for a protracted period of time and came to know Jay during that period of time. As has been said by Congressman RYAN and Minority Whip HOYER, the institution that Jay has served is critical and important for all of us, and most of the people that work here on the staff—the police officers, the people who report on and transcribe our words—go unrecognized year in and year out, even sometimes when they retire.

In this instance, we could do ourselves no less proud than to recognize that Jay began, as PAUL RYAN just said, in the office of Republican Leader John Rhodes, but he also served as assistant manager for Speaker Newt Gingrich, the floor assistant for Speaker Dennis Hastert, and has served as the floor assistant for then-Republican Leader JOHN BOEHNER and now Speaker JOHN BOEHNER. Jay is loyal, knowledgeable, efficient, fair, and one thing that I don't know how many of you have observed, he's also swift afoot. He can get from that cloakroom to this floor or to the Speaker's rostrum faster than anybody I've ever seen.

During the 19 years I've known him, we pass each other here in the institution, but one thing that is important is that we are constantly recognizing each other, and Jay does that with all of us. And one thing that I'm going to miss—I don't have many people that I can turn to—was he was always fair about giving me a clue about when we were going to leave this joint. And I'd ask him now: Jay, if you know—I'm coming over there to shake your hand. If you know when we're going to leave, tell me, please.

We wish you well, my friend, and Godspeed.

Mr. WOODALL. I thank the gentleman.

At this time, it's my great pleasure to yield to the Judiciary Committee chairman, the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Speaker, I thank the gentleman from Georgia for yielding me time.

Today we say good-bye to a friend and colleague and a friend on the House floor who has served Congress for more than three decades. I have known and appreciated Jay Pierson for many years. He's sitting to my right back here on the floor right now.

Jay has been an integral part of the daily activities on the House floor, serving as floor assistant to Speakers Gingrich, Hastert, and BOEHNER. It seems there isn't a question to which Jay doesn't know the answer—except

perhaps when we leave this week. Each time I see Jay on the floor, he is always informed and gives good advice.

Jay has served the House of Representatives with a smile on his face for the last 34 years. His expertise and enthusiasm will be missed. And we all wish him the best on his well-deserved retirement.

So, Jay, thank you again for all you've done for so many of us.

Mr. WOODALL. I thank the gentleman.

At this time, Mr. Speaker, it's my great pleasure to yield to the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. I thank my colleague for organizing this Special Order and rise just to say a word of thanks and appreciation to Jay Pierson for his 33-plus years of service to this institution and for what he represents.

Members of Congress stand in the well of the House, and I don't know how many people watch C–SPAN on national TV, but, in fact, this institution is sustained by dozens of individuals who work very quietly and for many years behind the scene both in the Speaker's office, the minority leader's office, the Parliamentarian's office, the Clerk's office, and so on, people who really dedicate their life to helping to make this great democratic institution function.

I'm reminded of something that Lyndon Johnson said years ago. He said when he came to Washington, he discovered that the definition of an expert on Social Security—which was a big issue, and still is—was someone who knew Wilbur Cohen's telephone number, because Wilbur Cohen was the guy who actually understood the program and could answer any question about it.

□ 1940

And I think the definition of an expert on behavior on the floor of the House of Representatives and how to handle debate and amendments and all that is someone who knows Jay Pierson's telephone number or where he is or can reach him. He's helped me on numerous occasions managing various amendments and bills, and that's true of every Member of this House.

Jay, I appreciate you and your service, and I wish you very many years of success to come.

Mr. WOODALL. I thank the gentleman.

At this time, Mr. Speaker, it's my great pleasure to yield to the gentleman from Michigan (Mr. UPTON), the chairman of the Commerce Committee.

Mr. UPTON. Thank you so much. And I rise with so many to honor a really good friend, Jay Pierson.

Years ago I came to this Capitol Hill as a congressional aide. I had the pleasure of working as a legislative aide at the White House, and then I headed Congressional Affairs at the Office of Management and Budget. And my job was what's going on; make sure my boss, the President of the United States, in essence, knew what was going on. That meant I had to have a direct line right here.

And this was before C–SPAN. You couldn't turn on the TV and watch what's going on. Sorry.

And by the way, Mr. PETRI, there are 30 million people watching tonight as they let us honor Jay Pierson. But you had to know what's going on, and Jay was my contact. He was my link. He would let me know what was going on.

I have to say that when I probably surprised a few people and became a Member and actually had a voting card here, he still had my back. He really did. And there's probably not a week, probably not a week certainly when we've been in session, but even when we've been out of session, that I haven't called his office to find out what's going on and be able to share with my colleagues and really do the people's business.

We've had a great relationship, we really have. And just like he had my back, he had the back of every Member in this institution. He taught us the rules and the procedures, time on amendments, how to get things done.

When we took over the majority and actually had to run the Speaker's chair, he knew the rules then and walked us and guided us through those procedures. And frankly, he did it the way that our Founding Fathers wanted it to be done.

On our side of the aisle, he really followed folks who loved this institution, who really knew its rules, people like Billy Pitts and Ron Lasch and Jim Oliver and J.L. Cullen, and Peggy and Tim, who are here tonight. They care about not only the institution, but the people on both sides of the aisle to make sure that this place runs the way that it should.

There's an old saying, ''It's nice to be important, but it's more important to be nice.'' Jay, you're both. You really are. You care about the people's House, the U.S. House of Representatives, and we are so grateful for your decades of service.

And yes, Jay, you look just the same.

God bless.

Mr. WOODALL. I very much thank the gentleman.

Mr. Speaker, at this time it's my great pleasure to yield to the new secretary of the Republican Conference, the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague from Georgia for yielding time and giving me the opportunity to pay a very small tribute to Jay Pierson.

Mr. Speaker, it's with mixed emotions that I rise to join my colleagues in recognizing Jay Pierson, who's served the House of Representatives with dedication and vigor, vigor for the better part of 35 years.

Jay Pierson is practically an institution in and of himself. Members, staffers, former pages and multiple speakers of the House know Jay by name and are in awe of the breadth of his devotion to this body and to the people it represents.

The stressful and often thankless duties of a leadership floor team are difficult, at best, for mere mortals. That Jay has managed the task for decades with such professionalism and kindness is truly laudable and a testament to him as a person.

For Members and legislative staff trying to make sense of House rules and procedures, Jay is a lifeline. He's helped me on numerous occasions, and I'll always be grateful for his wisdom and willingness to help Members.

Regardless of the challenges or niche details propelling a legislative cause, Jay can be counted on to know the ins and outs and apply both his encyclopedic knowledge and unmatched institutional expertise for the good of this body.

Whenever the House is gaveled in, Jay can be seen buzzing around the floor putting out fires before they start and doing more than his part to keep the trains running on time. And even when action on the floor of the House is slowed by the glacial pace of our Senate friends, Jay is still on duty, though in down moments he may stop occasionally to trade gardening tips with me and any other green thumbs who may be on the floor, or give us advice on the best books to be reading.

At the conclusion of this Congress, the House of Representatives will be saying goodbye to Jay Pierson as he moves on to the next chapter of service in his life.

Indeed, when he told me he was retiring, my response was, Jay, you're too young and you have too much energy. And while we're sad to lose him and will certainly notice his absence on the floor, we recognize the length of Jay's investment.

As a body, we cannot adequately express our thanks for the years of contributions Jay has made to the House of Representatives. But as an individual Member who's been well served by Jay's hard work and consistency, I would like to thank him.

And to the entire Pierson family, I would like to extend my best wishes for what the future holds.

Mr. Speaker, Jay Pierson's contributions to this body and to our country will not soon be forgotten.

Mr. WOODALL. I thank the gentlelady for her words.

Mr. Speaker, at this time it's my great pleasure to yield to the gentlelady from Florida, Chairwoman ROS-LEHTINEN.

Ms. ROS-LEHTINEN. Thank you so much. And I thank the gentleman for arranging this for us.

And I also rise to commemorate the 34 years of Jay Pierson's career as a member of the Republican cloakroom, the Republican floor staff, the Speaker's Office. He's held many positions.

But the 113th Congress, Mr. Speaker, will suffer due to his retirement, and Members on both sides of the aisle will certainly feel his absence.

By the time I came to the U.S. House of Representatives, Jay was already a seasoned veteran of the archaic world of House parliamentary procedures. To this day, never far from Jay's side is his Jefferson's Manual of Rules, with its well-marked pages and notes written in the margins.

His historical expertise and institutional knowledge will not easily be replicated. Precious few know this House better, and what we are losing is substantial.

But Jay is far more than just a fountain of institutional knowledge; he is a familiar and comforting figure here on the floor, even though many of us still don't recognize him without his iconic mustache. I still see it in his face, John Bolton style.

But Jay is renowned for his personable nature, for his grace, for his patience, for his helpful nature. Jay's energy and vitality are hard to match, as is his deep love of classical music that is always coming from his office.

I consider myself incredibly fortunate for having had the privilege of working with Jay Pierson over these many years. And I thank you, Jay, for your service, but most especially, for your friendship. You are a true professional, and your shoes will be hard to fill.

And not only do I no longer leave my papers on our chairs because I have grown to admire your fastidious nature, but I now find myself chastising other Members who absentmindedly leave papers behind. So you taught me well, Jay. You taught us all well.

Godspeed.

Mr. WOODALL. I thank the chairwoman. I could see Mr. Pierson reaching out for his beloved Jefferson Manual as she was going through those words.

At this time, Mr. Speaker, it's my great pleasure to yield to the gentleman from Alabama (Mr. BACHUS), the chairman of the Financial Services Committee.

Mr. BACHUS. I thank the gentleman from Georgia.

Someone has said that Congress is a place where, when someone gets up to speak, no one listens, but then everyone disagrees.

Well, there was one person that had to listen, had to listen the entire time, and that was Jay Pierson. He was selected by three different speakers—Speaker Gingrich, Speaker Hastert, and Speaker BOEHNER—to have what was really an awesome obligation. He is truly a man behind the scenes.

□ 1950

As chairman and ranking member of the Financial Services Committee for the last 8 years, we have brought many pieces of important legislation to the floor during the financial meltdown, during the flash crash, during other times of financial stress. Our committee is known for working in a bipartisan way. But that doesn't work all the time. And when I show up and ask for his advice, Jay often says, The Financial Services Committee is bringing a bill. Things are fixing to get messy. Let me say this. Jay, because you were here, things didn't get as messy as they otherwise would.

I, along with every Member of this body, have relied on you for your advice and your guidance; and I, too, along with every other Member, consider you not only a professional, but a friend. So thank you for your 34 years of wonderful service.

Mr. WOODALL. I thank the chairman, Mr. Speaker.

At this time it's my great pleasure to yield to a cardinal on the Appropriations Committee, my good friend from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Thank you, Mr. WOODALL. And I certainly join everything that has been said about Jay Pierson already, but I'm going to say it from my point of view.

My daughter is in a rock and roll band, and one of her great frustrations is trying to get everybody in sync. Well, that's what Jay Pierson does here on the House floor. With all these 435 egos and all the parts and all the things that go on behind the scenes, he seems to be the conductor that gets everything running in a harmonious fashion. He's here early. I've never been able to beat him. I don't know what time he goes home at night. He stays very, very late.

Whatever the subject matter is, he seems to be on top of it from a legislative and substantive point of view, then from a parliamentary point of view. He seems to know what the timing is. He knows the history of it. If there's a meltdown, he knows how to get out of it, because it seems like he's been there before. He listens to the speakers even when no one else seems to be speaking. And 2 or 3 weeks later he will say, You remember that speech you made? Is that right? It appears that he remembers that. I just have to thank him for his professionalism in that manner.

I have to say this to Mr. Pierson. I want to say this on a very personal level. I've been married 33 years. I'm proud to be a Member of Congress, but I'm more proud that I've been able to be married 33 years and I've raised four kids. Jay, I have to say, you played a part in it. Because as a father of four, sometimes the most important thing that can take place on the House floor interferes with your most important role of being a daddy. And sometimes knowing if you're going to be out on Thursday on Friday, will we get out at 2 o'clock so I can catch that 2:30 flight, will there be a delay, and what votes are coming up, it means so much on those small but very important things called birthdays and anniversaries and school plays and football games. And, Jay, I can tell you, in my 20 years in Congress, my attendance at those things hasn't been 100 percent, but it's been a heck of a lot better than it would have been without your advice and counsel.

So on behalf of the Kingston family—my four kids and my wife, Libby—we appreciate your friendship and we appreciate the extra value added because of your public service to all of our families.

Thank you. May God bless you and the road that lies ahead for you.

Mr. WOODALL. I thank the gentleman for his words.

At this time it's my great pleasure to yield to my friend from Texas (Mr. GOHMERT).

Mr. GOHMERT. Thank you, Mr. WOODALL.

I know it's time to honor Jay Pierson, but it's really a sad time for me. Over my 8 years, I don't know of anybody I've spent more time with all these evenings on the floor. Of course, for the last 2 years, we were going until midnight most nights and I was usually here with Jay Pierson.

I know Jay was not a Boy Scout, but as someone who is an Eagle Scout, I know that we're taught that the ultimate in life is to be trustworthy. I don't know of anybody on Capitol Hill that is more trustworthy than Jay Pierson, loyal and yet courteous and kind. Jay Pierson has been a true friend. And to have somebody who knows what goes on, knows the rules, we can disagree about the rules, but I can come to him and know I have the institutional memory right there with me. That has been such a huge help, just knowing when I did need information, I could call Jay and I would have whatever I needed.

So, Jay, I know that you're going to be better off without us, but we're certainly not going to be better off without Jay Pierson. I also know that nobody serves in Congress without loved ones missing and suffering because of an absence of time with them. So we know it's kind of like when I was in the military: my wife knew well that it's not just one person who serves. So as Jay Pierson served all these years in Congress, there's no question his wife served as well. We'll be forever grateful to her and very thankful for the sacrifice that she's made all those nights when Jay would rather have been at home, would rather have been with her, and instead he's with some bald-headed goose down at the Capitol.

To Jay Pierson, there's not enough words, not enough times that we can say thank you that will cover all that you have done for us. Nonetheless, that's the word we come down to: thank you. May God bless you for blessing all the rest of us.

Mr. WOODALL. I thank the gentleman.

Mr. Speaker, at this time it's my great pleasure to yield to my friend from North Carolina (Mr. JONES).

Mr. JONES. I thank the gentleman from Georgia.

I came here in 1995 with Newt Gingrich—at that time, the largest class, until this last one. I had served in the North Carolina House of Representatives for 10 years. I thought I knew a

little something about Congress, but those first few months that we were here we had the Contract with America and we were changing the way we did things in Washington and the things we did in this country. I got to meet Jay Pierson. Because, quite frankly, I couldn't figure out what I was doing up here.

We would come in and work until 10, 11, 12:00 at night and I would see this gentleman with a mustache that seemed to know the leadership, whether it was Newt Gingrich or another Speaker, and always seemed to have the ear of that Speaker. I couldn't quite figure out who this person was.

So over a period of time, I reached out and we started chatting and talked about the different things of what was happening on the floor and what Members were doing, especially we freshmen. But what really seemed to tie us together was we both played basketball. I didn't go as far as Jay did. I think Jay played varsity basketball at his college in California. I played a little freshman basketball at NC State. But the ACC got us together talking about basketball. You can't always talk about policy here on the floor of the House. If you did, you'd go crazy. So Jay and I had that little time together to talk about ACC basketball. He was always pulling for UCLA, and I was pulling for Duke or one of the other colleges.

Well, one thing that Jay did a few months ago, before I found out he was retiring, he actually showed me a photograph of him taking a jump shot. And it's pretty good form, I must say. And I was about the same age, a little bit older. In college, he wore the knee socks. It was a pretty fancy uniform at those times.

But, Jay, I appreciate the friendship that I think you've extended not only to me but to so many Members on the Democratic side as well as the Republican side. As LOUIE said just a moment ago, it's going to be a sad day when we come back in January and there's no Jay Pierson. I know that for you and your wife, JoAnne, it's time that you all decided that you wanted to do some other things than to be stuck here late at night so many times during a session. But I can say that you will sorely be missed. I don't think you can really be replaced. I say that from the bottom of my heart. Oh, yes, we can all be replaced. There's no question about it. But when it comes down to it, you are a man that has patience and that shows the ability to listen and to try to guide Members of Congress, whether they be freshman or senior Members.

□ 2000

We will miss you sorely, as I just stated, but you will never be forgotten by those of us who have had the privilege to serve with you.

I hope and I pray that God will give you and your wife many, many more years of life and enjoyment because you have certainly earned it, because you have served not only the United States House of Representatives, but you have served us, you have served the people of our district, as well as helping us be better Members of Congress.

So with that, I will close by asking God to please bless you and your family, and may God continue to bless the House of Representatives. Jay Pierson, you will be in our hearts until the day we die. God bless you.

Mr. WOODALL. I thank the gentleman for his words.

Mr. Speaker, at this time it's my great pleasure to yield to the gentleman from California, the chairman of the Ways and Means Health Subcommittee, Mr. HERGER.

Mr. HERGER. I thank my good friend.

How wonderful it is to be able to sit here and listen to all these incredibly warm remarks from people who, like myself, know and love Jay Pierson. And there's a reason for that. Jay, you're one of the best of the best.

It's hard to believe that 26 years comes and goes so very, very quickly, but it was 26 years ago when I first came here. Of course you come here and you're excited and you've come here with a dream because of our great country and to preserve our Constitution, but boy, there's a lot to learn. There's a lot of hallways to figure out. There's a lot of procedures to try to figure out how to work our way through. Jay, you were always there. You were there, for a guy like myself, that I could come up to on the QT. It seems like we were always someplace where we just asked Jay: What do we do with this? When are we voting next? What is this vote on? What are the procedures coming up next? No matter what the question, Jay Pierson had the correct answer in a way that even a freshman or one that was new learning could understand.

Of course, also, we have something else in common, the Pacific Ocean, California, another Californian like myself.

But Jay, you have been such a friend, not just to my colleagues, but to me. That says a lot about you. There isn't any way to express our appreciation to you enough but to say thank you, thank you, thank you. You have made my tenure here so much more successful and enjoyable because I had someone there, kind of a shining star up there. If I wasn't quite sure how to navigate my way around this floor, I could always go to Jay. You knew what was coming up next, when it was coming up, an estimate of when we were going to vote the next time, so on and so forth. So, Jay, thank you. Thank you for being a friend.

I'm sure each of us felt the same way I did. It was like, Gee, I think I'm Jay's best friend. I think every one of us felt that way because, indeed, Jay, that's how you did treat each of us because that's the way you are. So, Jay, thank you.

It's interesting. When we were both talking, I mentioned that I was retiring; you were letting me know you're retiring at the same time.

Well, anyway, best of luck to you. Thank you for serving this great Nation of ours in the way that you have. Thank you for assisting people like myself—and there has been hundreds, many hundreds of us whom you've assisted over the years—I should put that into perhaps the thousands. We will be eternally grateful. Good luck to you. God bless you. God bless your family.

Mr. WOODALL. I thank the gentleman from California.

Mr. Speaker, at this time, it's my great pleasure to yield to my friend from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. I want to thank the gentleman from Georgia for the time.

Mr. Speaker, I'd also like to rise this evening to pay tribute to one of our colleagues who's played a critical role—as has been said here tonight, a behind-the-scenes role—here in the House of Representatives for many years, of course, the man, Jay Pierson.

As it's been noted here tonight, Jay has been a floor assistant to the top Republicans here in the House since '86, serving Republican Leader Bob Michel, Newt Gingrich, Speaker Hastert, current Speaker JOHN BOEHNER, and even prior to that, of course, worked as floor assistant to the Journal Clerk for Republican Leader John Rhodes and assistant manager for the Republican Cloakroom. His experience has really been invaluable to all of us that serve here in the House of Representatives.

Jay is known for his vast knowledge of the rules, for his vast knowledge of the traditions and history and the procedures of the House of Representatives. He has been a teacher and a coach to so many Members of Congress over the years, and we are grateful to the dedication that he has given this institution over the past 34 years.

Jay was born in Santa Barbara, California, and of course graduated from Westmont College. Most don't realize that Jay has a master's degree and a Ph.D in English literature from California State University and University of Maryland, respectively. He and his wife, JoAnne, have two grown sons, Joel and Jeff. But Jay is also a man of faith, and he is a man who has his priorities in the right place.

Several years ago, he told his college alumni magazine that politics must be secondary to faith and to life. Ultimate answers don't lie in politics. No matter what we do or legislate, we won't solve all the problems. The issues are incredibly complex. Jay is someone who understands the importance of the legislative process; however, he also realizes that the ultimate answers are not found here.

Jay and JoAnne have been active members in their church, and that's where I've gotten to know both him and JoAnne even better over the years. I have found Jay to be, as mentioned

here by several Members here tonight, as the go-to guy when it comes to floor operations here in the House of Representatives. He is someone who is dependable and someone that, if he doesn't know the answer, can point you in the right direction where you can find the answer.

Thirty-four years is a long time to work in one institution, but I think his commitment to that 34 years tells you about his commitment in general and his dedication in general. All of us here in the House will miss Jay, but having worked in this place for over 34 years, I hope that he will be back to visit quite often.

So, Mr. Speaker, we wish Jay Pierson all the best in the next chapter of his life.

Mr. WOODALL. I thank the gentleman for his words about Dr. Jay Pierson.

At this time, it's my great pleasure, Mr. Speaker, to yield to the gentlelady from Illinois (Mrs. BIGGERT), a distinguished public servant.

Mrs. BIGGERT. I thank the gentleman.

Mr. Speaker, I rise today to salute one of the hardest working and longest serving staff members in Congress, Jay Pierson.

More than any other, Jay's is the face that I associate with the House floor. He is the man who keeps the debate moving, who tells us where to go and when to vote, and teaches new Members the rules of the road.

No one knows the procedures of the House better. He has kept the clockwork of the American democracy ticking ahead with the precision of a symphony conductor, and he has done it all with a steady, patient grace that has earned him the friendship and respect of everyone on this floor.

I know everyone who works on or watches the House floor will miss Jay's daily presence. He is an institution and a source of procedural wisdom that few, if any, could hope to match. I'm honored to have served alongside of him and thankful for all the time that he has helped me to make it to the floor on time, catch the votes, deliver a speech, or just know when the gavel is coming down.

Like me, Jay is probably looking forward to spending some quality time with his family and away from the daily grind of the legislative business, and I wish him a long and happy retirement.

Finally, Mr. Speaker, I'd just like to thank him for his long service and for being a reliable friend behind the scenes to so many Members of the House.

Mr. WOODALL. I thank the gentlelady.

Mr. Speaker, at this time, it's my great pleasure to yield to a friend and mentor, the gentleman from the great State of Georgia, Dr. TOM PRICE.

Mr. PRICE of Georgia. I thank my colleague from Georgia for the time as well as organizing this, and I rise to join my colleagues in their praise of Jay Pierson.

What a great guy—thoughtful, knowledgeable, calm, respectful, resourceful. Whenever anyone needs anything to make this House run better, Jay is there.

□ 2010

We are all so incredibly fortunate to have worked alongside Jay Pierson, a man whose commitment to our country is unquestioned. And as he starts on a new journey and chapter in his life, we thank Jay for his integrity and his commitment to serving this House and our Nation.

May your days be filled with joy and with accomplishment. Congratulations on your retirement, and God bless you.

Mr. WOODALL. I thank my friend from Georgia.

Mr. Speaker, at this time, it's my great pleasure to yield to a colleague on the Rules Committee, the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Thank you, the gentleman from Georgia. It's my pleasure to be here as part of this tribute to Jay Pierson and everything that he has done.

I met Jay Pierson the first day I was in the session when there were about three of us who came on to the floor and sat over I think where the staffers are sitting right now, just to watch what was taking place on the floor. Jay came over to us and said, if you all want to speak, you've got about 7 minutes left. I was shocked at that time to imagine that somebody would actually come on the floor and speak without any preparation or without knowing the complete details of any of the bills we're debating on the floor. I have learned much since that time, and much of what I have learned is by watching Jay's protection of this institution, this floor, the procedures, the protocols and the order that we have.

He also helped me out individually by introducing me to Chesterton and giving me a couple of books by him that I had the opportunity of reading. I hope I have given most of them back by now. But in addition to that, his book on orthodoxy, he once wrote:

Tradition means giving votes to the most obscure of all classes, our ancestors. There are many who object to being disqualified by accident of birth. Tradition objects to their being disqualified by accident of death.

The ideas that we have here are those that keep us going as a group. He also wrote in that same book that if you free a camel from its hump, he is no longer a camel. I am not saying that Jay Pierson is a hump, but my fear is that once this institution is free of Jay Pierson, we may not necessarily be the same institution that we were before.

I want to give my appreciation for everything that you have done for the House and for this country, and I want you to know that I am taking you up on the offer to go through this building and learn some of the history that you know and I need to learn. Thank you, and God bless.

Mr. WOODALL. I thank the gentleman.

Mr. Speaker, at this time, it's my pleasure to yield to a friend and colleague, the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. I thank the gentleman from Georgia for yielding and for leading this Special Order to honor Jay Pierson. I'm sitting here, I'm glad I've had an opportunity to listen to the other Members talk about Jay Pierson's service to this Congress and this country, and I'm wondering how do I make sense of this?

Thirty-four years. Well, Mr. Speaker, 34 years ago, there was a lady that opened up a convenience store in my little old town of Kiron, Iowa. She began accumulating knowledge about the community and what went on around that community. And if you want to know who ran for mayor in '78 or when the place burned down down the street or why there isn't a parking meter or a stoplight in the town, you can ask her, and she'll know. If you want to know contemporary actions, who's working in what field, she'll know.

It's the same thing here. There's one person that knows the organism of the House of Representatives, that understands it intuitively, that knows the history, has lived it, and it's one thing to catch up with things intellectually, Mr. Speaker, but it's another thing to feel it in your instinct and in your bones and in your guts. Jay Pierson's got all of that.

On top of that, he's had to listen to me as much as anybody over the last 10 years, and for that I do come to the floor to apologize, Jay, for putting you through that long, grueling night all the way up to midnight night after night after night. But I couldn't have done that without your excellent help.

Mr. Speaker, actually Jay would correct me and say I need to address you, Mr. Speaker. I couldn't have done it without Jay Pierson's excellent help. And I don't know that he has memorized every cell phone number of every Member of the House of Representatives, I just know he's memorized mine. And I know, Mr. Speaker, that when I'm off doing some of those things, as JACK KINGSTON said, family events and whatever, not only does Jay know what's said on the floor, not only does he know about the procedures, the amendment, the rules and the history of how we got to this place, but he understands the rhythm of the place, and he listens to all the words.

On top of that, he's got the voice inflections down where, Mr. Speaker, he knows when a speaker is winding down, when he's about ready to finish up and it's time to hustle to the floor before the gavel falls. He might also let you know, I think this person is going to go on quite a while, so take a deep breath, and there will be time. And he'll tell you just when. And you'd better listen,

Mr. Speaker. When I thought I could push those limits a little bit, I got here a little late. When I listened exactly to Jay Pierson, I got here with just the right amount the time.

That's an example in my little tenure here in these 10 years of how all of these Members of Congress have benefited so much from 34 years of accumulated knowledge—irreplaceable knowledge, irreplaceable service, irreplaceable spirit here—and I congratulate, Mr. Speaker, Jay Pierson for that 34-year career here in the House of Representatives, the impression he's made on all of us and his great respect for this institution of the United States America.

God bless you, Jay, and Godspeed.

Mr. WOODALL. Mr. Speaker, I thank the gentleman from Iowa.

At this time, it's my privilege to yield to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. I want to thank my colleague from Georgia for taking a leadership role and hosting this Special Order to thank our friend, Jay Pierson, for 34 years of service to the House.

In a prior life, I was a United States naval aviator. In that job, I needed a wingman, someone who is right behind you protecting you from threats you can't see. A wingman is always checking your ''six,'' the spot directly behind. His job is not about him, it's about making sure I complete my mission.

For the 4 years I've been in Congress, my wingman on the floor has been Jay Pierson. It started out with simple jobs, like showing me where the restrooms were. It grew to much more important jobs, like advising me on floor procedure and giving me accurate information about the floor schedule so my wife and kids would know when Daddy was coming home.

I realized what a great wingman Jay was about 2 weeks ago. I stood right here on this floor paying tribute to a fellow Texan, RALPH HALL. I was flying solo without my wingman, Jay Pierson. I had this poster with me, and six others, notice the yellow post-it note on it that said ''Olson.'' Every poster I had has a yellow post-it on it that said ''Olson.'' Without my wingman, I took off with a flawed presentation. I didn't crash and burn over the post-it notes, but I got some flack from my staff for my ineptitude.

In 2013, I'll be flying solo without Jay. I'll miss my wingman. But I'm thankful for the 4 years I've had with him.

As we say in the Navy, Jay, Bravo Zulu, well done. May you and your family have fair winds and following seas.

Mr. WOODALL. Mr. Speaker, at this time, it's my great pleasure to yield to the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. I want to thank the gentleman from Georgia for hosting this hour and an opportunity to recognize and thank a good friend, Jay Pierson, who started his work in the U.S. House of Representatives in 1978 in the Office of the Journal Clerk under then-Majority Leader John Rhodes, where he learned the intricacies of the House and legislative procedures while keeping official minutes in this Chamber.

In 1979, he began working in the Republican Cloakroom, where he remained for 7 years before beginning a new position as floor assistant to the Republican Leader in 1986. Since then, Jay has served, as many have said, as floor assistant to three Speakers of the House, including Newt Gingrich, Denny Hastert and the current Speaker, JOHN BOEHNER.

In a career that has spanned almost 35 years, Jay has served an invaluable role for so many Members in helping them to learn the ways of the U.S. House of Representatives, and I'm proud to be among those who have benefited from Jay's service and friendship and his leadership.

But Jay isn't just known for his expertise in parliamentary procedure. Jay is known to be an individual of substance and distinct professionalism. In fact, I personally would say he is the embodiment of a professional, which is why he is respected by Members on both sides of the aisle.

You wouldn't know it if you saw him in action, but Jay never expected to work in politics. He earned a B.A. in English literature from Westmont College, an M.A. in English literature from California State University, and a Ph.D. from the University of Maryland. But life works in mysterious ways. Regardless, the U.S. House of Representatives has been blessed to have such a talented professional to help guide this institution.

Thank you, Jay Pierson, for your life of service to the U.S. Congress. This body and all of its Members wish you well in your retirement.

□ 2020

GENERAL LEAVE

Mr. WOODALL. Mr. Speaker, I know there are so many Members who could not be here tonight and wanted to be here. So I'd like to ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. WOODALL. Mr. Speaker, so often in this town, they say, Everything has been said, but not everyone has said it. That's not the case here with Member after Member after Member talking about Dr. Jay Pierson. The gentleman from California had it right: everybody on this floor thinks they're Jay's best friend; everybody on this floor feels that personal relationship and that personal bond; yet everyone who has come to the floor tonight has taught me something new about Jay that I did not know.

When I first came to this Chamber, Mr. Speaker, just 2 years ago, I was a little nervous. It's an intimidating job to walk out on the House floor for the very first time. And my mentor and friend, former-Congressman John Linder, came to me and he said, ROB, if you get worried, if you get into trouble, don't worry. Jay will be there.

I think about how in one way or another, over 34 years, how many young, frightened, yet enthusiastic, public servants have been comforted with those words: Don't worry. If you get into trouble, Jay Pierson will be there. This new incoming freshman class is going to miss those comforting words, and this incoming freshman class, along with 435 of the rest of us, are going to miss Jay Pierson.

I want to thank Dr. Pierson, Mr. Speaker, for his long, diligent, but most importantly, cheerful service that is an example that we could all learn from, and I hope that we do.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I rise to join my colleagues in paying tribute to Jay Pierson, who is retiring after nearly 35 years of service to this institution.

What sets the people's House apart is its people—the dedicated staff members who give so much of their time and energy, and how they, too, reflect the diversity of this body. For instance, a PhD in English Literature who enjoys classical music may make for an unlikely fixture amid all the commotion on the House floor. But Jay Pierson has been patrolling these aisles like a natural for the better part of three decades, dating back to Bob Michel's days as Republican Leader.

As a floor assistant, Jay's primary responsibility is to make sure he can answer just about any question members may have about a particular bill or vote. When you think about all the business before this body, that is a tall task, and one Jay fulfills with grace, precision, and much-appreciated brevity. Each of us would like to think we have all the answers, but Jay actually does, and so seeking out his counsel has become second nature.

While the floor may sometimes die down, Jay's day never does. He has to keep track of papers, call committee staff to get them to the floor, track amendments, retrieve statements, assist members who are trying to request a vote or get the attention of the chair—Jay does it all. His work is the percussion of the people's House—that steady drumbeat of activity that keeps everyone together and on course.

The House owes a great debt of gratitude to Jay, and to his lovely wife of 43 years, JoAnn. Not only has she shared Jay with us through all the late nights and long sessions, but it was JoAnn who actually introduced this future English professor to Capitol Hill.

While this may not have been Jay's original calling, his record of service to the House is a testament to that most common bond among us: the call to serve Jay is a man of faith, an active member of his church.

When asked about his job, here's what Jay said:

Most of us are called to be in secular jobs where our performance is part of our witness. Instead of looking for a career in a specifically Christian field, graduates should look for careers which suit their individual talents and desires. Witness of God's work in their lives will come with a job well done.

Jay has certainly done his job well, and served this House nobly. I thank him for his service., and wish him and his family all the best.

PROTECTING MEDICARE AND REBUILDING OUR INFRASTRUCTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. GARAMENDI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of tonight's Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GARAMENDI. Before I get into the issues that I want to talk about, I want to also reach out to Jay. Since nobody from this side of the aisle has yet spoken, I'd like to do so.

About 3 years ago, I started doing Special Order hours, and always Jay would come up to me during the floor session and ask me what we had planned and share with me the Republican plans for the Special Order hour. And we'd work it out: Will you take the full hour, yes or no? Probably 40 minutes, maybe less. That was so we would have a smooth transition from the Republican Special Order hour or the other way around, Democrat to Republican. It has been a great pleasure to work with you, Jay. You do a great job here.

I could echo everything that's been said, but I really don't know all of the intricacies on your side. I do know that when they involve our side of the aisle, you're there to make it a smooth transition and to make it work. It was a pleasure working with you, and I'll miss you along with, I'm sure, every other Member of this House. So Godspeed and best wishes to you in your retirement.

Thank you very much, Jay.

Many things have happened over the last several days. We've got the fiscal cliff, but we've also had not only the retirement of very special people in the lives of the House of Representatives and the Senate, but also the recent death of Senator INOUYE, which marks the passage of the generation that fought in World War II.

I've been asked, and I'll gladly yield whatever time our colleague, COLLEEN HANABUSA of Hawaii, would like to take in memory of an extraordinary Senator.

I had the pleasure of working with him in the mid-90s when I was the Deputy Secretary of the Department of the Interior. We were working on the Native Hawaiian lands issues. He was a remarkable individual, one that not only understood the intricacies of that very complex situation, but also had enormous passion for the Native Hawaiians.

So tonight I yield whatever time she might want to take to COLLEEN HANABUSA, our colleague from the great State of Hawaii.

IN MEMORY OF SENATOR DANIEL K. INOUYE

Ms. HANABUSA. Thank you very much to the gentleman from California.

Mr. Speaker, I rise today to honor an extraordinary person who has shaped and defined what my home State, Hawaii, is today, a State which is unique and as special as the person I honor.

The person I rise to honor is DANIEL K. INOUYE, a person who cannot be described by a single adjective, a person whose accomplishments would cause you to pause and ask, Is this one person? Is this one man? This is a person who was awarded the greatest honor anyone who serves in the military can achieve, the Congressional Medal of Honor.

But it was an honor about 55 years late from a country that questioned his loyalty due to the fact that he was an American of Japanese ancestry; a person who could not get a haircut after being severely wounded and giving his arm in battle because he looked like the enemy; a person who insisted that instead of being bitter, he would dedicate his life to doing all he can to right social inequities and discrimination of all kinds. To do this, he became a part of the Democratic revolution that took control of Hawaii's territorial legislature. Remember, back then, Hawaii was run by the plantation bosses, and it was the Democratic revolution that shifted the power base.

He is also a person who served his territorial government, his State, and his Nation for a period of time just short of 60 years; a person who came to Congress and was recognized by his peers to serve and chair various committees, the most recent the Senate Appropriations Committee, along with being President pro tempore and on historic investigation committees like Watergate and Iran Contra. Imagine, Mr. Speaker, what he has seen. Imagine more so what brilliance and skills he possessed to serve so effectively for all these years. He has left such a mark on Hawaii.

Hawaii is the home of the Pacific Command. There is no question in my mind that the pivot to Asia-Pacific is possible because of his vision, a vision shared by the President; a vision which is made possible by the Senator's strong commitment to entities such as the East-West Center and his placement of the Pacific Tsunami Warning Center in Hawaii so that the whole Pacific benefits.

Hawaii's military importance goes without saying, as the investments made to Pearl Harbor, the Pacific Missile Range Facility, PACOM, Schofield, Hickam, Kaneohe Marine Corps, Pohakuloa, just to name a few, were all part of his plan on how to stabilize Hawaii's economy and this Nation and the world.

The Senator recognized that the future for Hawaii is getting off our dependence on fossil fuels, a conversation, by the way, that we had at the last delegation meeting which he chaired where he made it very clear that this was his priority. He was, as you can expect, already ahead of everyone because he had been funding research and development in this area for years.

He also knew that education was critical to our success and insisted on ensuring that the University of Hawaii be the land, sea, and space grant institution that it is—one of the few institutions that has all three designations.

□ 2030

But the person I will miss the most is the man who always said ''Just call me DAN'' to whomever he met. It didn't matter who it was. It was ''just call me DAN''—the person who shared stories about the values he was raised with, which I think was his way of giving us a glimpse of what he was made of.

At his 88th birthday party—88 is a very significant birthday, especially among the Japanese community—he shared the story of his father and a carp—yes, the fish, carp. His father told him to be like a carp, fighting as hard as you can as the carp did, but when it was time to die, you died with dignity.

The Senator did exactly that, but then you would expect nothing less from the person of whom no one word can describe, a person who did not want buildings named after him. He just wanted to be remembered as someone who represented the people of Hawaii honestly and to the best of his ability. When asked for his assessment of how he did, he just basically said, ''I think I did okay.''

Senator, if what you did is just ''okay,'' the rest of us are failing because not one of us can measure up to your standard of okay.

Mr. Speaker, you have no idea how we in Hawaii are so anxious because we do not know how to make up for our loss. We will not have him, Senator INOUYE, to rely upon to make things okay. The Senator said ''aloha'' as his last word.

We can only say ''aloha'' and ''mahalo'' to you, Senator, and to Irene, Kenny, and Maggie for sharing you with us.

Mr. GARAMENDI. The eulogy that was just given is most appropriate. There are men and women of extraordinary talent that have served in this Capitol, and certainly, Senator INOUYE fits that. There is also a fiscal cliff out there, and I know the Senator was

working diligently on that before his last days. Here, too, in the House of Representatives, we also should be working diligently on that.

It seems as though we are not making as much progress as we should. We have about 10 days now. Actually, I guess it's 12, 13 days. We go to January 3, so it's 16 days before the fiscal cliff actually occurs. Between now and then, we have a great challenge. We have the well-being of this Nation, the world's strongest and, in many, many ways, the world's greatest Nation. It doesn't really hang in the balance, but its well-being in the years ahead will be largely determined by how well we address this challenge of the fiscal cliff. It's the deficit. Will we be able to put in place a solid plan that over the course of, perhaps, a decade addresses the deficit and brings it under control and begins to reduce it? I know we can. We've done it before.

We did it in the 1990s when President Clinton made a proposal that would raise taxes and reduce expenditures. It led during that period of time to a surplus, a surplus that was dramatically altered when the George W. Bush administration came in and started two wars and enormous tax cuts simultaneously, and it led to a deficit that was extraordinarily increased as the Great Recession took place in 2008. We need to turn that around.

President Obama has made a very solid set of proposals during the course of the campaign, one in which taxes for a couple would go up over $250,000 of adjusted gross income; all of their income below that would continue to have the tax reduction. He also made very substantial proposals to reduce expenditures. Those are now being negotiated in a back-and-forth between Speaker BOEHNER and the President. He also made some very important proposals to grow the economy—significant investments in infrastructure, significant investments in research, in education, in the fundamental investments that create ongoing growth in the economy.

I'm not sure how this is going to work out, but here on the Democratic side of the aisle we have some principles that we want to lay down, and tonight we will discuss those principles. We've done this before—we've talked about Medicare, we've talked about Social Security, we've talked about laying down the investments.

Joining me tonight will be my colleagues from around this Nation. I want to start with JASON ALTMIRE, who has talked to these issues many times and who wants to present to us our view as Democrats.

JASON, if you will take the floor and speak to these issues.

Mr. ALTMIRE. I thank the gentleman from California for his leadership on these issues and for his continued leadership in bringing these discussions to the American people. I also look forward to hearing my friend from New York in what he has to say.

We have talked time and again about the importance of what we are trying to accomplish in this House with regard to protecting the Medicare program. I represent a district, as the gentleman well knows, that has 135,000 Medicare beneficiaries. It has, actually, the fourth-most Medicare beneficiaries of any congressional district in the country. So the people I represent have a very strong interest, as does every Member of this House, in making sure that Medicare is preserved, that it's protected, that it's strengthened, and that it is always going to be there, not just for those 135,000 beneficiaries who participate in the Medicare program today but for generations to come.

We are not going to stand here as Democrats or Republicans or as any political affiliation and say that everything is working perfectly and that nothing needs to be altered. The fact is, with regard to Medicare, one-third of the people who qualify for Medicare today use every penny that they have paid into the system over the course of their entire lifetimes within the first year of qualifying for Medicare because they have extremely high health care costs. That is something that we need to address, but you don't address that issue by slashing the program, by gutting Medicare, by taking advantage of those same people we are trying to help.

The fiscal cliff we are talking about is, therefore, a reason because Congress had an inability to come to an agreement on a long-term, fiscally sustainable economic policy, so we put this deadline in place—the first of the year, 16 days from today—when we'll have the situation in which the rates of all of the so-called ''Bush tax cuts,'' which were extended 2 years ago under President Obama, expire at every level, not just at that top bracket that we are talking about in the House.

I do support making sure that that top bracket reverts back to where it was during the Clinton administration or whatever we can negotiate for that group of people. But in doing so, we can't allow that same bracket for all of the taxpayers in the country to revert back because, for example, the lowest income bracket, currently 10 percent—the people who are working hard and playing by the rules, working Americans, working every day for their families—that bracket would go back up to 15 percent, which would be a 50 percent tax increase for the people who can least afford it if we do nothing, and everyone in between would see their tax rates go up.

So, while we continue to have the debate and the discussion about ''what happens to that top bracket?'' we have to understand that all of those income brackets go up—similarly, the estate tax, the alternative minimum tax, the capital gains rate, the child income tax credit, the Making Work Pay tax credit that was put into place a few years ago—all of these things either go away or revert back to a much higher level than they were before.

That coincides with the cuts that we're talking about, the draconian, across-the-board, haphazard cuts that were put in place specifically to spur action. Because they are so ominous and make such devastating cuts in programs, in tandem with the Bush tax cuts expiring, Congress would in no way allow that to happen at the same time. That's what the fiscal cliff is. It's both sides—the spending and the revenue situation. Then with regard to Medicare, that can't be allowed to be swept up in the hysteria that we are facing here in Congress.

□ 2040

We're going to talk more about this, but just leading it off, that's the crux of the discussion. We're going to talk about tax rates. We're going to talk in this discussion about infrastructure spending and the other investments that we can make as a Nation in the future of the country. But in doing so, we can't allow the most vulnerable in this country—135,000 of them live in my district, but all across the country, 40 million Medicare beneficiaries and the generations to come—we can't allow them to be the ones who pick up the bill for the decisions that are made here in haste as we approach the first of the year.

Mr. GARAMENDI. Mr. ALTMIRE, thank you very much for moving this issue along.

I've used this placard before when we were discussing the Republican budget that did pass this House that would end Medicare as we know it. That was just a way of doing it with vouchers or with what they call premium support. Either way, Medicare as a guarantee of health care for those people 65 and over would be over. Now, there are other ways that Medicare can be whittled away, weakened to the point where it could simply die of malnutrition. We want to be quite certain that this doesn't happen and that this tombstone never comes to pass. It was 1965 that President Lyndon Johnson signed Medicare into existence, and we're not going to let it end in 2011 or 2012 or beyond.

I recall so vividly an experience as a child, I was probably, I don't know, 10, 12 years old. My father took me to the county hospital, which is where the elderly went to die. There was no Medicare then. It didn't exist. More than half of the seniors were in poverty. There was no health care available to them. No insurance company would insure the elderly. They were expensive. And so there was literally no way that they would be able to get health care except at the county hospital, a ward strung out as far as my eye could see, beds on both sides, the stench unbelievable. The moaning and the crying that was going on unbelievable.

In 1965, America took a step to become a compassionate Nation where we would take care of the elderly. And so

proposals have been bandied about, the Republican budget basically terminating Medicare or whittling away at it in various ways, most recently to increase the eligibility age from 65 to 67. What is a person to do when they're 65 and cannot get private insurance? And at the same time, they want to do away with the opportunity that exists in the Affordable Care Act for an exchange that could possibly provide insurance, but they want to do away with that. Come on. Come on. This is America where we take care of the elderly and we provide the services.

Medicare can be dealt with. We can deal with the inflation in Medicare and in the Affordable Care Act. Many, many things were done to start on that process, for example, keeping seniors healthy, providing for the annual medical checkup; making sure that they had the drug benefits, making sure that the drug benefit part D was available to all seniors; closing the doughnut hole in the Medicare part D drug benefit; electronic medical records; infection rates in hospitals being reduced.

I'm going to take just 2 seconds to show you what has happened as a result of the Affordable Care Act and other measures.

The inflation rate in Medicare has been dramatically reduced since the Affordable Care Act, ObamaCare, went into effect. It is down in the 2, 2½ percent range now and has remained there since ObamaCare went into effect.

The changes in ObamaCare extended the viability, the financial viability of Medicare by 8 years, and here's the effect. The inflation rate is now less than the general health care inflation rate, and this has caused a recalculation of the deficit in the years ahead. The deficit in the years ahead was based on an inflation rate up here in the 5 percent range, but when it's down in the 2 percent range, the deficit has been reduced by over $200 billion simply because Medicare is not inflating, growing as fast as anticipated back 2½ years ago.

More can be done without taking away one benefit from seniors. The Federal Government could negotiate drug prices, bringing down the cost. The Federal Government could institute better payment mechanisms so there is a continuity of care rather than a one-off episodic care for seniors. In so doing, seniors stay healthier longer and the inflation rate and the cost are reduced. There are many other things.

But let me be very clear about this. If there is an effort to throw seniors who become 65 off of Medicare by denying them the opportunity, we will see an increase in the total cost of health care in the United States, because those seniors will not be able to get quality medical care. They will become sick and they will wind up somewhere in the system, perhaps in an emergency room, somewhere in the hospital, and the total cost of the system will go up. But if you keep seniors on Medicare, when they become 65, they will have access to quality care, better health care. And with the changes that were in the Affordable Care Act, ObamaCare, they will be healthier longer and the cost of care will be reduced for all of us in the health care system.

Now, I suspect we'll come back to Medicare before this night is done, but we ought to talk about jobs for awhile. We were on this floor a few weeks ago, and we spent some time talking about infrastructure, about jobs, and our colleague from the State of New York, that is the western side of New York, is joining us tonight to pick up that issue once again.

Mr. HIGGINS. I thank the gentlemen from California and from Pennsylvania for their leadership on these issues—jobs and protecting Medicare long into the future.

As we know, there's a debate going on here about the fiscal cliff. I think the American people are looking for leadership in Washington. They want a plan, and I think they are willing to endure some pain that will be in the form of spending cuts and perhaps some increased revenues, but the American people also want a plan that is going to be aspirational.

The fact of the matter is our infrastructure in this Nation is falling apart. According to the American Society for Civil Engineers, they give us a D grade for the quality of our infrastructure. They tell us that $2.2 trillion is needed just to bring our current infrastructure to a state of good repair. That's not even taking into consideration new infrastructure needs that we're seeing in New York and New Jersey as a result of the storms there.

Infrastructure investment is also a job creator, a creator of American jobs. When you invest in infrastructure, you're buying labor from American businesses. When you invest in infrastructure, you're buying equipment from American businesses.

Now, with public infrastructure, it's as old as Lincoln. He called it land improvements. He meant ports and railroads at the time. Public infrastructure is always the public's responsibility. So the question is never whether or not you're going to do it—you have to do it—the question is when does it make most sense.

I would submit to you that it makes most sense today. Why? Because money is as cheap as it's ever going to be. Every municipal government throughout this country borrows money by issuing debt—bonds—to underwrite the cost of building new infrastructure.

□ 2050

We could be borrowing money today for about 1 percent. Labor is cheap, equipment is cheap because both are idling. And we clearly need the infrastructure investment.

Final thought on this: Transportation for America, a not-for-profit organization, identifies 69,000 structurally deficient bridges in this Nation. There's over 2,000 structurally deficient bridges in my State of New York; and in western New York, we have 99 structurally deficient bridges.

Every second of every day, seven cars drive on a bridge that is structurally deficient. We saw a bridge collapse in New York State in 1987, the Harley Creek Bridge, loss of life and significant injury. We saw it again, subsequent to that, in Minneapolis.

How many more bridges have to collapse before we address this need?

We're going to spend less than $53 billion rebuilding the roads and bridges of America next year, less than $53 billion. It's weak and it's pathetically weak when you consider that we just spent $89 billion rebuilding the roads and bridges of Afghanistan, and we just spent $67 billion rebuilding the roads and bridges of Iraq.

Work needs to be done, and Americans need the work. With that, I yield back to my friend from California.

Mr. GARAMENDI. Well, let's continue this discussion of infrastructure. The last time we took this up 3 weeks ago, we had talked about an infrastructure bank, a proposal that's been presented to the House of Representatives now for at least 15 years. I believe our colleague from Connecticut, ROSA DELAURO, has introduced that bill year after year.

You said that the Federal Government can borrow money, 10-year notes, even 15-year notes somewhere around a percent and a half, maybe towards 2 percent. If we were to borrow that, put it into an infrastructure bank, and then loan money to infrastructure projects that have a cash flow, sanitation facility, water facility, toll bridges, and numerous other kinds of infrastructure which are desperately needed, we could have a financing system that, over time, would actually make money for the Federal Government, could borrow at 1½ percent, loan at 1¾ percent, have a margin there. The money would flow back in. You'd get that revolving.

The President has actually proposed this in his American Jobs Act. He's picked this up during his debate, the fiscal cliff negotiations, put it back on the table.

We ought to be doing that. In doing so, we will create tens of thousands, indeed hundreds of thousands, of American jobs, American jobs. And if we couple that with Buy American, so that the equipment, the steel, the concrete, the other ingredients used in these infrastructure projects were American-made, using our tax money for American-made equipment, we would even see a resurgence of the manufacturing base in America.

This is a no-brainer. This is something we ought to have done years ago. But here, as we approach this fiscal cliff, we ought to take up the President's challenge, move forward with an infrastructure bank and create jobs in America and build the foundation for economic growth.

Mr. ALTMIRE, why don't you pick this piece up and carry it.

Mr. ALTMIRE. I wanted to supplement my friend from New York's comments about structurally deficient bridges.

I always, when I would have town hall meetings and I talked with my constituents about this issue, I always use the example, because people think, you know, there's better ways to spend money. We're overspending ourselves. We're in great debt. Let's just not do anything this year. Let's wait till next year. Maybe let's wait till the year after that.

I always use the example of, there are certain things that you can put off. And if you're a family, you might say, times are tough, we need to tighten our belt. Maybe I can't go to the movies tonight. Maybe I'm going to have chicken instead of steak. Maybe we're going to have to drive a certain type of car instead of the luxury vehicle that we were hoping to buy—whatever it might be, whatever the family circumstance.

However, no matter what type of house you live in, large or small, if you get a leak in the roof, you have to fix it because if you ignore that leak, it's not going to fix itself. It's not going to remain where it is today. It's going to be worse tomorrow, and it's going to be worse next week, until the roof collapses and you have a catastrophe on your hand.

Well, that's the state of our infrastructure in this country, and I think people get that. And the gentleman talked about the State of New York and the structurally deficient bridges that he has in western New York.

Well, in 2007, I was here, I know the gentleman from New York was here, when we had the terrible disaster in Minnesota, when the interstate bridge collapsed and the loss of life that occurred. And the Secretary of Transportation at the time came to the Transportation Committee. I believe the gentleman served on the Transportation Committee at that time also, and Secretary Peters came and talked about the state of disrepair of our Nation's bridges.

Now, we can talk about locks and dams and our aviation system and the state of our airports and a variety of other infrastructure needs in this country which are just as critical; but just roads and bridges, we were all given a list of the structurally deficient bridges in our districts and in our States.

And I'm embarrassed to say to the gentleman, Pennsylvania is in even worse shape than what he described New York to be. We in Pennsylvania have 6,000 structurally deficient bridges. In western Pennsylvania it's 1,000. And in just the district I represent, currently one out of 19 districts in Pennsylvania, just my district, 300 structurally deficient bridges.

And the structural sufficiency rating, as my colleagues understand, Mr. Speaker, is based upon a zero to 100 scale, 100 being brand new, sturdy, as good and strong as they can possibly be, zero being the bottom.

Well, I had several bridges on that list that the Secretary gave me that were single digits. I had one that was a two, believe it or not.

And I remember asking the question in the hearing, I'm not an engineer, I've never been that great in math, but it seems to me if you have a bridge that's a two on a zero to 100 scale, that doesn't sound very good. And should I, as a driver, or any of my constituents be concerned when they drive across that bridge?

What would be the recommendation from the Department of Transportation?

And the response that I got, after they conferred on how to address this question, they literally said, well, not if you drive across it once. But if that's your daily commute, and you drive across that bridge twice a day every day, you might want to find a different route.

Well, Mr. Speaker, that is not a good answer; but, unfortunately, that's the right answer. And at minimum, we should alert the public to the state of disrepair that our bridges are in so they can make intelligent and informed decisions.

But in the long term, the clear remedy to that situation, the solution is to invest in our infrastructure, to fix our roads and bridges because, yes, it puts people back to work, which is critically important.

The business impact, we transport goods all over the country by truck and by rail. We can talk about the state of disrepair in other transportation sectors too, but we benefit as a country.

But when you see the safety consequences and you think about the fact that we have bridges all across this country that are in such disrepair that they are in the single digits in structural sufficiency, that is a big problem, and that's why we need to invest in our infrastructure.

Mr. GARAMENDI. Indeed, we do need to invest in infrastructure and we need to rebuild.

I noticed another colleague from the great State of New York has joined us. Often Mr. TONKO and I are here on the floor in what we call the East-West Show.

But Mr. HIGGINS and Mr. TONKO, your State and the State of New Jersey got whacked by a superstorm.

Mr. TONKO. Yes, it did. Sandy.

Mr. GARAMENDI. Why don't you share with us a little bit of what the State of New York needs to do on infrastructure repair and how to prevent it from happening again.

Mr. TONKO. Sure. Absolutely. And you know the impact of Sandy, Representative GARAMENDI, comes on the heels of last year's storms with Irene and Lee, a double whammy that impacted several counties that I represent. And upstate New York was devastated. There was a loss of lives, there was destruction to the public infrastructure. Many businesses, farms and housing were destroyed, tremendously so; and the need to rebuild became very apparent.

This year, with Sandy, the same sort of impact, this time in a very densely populated region of New York City, Long Island, and the southern portions of New York State. And so I think it's a stark reminder, a very real example, a very painful outcome that speaks to the need of investing, investing in our infrastructure.

As we go forward, there's also an opportunity to improve upon what existed at the time of these storms. For instance, in the energy networks, the utility networks, we can do state-of-the-art. We have taught other nations how to build those systems. It's time to do nation-building at home.

I think the beauty here is that, while we invest in transportation and other infrastructure, energy infrastructure and water systems and treatment systems and public schools, what we're doing is rippling into the benefits of efficiency, of public safety, of employment and economic development.

□ 2100

That is a positive series of dynamics that then lifts the economy and provides for work. Ninety percent of the jobs, it's projected, that come from this sort of infrastructure investment are speaking to middle-income households—jobs that, again, provide for the strengthening of our economy, the reduction of our deficit, the confidence-building in our economy that is so powerfully felt as we walk this distance from the recession, as we continue to do the steady climb upward as we grow private sector jobs. This is an important part of it. It enhances our productivity. It provides for efficiencies. That's what infrastructure investment is about. And it's calculated that for every $1 billion of investment, 18,000 jobs are created and a sound public service is designed and structured and built so that we can go forward with rightful anticipation of a stronger tomorrow for our economy.

And so I think these are important elements, rebuilding after Mother Nature has impacted us with very profound damages to our communities—and building in a way that allows for the creation of jobs and an improved outcome, to top it off.

When the Representative from Pennsylvania, Representative ALTMIRE, talked about the Minnesota situation, I served in the State Assembly in New York when the collapse of a thruway bridge in upstate New York took 10 lives. We recently commemorated the 25th anniversary of that event back in 1987 and the painful consequences that came to bear upon that upstate region, where commerce was affected, where jobs were affected, where public safety was compounded. They took the major artery of the State of New York with

the thruway and had to reroute that through a community by establishing a makeshift system. And just the presence of that moment onto the economic consequences of the State spoke painfully well of how important infrastructure is.

And so we look at the needs in this Nation from coast-to-coast, from your west coast to our east coast, and we understand that there are needs for those water treatment facilities, for our energy infrastructure. We're wheeling electrons along a system that was designed for regional service, and now we're wheeling not only from region to region but State to State. We're wheeling electronics from nation to nation. Canada into the United States.

We need an upgrade. We need the sort of R&D component that translates into jobs that provide the best investment possible. And that's what we're calling for here—the sound stewardship of resources and Federal tax dollars being utilized in a way that provides the strongest outcome. Sometimes it's in the saga of urgency, as is the case with Sandy in New York State, as it's been with Irene and Lee, as we continue to recover over a year later from those storms that damaged upstate New York just over a year ago, and now the most recent element of consequence that came with Hurricane Sandy.

So I thank you for bringing us together to shed light, to acknowledge that we can create jobs as we address public safety, as we address efficiency, as we address productivity, as we address economic boost, so that we can walk from this arena here in this House of Representatives knowing that we're doing the sound, academically driven, analytically provided results that will speak to a favorable impact across the board.

Thank you for bringing us together.

Mr. GARAMENDI. Thank you very much, Mr. TONKO.

Mr. HIGGINS, I see that you would like to get into this also. I know that you're there. So please pick up this conversation and carry it on.

Mr. HIGGINS. Thank you.

My colleague from New York is obviously very familiar with all of the issues that we're confronted with, but we also recognize that our Governor had the presence of mind in putting the package together for Federal relief for reimbursement to seek infrastructure money to rebuild the infrastructure that was destroyed in a way that would mitigate or reduce the damage in a future storm, because here's what we know with global warming. Storms are becoming much more severe. And whether it's New Orleans or whether it's Queens, New York, we are going to see another storm.

It also underscores the need for infrastructure investment to mitigate the damage, because by making that upfront investment—those mitigation factors—it will reduce the amount of damage when the next storm hits if, in fact, our Nation can meet that challenge of rebuilding our infrastructure in a way that it ought to be built.

Mr. GARAMENDI. I thank you very much for bringing that up. It's not only an issue on the east coast; it's an issue in the Midwest, it's an issue in the West, it's an issue all across this Nation. The climate is changing. The storms are more severe and are likely to continue to be even more severe in the future. For me, my district is 200 miles of the Sacramento River. The second most city at risk of flooding in the United States after New Orleans is Sacramento. The Natomas portion of Sacramento and certain portions along the American River in Sacramento are in extraordinarily dangerous territory. We need to rebuild our levees. We need to upgrade our levees. We should not wait until they break and then try to deal with the death, the destruction, and the rebuilding that then occurs, but do exactly what you said, Mr. HIGGINS, and that is anticipate the next storm. Build ahead of it. Protect ourselves ahead of it.

I have some 1,500 to 2,000 miles of flood levees in my district. We need serious infrastructure improvement. Just this last week, Friday, I was in the Yuba City area of Sutter County. Forty miles of levee need to be upgraded and improved. We need action by the Federal Government. The Army Corps of Engineers needs to issue the 408 permit in a big hurry so that we can begin the construction of the improvements of those levees. And that's not unusual across this Nation because many other parts of this Nation, including the rebuilding of New York and New Jersey, need to build higher standards—and not just repair what was damaged, but to build to a higher standard. That takes money. And this is where the Federal Government has a critical role to play. We need to make that money available.

In some cases, there are repayment systems. We talked about that with an infrastructure bank. In other cases, there are not, and the local governments, together with the State and Federal Government, come together and build those systems.

But the Federal Government has to step forward as the major partner in all of these. And if we do it in a way that uses the money to buy American-made equipment and supplies, we can create even more jobs in America.

Part of the Make It America agenda that we have been promoting now for 2 years is just that—you use that money to buy American-made equipment and you rebuild the American manufacturing base at the same time that you build the infrastructure.

Mr. ALTMIRE, you stood up with enthusiasm while I was speaking. So what do you have here?

Mr. ALTMIRE. I wasn't sure if the gentleman was planning to transition into another topic as he draws to a close.

Mr. GARAMENDI. Well, we actually need to do that, but why don't we wrap up the infrastructure here and then I do want to spend a few moments talking about Social Security and perhaps ending back to where we started on Medicare and these programs.

Mr. ALTMIRE. Very quickly, and then I will yield to Mr. TONKO directly, if that's okay, afterwards.

I wanted to bring to the attention of my colleagues and the American people we're talking about what can happen if you ignore infrastructure needs, we're talking about past examples and the potential for future examples of infrastructure problems all across this country and, yes, it's an investment that we need to make. Our roads and bridges, our locks and dams, our rail system, our aviation system as we talked about, our waterways, commerce, there's hundreds of billions of dollars of need. But we're also trying to remain internationally competitive, and we can't be internationally competitive if we have substandard infrastructure. And that just doesn't mean infrastructure that's in disrepair; that means upgrading and improving to adapt to modern technology.

□ 2110

I know as one example, I visited the Port of Miami a year or two ago. They're undergoing a multibillion-dollar project to redredge the port—one of the largest ports in the United States—to accommodate the larger ships that are going to be able to come through the Panama Canal when the Panama Canal project is completed. If we don't do that in this country, if we don't continue to modernize and upgrade our infrastructure—not just prevent disasters from occurring, economically and through the physics of infrastructure disrepair, but upgrade and modernize our port system and our aviation system to be able to continue to compete internationally with the other countries that have modernized their port infrastructure, we're going to continue to fall behind and we're going to lose jobs; we're going to lose the economic impact. That's what we have to consider when we discuss the fiscal cliff as we started this discussion.

So with that said, I would yield to my good friend, Mr. TONKO.

Mr. TONKO. Yes, just rather briefly, the opportunity to invest in infrastructure—for an example, our water treatment facilities. When I was at my last work station prior to entering the House, it was with NYSERDA, the New York State Energy Research and Development Authority. There I witnessed these consummate professionals working away at retrofitting systems or designing new that dealt with water treatments. The savings that were anticipated—that were measured in some cases—were significant so that the energy cost for local governments doing their role, performing their role for treatment of water became much cheaper. Those are savings that are recurring. So that while we invest in this opportunity, we're also chipping away

at those budget costs into the future. The same is true of some of the research investment that found us, for example, capturing waste heat and getting more bang for the buck, so to speak, for the investments made in energy systems.

The American intellect, which has always served as our DNA for discovery—you know, we are proud of our pioneer spirit of this Nation. It drove an industrial revolution, it inspired a westward movement, and it created from mill town capacity these epicenters of invention and innovation. Well, we still have that within our core spirit. If we can come up with the innovative ideas, the concepts that allow us to serve the taxpayer with more useful outcomes of their investments, it is beholden upon us to provide the climate by which to do that.

Earlier, our colleague, Representative HIGGINS from New York, spoke of the mitigation opportunities now facing New York with its repair of its infrastructure. If we can do the preventative measures that provide for longer life expectancy for these investments, isn't that not only the wise thing to do, isn't that the responsible thing to do?

So there are ways that we can move forward in a transitional sort of format where it's ever impacting to a favorable outcome of operating costs into the future, of research investments that's translating into job creation, and then the infrastructure build that takes to mind the concepts, the intellectual capacity of this Nation. It also speaks to the wisdom of responding to infrastructure repair, replacement, new construction that looks statistically at the data that are collected that speak to the impacts of global warming and climate change.

If we were to, for instance, rebuild exactly as the infrastructure in my upstate district after the impact of these storms, it would be foolish. We need to adjust the span length. We need to adjust the height of this infrastructure so that it is accounting for the dynamics of change that are real, that are recorded, that are statistically valid. We need to do that in a way that brings this investment into the job-creation zone that it is.

As we stated earlier, as I made mention earlier, for every $1 billion of investment in infrastructure, we can anticipate, rightfully, 18,000 jobs being created, 90 percent of which are finding their way into the middle-income community. This is what it's about. It's not about this cost-cutting frenzy that denies opportunity, denies our responsibility that we all bear here, but, rather, inspires us to belt-tighten, where we get rid of outmoded programs and where we most effectively invest in the improvements, the repairs, the replacements that are under our stewardship.

Mr. GARAMENDI. Thank you, Mr. TONKO. Once again, we have a challenge ahead of us.

Mr. HIGGINS, I know that this has been one of your principal issues here in the House of Representatives. If you would like to wrap up on this piece of our discussion tonight, on the infrastructure piece, then we will take the final 10 to 15 minutes and pick back up to the Medicare and Social Security issues that are also very much part of what is on the table today as we address the fiscal cliff, growing the economy, and jobs.

Mr. HIGGINS. I thank the gentleman.

At the outset, my colleague from California, a great leader on this issue, had said that it was 12 years ago when we had a budgetary surplus of $258 billion. How was that created? It was created by having created 22 million private sector jobs in the previous 8 years, telling us that the best tax policy is bringing back lost taxpayers to productivity so that they're contributing to the Federal Treasury. That allows us to make the investments into our economy and, as my colleague from New York said, to nation-build right here at home.

One thing that historically here Democrats and Republicans were able to agree on is infrastructure investment. I think the need is extraordinarily great right now, and we should do an infrastructure bill that is robust and aspirational in addressing the infrastructure needs and the decaying state of our infrastructure as soon as possible.

A final thought on this. There's a report out of the State of Nevada that says if you defer infrastructure repair for 2 years, you increase the cost of making that repair by a factor of five. So a $5 million bridge repair that could be done today, 2 years from now will cost you $25 million. A $1 million road repair today will cost you $5 million 2 years from now. So we need to get to work, and much work needs to be done.

Mr. GARAMENDI. You're absolutely correct that if we're to deal with the deficit, we have to put Americans back to work. The infrastructure has, over the years, been a principal way in which you employ Americans—we did this with the stimulus bill and it had great effect—but it also builds the foundation for tomorrow's economic growth and protects people along the way. It protects property; it protects valuable assets that we have in our Nation.

The President has been very clear about this for more than 15 months now. Fifteen months ago he put before Congress the American Jobs Act, one element of which was the infrastructure. He wanted an additional $50 billion over and above the $53 billion that you described earlier, Mr. HIGGINS, as the ongoing infrastructure.

Our colleague here, we talked earlier—I think Mr. HIGGINS you raised this issue, and Mr. TONKO did also—Thursday, two days from now, we're going to take up the National Defense Authorization Act, which is the plan for our national security, the military. In that piece of legislation there is a minimum of $88 billion to be spent between October 2012 and September 30 of 2013 on the Afghanistan war, $88 billion. That's a lot of money.

All that we're talking about in this cut discussion that's under way between the President and Mr. BOEHNER is somewhere, $400 billion, maybe $500 billion; $88 billion in Afghanistan next year. A good portion of that is for infrastructure in Afghanistan, as was discussed earlier today.

We know how to make decisions here. Part of those decisions that are on the table today are very serious cuts to the Medicare program. I discussed earlier the Medicare eligibility age has been proposed by the Speaker of the House on the Republican side to be increased from 65 to 67 years. It will have a disastrous effect on those who have paid into Medicare their entire working lives and expect to be able to have that health care benefit available to them when they become 65.

□ 2120

It will not save much money, but it will surely harm thousands upon thousands of Americans.

Similarly, suggestions have been made to dramatically alter Social Security. Suggestions that will significantly harm a vast number of Americans—perhaps, I don't know the numbers—probably 20 million Americans who are currently obtaining Social Security benefits but will not see the adjustment for inflation. These are people that are receiving less than $1,500 a month for Social Security. And for many of them, for many of them that is their total source of income.

Mr. ALTMIRE, you have been a person that knows the statistics here and knows the numbers. I speak more from my heart rather than the precise numbers, so my colleagues, let's join in this conversation about Social Security. I think the starting point comes from the compassion that we should all possess for seniors, but the facts also need to be understood here.

One fact should be clear to all 435 Members in this House, and that is that the deficit that we are facing and all the discussion about the deficit and the fiscal cliff is not a Social Security problem. It is not a Social Security problem. It is a tax revenue issue which we've talked here a little bit about. It is an issue for Medicare, which we can solve without cutting benefits. It's an issue for the military, the war in Iraq, the $88 billion that we're going to spend there in the next 9 months. Those are real issues about the deficit.

Social Security does not contribute one nickel, one penny to the deficit. It is a trust fund apart from this deficit issue. It has its own source of revenue, and we ought not be harming seniors while we are giving continuing tax breaks to people that are making lots of money. Let's get this straight: Social Security should not be on the table as we discuss this issue.

Now, we know 8 years from now, 7 years, maybe 9 years from now, Social Security has to be adjusted because of the continuing number of people that are coming on.

Are we out of time just as I'm getting wound up on Social Security?

The SPEAKER pro tempore (Mr. BUCSHON). The time of the gentleman has expired.

Mr. GARAMENDI. I think we are finished for this evening.

Mr. Speaker, I yield back the balance of my time.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1792. An act to clarify the authority of the United States Marshal Service to assist other Federal, State, and local law enforcement agencies in the investigation of cases involving sex offenders and missing children; To the Committee on the Judiciary.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6116. An act to amend the Revised Organic Act of the Virgin Islands to provide for direct review by the United States Supreme Court of decisions of the Virgin Islands Supreme Court, and for other purposes.

H.R. 6223. An act to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 3193. An act to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes.

ADJOURNMENT

Mr. ALTMIRE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, December 19, 2012, at 10 a.m. for morning-hour debate.

CONFERENCE REPORT ON H.R. 4310, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

Mr. MCKEON submitted the following conference report and statement on the bill (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.

CONFERENCE REPORT (H. REPT. 112–705)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

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:

(1) Division A—Department of Defense Authorizations.

(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:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.

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.
Sec. 156. Shallow Water Combat Submersible program.
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.

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 multipurpose 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.

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.

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.

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.

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.

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.

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.
Sec. 804. Department of Defense policy on contractor profits.

Sec. 805. Modification of authorities on internal controls for procurements on behalf of the Department of Defense by certain nondefense agencies.
Sec. 806. Extension of authority relating to management of supply-chain risk.
Sec. 807. Sense of Congress on the continuing progress of the Department of Defense in implementing its Item Unique Identification Initiative.

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

Sec. 811. Limitation on use of cost-type contracts.
Sec. 812. Estimates of potential termination liability of contracts for the development or production of major defense acquisition programs.
Sec. 813. Technical change regarding programs experiencing critical cost growth due to change in quantity purchased.
Sec. 814. Repeal of requirement to review ongoing programs initiated before enactment of Milestone B certification and approval process.

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.
Sec. 822. Extension of authority for use of simplified acquisition procedures for certain commercial items.
Sec. 823. Codification and amendment relating to life-cycle management and product support requirements.
Sec. 824. Codification of requirement relating to Government performance of critical acquisition functions.
Sec. 825. Competition in acquisition of major subsystems and subassemblies on major defense acquisition programs.
Sec. 826. Compliance with Berry Amendment required for uniform components supplied to Afghan military or Afghan National Police.
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.

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.
Sec. 842. Limitation on authority to acquire products and services produced in Afghanistan.
Sec. 843. Responsibility within Department of Defense for operational contract support.
Sec. 844. Data collection on contract support for future overseas contingency operations involving combat operations.
Sec. 845. Inclusion of operational contract support in certain requirements for Department of Defense planning, joint professional military education, and management structure.
Sec. 846. Requirements for risk assessments related to contractor performance.
Sec. 847. Extension and modification of reports on contracting in Iraq and Afghanistan.
Sec. 848. Responsibilities of inspectors general for overseas contingency operations.
Sec. 849. Oversight of contracts and contracting activities for overseas contingency operations in responsibilities of Chief Acquisition Officers of Federal agencies.
Sec. 850. Reports on responsibility within Department of State and the United States Agency for International Development for contract support for overseas contingency operations.
Sec. 851. Database on price trends of items and services under Federal contracts.
Sec. 852. Information on corporate contractor performance and integrity through the Federal Awardee Performance and Integrity Information System.
Sec. 853. Inclusion of data on contractor performance in past performance databases for executive agency source selection decisions.

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.

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.
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.

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.
Sec. 912. Commercial space launch cooperation.
Sec. 913. Limitation on international agreements concerning outer space activities.
Sec. 914. Operationally Responsive Space Program Office.
Sec. 915. Report on overhead persistent infrared technology.
Sec. 916. Assessment of foreign components and the space launch capability of the United States.
Sec. 917. Report on counter space technology.

Subtitle C—Intelligence-Related Activities

Sec. 921. Authority to provide geospatial intelligence support to certain security alliances and regional organizations.
Sec. 922. Technical amendments to reflect change in name of National Defense Intelligence College to National Intelligence University.
Sec. 923. Review of Army Distributed Common Ground System.
Sec. 924. Electro-optical imagery.
Sec. 925. Defense Clandestine Service.

Subtitle D—Cyberspace-Related Matters

Sec. 931. Implementation strategy for Joint Information Environment.
Sec. 932. Next-generation host-based cyber security system for the Department of Defense.
Sec. 933. Improvements in assurance of computer software procured by the Department of Defense.
Sec. 934. Competition in connection with Department of Defense tactical data link systems.
Sec. 935. Collection and analysis of network flow data.
Sec. 936. Competition for large-scale software database and data analysis tools.
Sec. 937. Software licenses of the Department of Defense.
Sec. 938. Sense of Congress on potential security risks to Department of Defense networks.
Sec. 939. Quarterly cyber operations briefings.
Sec. 940. Sense of Congress on the United States Cyber Command.
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.
Sec. 955. Savings to be achieved in civilian personnel workforce and service contractor workforce of the Department of Defense.
Sec. 956. Expansion of persons eligible for expedited Federal hiring following completion of National Security Education Program scholarship.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Budgetary effects of this Act.
Sec. 1003. Sense of Congress on notice to Congress on unfunded priorities.
Sec. 1004. Authority to transfer funds to the National Nuclear Security Administration to sustain nuclear weapons modernization.
Sec. 1005. Audit readiness of Department of Defense statements of budgetary resources.
Sec. 1006. Report on balances carried forward by the Department of Defense at the end of fiscal year 2012.
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.

Subtitle B—Counter-Drug Activities

Sec. 1008. Extension of the authority to establish and operate National Guard counterdrug schools.
Sec. 1009. Biannual reports on use of funds in the Drug Interdiction and Counter-Drug Activities, Defense-wide account.
Sec. 1010. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia.
Sec. 1011. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1012. Requirement for biennial certification on provision of support for counter-drug activities to certain foreign governments.

Subtitle C—Naval Vessels and Shipyards

Sec. 1013. Policy relating to major combatant vessels of the strike forces of the United States Navy.
Sec. 1014. Limitation on availability of funds for delayed annual naval vessel construction plan.
Sec. 1015. Retirement of naval vessels.
Sec. 1016. Termination of a Maritime Prepositioning Ship squadron.
Sec. 1017. Sense of Congress on recapitalization for the Navy and Coast Guard.
Sec. 1018. Notice to Congress for the review of proposals to name naval vessels.

Subtitle D—Counterterrorism

Sec. 1021. Extension of authority to make rewards for combating terrorism.
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.
Sec. 1023. Report on recidivism of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, who have been transferred to foreign countries.
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.
Sec. 1025. Notice required prior to transfer of certain individuals detained at the Detention Facility at Parwan, Afghanistan.
Sec. 1026. Report on recidivism of individuals formerly detained at the Detention Facility at Parwan, Afghanistan.
Sec. 1027. Prohibition on the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
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.
Sec. 1029. Rights Unaffected.

Subtitle E—Nuclear Forces

Sec. 1031. Nuclear weapons employment strategy of the United States.
Sec. 1032. Progress of modernization.
Sec. 1033. Report in the event of insufficient funding for modernization of nuclear weapons stockpile.
Sec. 1034. Prevention of asymmetry of nuclear weapon stockpile reductions.
Sec. 1035. Strategic delivery systems.
Sec. 1036. Consideration of expansion of nuclear forces of other countries.
Sec. 1037. Nonstrategic nuclear weapon reductions and extended deterrence policy.
Sec. 1038. Unilateral change in nuclear weapons stockpile of the United States.
Sec. 1039. Expansion of duties and responsibilities of the Nuclear Weapons Council.
Sec. 1040. Interagency Council on the Strategic Capability of the National Laboratories.
Sec. 1041. Cost estimates for nuclear weapons.
Sec. 1042. Prior notification with regard to retirement of strategic delivery systems.
Sec. 1043. Report on nuclear warheads on intercontinental ballistic missiles of the United States.
Sec. 1044. Requirements for combined or interoperable warhead for certain missile systems.
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.
Sec. 1046. Report on conventional and nuclear forces in the Western Pacific region.

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.
Sec. 1052. Interagency collaboration on unmanned aircraft systems.
Sec. 1053. Authority to transfer surplus Mine-Resistant Ambush-Protected vehicles and spare parts.
Sec. 1054. Notice to Congress of certain Department of Defense nondisclosure agreements.
Sec. 1055. Extension of authority to provide assured business guarantees to carriers participating in Civil Reserve Air Fleet.
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.
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.

Subtitle G—Studies and Reports

Sec. 1061. Electronic warfare strategy of the Department of Defense.
Sec. 1062. Report on counterproliferation capabilities and limitations.
Sec. 1063. Report on strategic airlift aircraft.
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.
Sec. 1079. Coordination for computer network operations.
Sec. 1080. Sense of Congress regarding unauthorized disclosures of classified information.
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.

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.

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.
Sec. 1216. Extension and modification of logistical support for coalition forces supporting certain United States military operations.
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.
Sec. 1222. Authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan.
Sec. 1223. Report on efforts to promote the security of Afghan women and girls during the security transition process.
Sec. 1224. Sense of Congress commending the Enduring Strategic Partnership Agreement between the United States and Afghanistan.
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.
Sec. 1234. Rule of construction.

Subtitle D—Iran Sanctions

Sec. 1241. Short title.
Sec. 1242. Definitions.
Sec. 1243. Sense of Congress relating to violations of human rights by Iran.
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.
Sec. 1254. Applicability to certain natural gas projects.
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.
Sec. 1266. Rules of construction.
Sec. 1267. Definitions.

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.
Sec. 1273. Sustainability requirements for certain capital projects in connection with overseas contingency operations.
Sec. 1274. Administration of the American, British, Canadian, and Australian Armies' Program.
Sec. 1275. United States participation in Headquarters Eurocorps.
Sec. 1276. Department of Defense participation in European program on multilateral exchange of air transportation and air refueling services.
Sec. 1277. Prohibition on use of funds to enter into contracts or agreements with Rosoboronexport.
Sec. 1278. Sense of Congress on Iron Dome short-range rocket defense system.
Sec. 1279. Bilateral defense trade relationship with India.
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.

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.

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.

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.

TITLE XVI—INDUSTRIAL BASE MATTERS

Subtitle A—Defense Industrial Base Matters

Sec. 1601. Disestablishment of Defense Materiel Readiness Board.
Sec. 1602. Assessment of effects of foreign boycotts.
Sec. 1603. National security strategy for national technology and industrial base.

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.
Sec. 1612. Small Business Ombudsman for defense audit agencies.
Sec. 1613. Independent assessment of Federal procurement contracting performance of the Department of Defense.
Sec. 1614. Additional responsibilities of Inspector General of the Department of Defense.
Sec. 1615. Restoration of 1 percent funding for administrative expenses of Commercialization Readiness Program of Department of Defense.

Subtitle C—Matters Relating to Small Business Concerns

PART I—PROCUREMENT CENTER REPRESENTATIVES

Sec. 1621. Procurement center representatives.
Sec. 1622. Small Business Act contracting requirements training.
Sec. 1623. Acquisition planning.

PART II—GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS

Sec. 1631. Goals for procurement contracts awarded to small business concerns.
Sec. 1632. Reporting on goals for procurement contracts awarded to small business concerns.
Sec. 1633. Senior executives.

PART III—MENTOR-PROTEGE PROGRAMS

Sec. 1641. Mentor-Protege programs.

PART IV—TRANSPARENCY IN SUBCONTRACTING

Sec. 1651. Limitations on subcontracting.
Sec. 1652. Penalties.
Sec. 1653. Subcontracting plans.
Sec. 1654. Notices of subcontracting opportunities.
Sec. 1655. Publication of certain documents.

PART V—SMALL BUSINESS CONCERN SIZE STANDARDS

Sec. 1661. Small business concern size standards.

PART VI—CONTRACT BUNDLING

Sec. 1671. Contract bundling.

PART VII—INCREASED PENALTIES FOR FRAUD

Sec. 1681. Safe harbor for good faith compliance efforts.
Sec. 1682. Requirement that fraudulent businesses be suspended or debarred.
Sec. 1683. Annual report on suspensions and debarments proposed by Small Business Administration.

PART VIII—OFFICES OF SMALL AND DISADVANTAGED BUSINESS UNITS

Sec. 1691. Offices of Small and Disadvantaged Business Utilization.
Sec. 1692. Small Business Procurement Advisory Council.

PART IX—OTHER MATTERS

Sec. 1695. Surety bonds.
Sec. 1696. Conforming Amendments; Repeal of redundant provisions; Regulations.
Sec. 1697. Contracting with small business concerns owned and controlled by women.
Sec. 1698. Small business HUBZones.
Sec. 1699. National Veterans Business Development Corporation.
Sec. 1699a. State Trade and Export Promotion Grant Program.

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.

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.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Sec. 2001. Short title.
Sec. 2002. Expiration of authorizations and amounts required to be specified by law.

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.

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.

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.

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.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

Sec. 2501. Authorized NATO construction and land acquisition projects.
Sec. 2502. Authorization of appropriations, NATO.

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.

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.

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.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

Sec. 2901. Authorized Navy construction and land acquisition project.

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.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Sec. 3201. Authorization.
Sec. 3202. Improvements to the Defense Nuclear Facilities Safety Board.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

Sec. 3401. Authorization of appropriations.

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.

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. 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.
Sec. 156. Shallow Water Combat Submersible program.
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—

(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.

(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.

(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.

(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.''.

(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).

(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:

''(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.

''(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.—

(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.—

(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.

(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.—

(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.

(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.

(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—

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

(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).

(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—

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

(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.

(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.

(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.—

(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 multipurpose 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.

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—

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

''(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

''(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 TAKE-OFF 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—

(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

(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

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

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

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—

(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;

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

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

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.

(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.

(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).

(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.—

(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.

(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.

(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.

(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.

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—

(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

(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.

(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—

(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 lifecycle 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.

(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:

''(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.

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.''.

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

(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.

(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:

''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.''.

(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.

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:

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

''(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:

''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.

(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.

''(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

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—

(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.

(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:

''§ 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:

''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:

(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.

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

(a) ADDITIONAL PERSONNEL.—

(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.

(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—

(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.'';

(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

(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:

''§ 8039. Chief of Chaplains: appointment; duties

''(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.

''(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:

''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

''(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.''.

(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.''.

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:

''§ 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.

''(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:

''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 CARRY-OVER 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.

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.

(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.

(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.

(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

''(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.

''(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.

''(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:

''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.

(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.

(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:

''§ 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:

''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.

''(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).''.

(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

''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:

''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.

(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.

(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.

SEC. 553. MODIFICATION OF REQUIREMENTS ON PLAN TO INCREASE THE NUMBER OF UNITS OF THE JUNIOR RESERVE OFFICERS' TRAINING CORPS.

(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).

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.

''(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.

''(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.

''(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.—

''(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.

''(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.''.

(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.

(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.

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—

''(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

''(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.''.

(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).

(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

''(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—

''(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:

''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:

(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—

(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.

(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.

(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.

(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.

(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—

(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 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).

(e) TIME FOR ESTABLISHMENT.—

(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).

(f) EVALUATION OF EFFECTIVENESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall—

(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

(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:

''(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.''.

(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.

(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.

(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.—

(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.

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.

(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—

(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).

(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.

SEC. 579. DEPARTMENT OF DEFENSE POLICY AND PLAN FOR PREVENTION AND RESPONSE TO SEXUAL HARASSMENT IN THE ARMED FORCES.

(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.

(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

SEC. 580. ENHANCEMENT OF OVERSIGHT AND MANAGEMENT OF DEPARTMENT OF DEFENSE SUICIDE PREVENTION AND RESILIENCE PROGRAMS.

(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

''(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:

''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.

SEC. 582. COMPREHENSIVE POLICY ON PREVENTION OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES.

(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.

(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 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:

''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''.

(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

(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.

(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.

(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.

(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.

(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).''.

(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:

''(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.

''(D) Subsections (d)(3) and (o) also apply to a member described in subparagraph (A).''.

(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.

(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:

''(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.

''(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—

''(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.

''(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—

''(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—

''(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.

''(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.

''(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:

''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.

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.

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:

''(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:

''(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 FREE-STANDING 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.—

(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.

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.

''(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.''.

(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—

(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—

(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.

(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:

(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 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.

SEC. 673. COMMISSION HEARINGS AND MEETINGS.

(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.

(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.

(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:

(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 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).

(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—

(A) determines that the change is consistent with the principles established by the President under subsection (c);

(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

(C) conducts a public hearing on the proposed change.

(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).

(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:

(1) A copy of the recommendations of the Commission.

(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.

(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.

(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:

(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.—

(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

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:

''(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.

''(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''.

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.

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.

''(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):

''(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:

''(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.''.

(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.

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.

(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.

(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.

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.—

(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.

(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.

(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.

(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 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.

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.

SEC. 726. TRANSPARENCY IN MENTAL HEALTH CARE SERVICES PROVIDED BY THE DEPARTMENT OF VETERANS AFFAIRS.

(a) MEASUREMENT OF MENTAL HEALTH CARE SERVICES.—

(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.

(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—

(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.—

(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.

''(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

(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—

''(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:

''§ 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:

''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.

(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.''.

(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.''.

(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.

(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.

SEC. 738. PERFORMANCE METRICS AND REPORTS ON WARRIORS IN TRANSITION PROGRAMS OF THE MILITARY DEPARTMENTS.

(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.
Sec. 804. Department of Defense policy on contractor profits.
Sec. 805. Modification of authorities on internal controls for procurements on behalf of the Department of Defense by certain non-defense agencies.
Sec. 806. Extension of authority relating to management of supply-chain risk.
Sec. 807. Sense of Congress on the continuing progress of the Department of Defense in implementing its Item Unique Identification Initiative.

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

Sec. 811. Limitation on use of cost-type contracts.
Sec. 812. Estimates of potential termination liability of contracts for the development or production of major defense acquisition programs.
Sec. 813. Technical change regarding programs experiencing critical cost growth due to change in quantity purchased.
Sec. 814. Repeal of requirement to review ongoing programs initiated before enactment of Milestone B certification and approval process.

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.
Sec. 822. Extension of authority for use of simplified acquisition procedures for certain commercial items.
Sec. 823. Codification and amendment relating to life-cycle management and product support requirements.
Sec. 824. Codification of requirement relating to Government performance of critical acquisition functions.
Sec. 825. Competition in acquisition of major subsystems and subassemblies on major defense acquisition programs.
Sec. 826. Compliance with Berry Amendment required for uniform components supplied to Afghan military or Afghan National Police.
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.

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.

Sec. 842. Limitation on authority to acquire products and services produced in Afghanistan.
Sec. 843. Responsibility within Department of Defense for operational contract support.
Sec. 844. Data collection on contract support for future overseas contingency operations involving combat operations.
Sec. 845. Inclusion of operational contract support in certain requirements for Department of Defense planning, joint professional military education, and management structure.
Sec. 846. Requirements for risk assessments related to contractor performance.
Sec. 847. Extension and modification of reports on contracting in Iraq and Afghanistan.
Sec. 848. Responsibilities of inspectors general for overseas contingency operations.
Sec. 849. Oversight of contracts and contracting activities for overseas contingency operations in responsibilities of Chief Acquisition Officers of Federal agencies.
Sec. 850. Reports on responsibility within Department of State and the United States Agency for International Development for contract support for overseas contingency operations.
Sec. 851. Database on price trends of items and services under Federal contracts.
Sec. 852. Information on corporate contractor performance and integrity through the Federal Awardee Performance and Integrity Information System.
Sec. 853. Inclusion of data on contractor performance in past performance databases for executive agency source selection decisions.

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).

SEC. 802. REVIEW AND JUSTIFICATION OF PASS-THROUGH CONTRACTS.

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

(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 processes for designating temporary members and appropriate safeguards to prevent the abuse of such authority.

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.

(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

SEC. 811. LIMITATION ON USE OF COST-TYPE CONTRACTS.

(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.—

(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).

(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.

(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.

(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.

(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.

(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:

''§ 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.''.

(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:

''§ 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:

''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 SUB-ASSEMBLIES 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.

(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''.

(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) 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.

(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

''(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.—

''(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.—

''(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.

''(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.

''(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.''.

(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.''.

(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.

(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.

(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.

(a) ASSESSMENT OF EXTENSION OF LIMITATIONS TO CERTAIN ADDITIONAL FUNCTIONS AND CONTRACTS.—Not later than 180 days 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)).

(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.

(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).

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—

(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.

(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.

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.

(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.

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.

(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 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.

SEC. 844. DATA COLLECTION ON CONTRACT SUPPORT FOR FUTURE OVERSEAS CONTINGENCY OPERATIONS INVOLVING COMBAT OPERATIONS.

(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.''.

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.—

(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—

(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.

(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.

''(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).

''(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 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.

''(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.

''(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).''.

SEC. 850. REPORTS ON RESPONSIBILITY WITHIN DEPARTMENT OF STATE AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR CONTRACT SUPPORT FOR OVERSEAS CONTINGENCY OPERATIONS.

(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

''(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:

''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. 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.''.

SEC. 853. INCLUSION OF DATA ON CONTRACTOR PERFORMANCE IN PAST PERFORMANCE DATABASES FOR EXECUTIVE AGENCY SOURCE SELECTION DECISIONS.

(a) STRATEGY REQUIRED.—

(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.

(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.

(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:

(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.

SEC. 862. UNIFORM CONTRACT WRITING SYSTEM REQUIREMENTS.

(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.

(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.

(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.
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.

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.
Sec. 912. Commercial space launch cooperation.
Sec. 913. Limitation on international agreements concerning outer space activities.
Sec. 914. Operationally Responsive Space Program Office.
Sec. 915. Report on overhead persistent infrared technology.
Sec. 916. Assessment of foreign components and the space launch capability of the United States.
Sec. 917. Report on counter space technology.

Subtitle C—Intelligence-Related Activities

Sec. 921. Authority to provide geospatial intelligence support to certain security alliances and regional organizations.
Sec. 922. Technical amendments to reflect change in name of National Defense Intelligence College to National Intelligence University.
Sec. 923. Review of Army Distributed Common Ground System.
Sec. 924. Electro-optical imagery.
Sec. 925. Defense Clandestine Service.

Subtitle D—Cyberspace-Related Matters

Sec. 931. Implementation strategy for Joint Information Environment.
Sec. 932. Next-generation host-based cyber security system for the Department of Defense.
Sec. 933. Improvements in assurance of computer software procured by the Department of Defense.
Sec. 934. Competition in connection with Department of Defense tactical data link systems.
Sec. 935. Collection and analysis of network flow data.
Sec. 936. Competition for large-scale software database and data analysis tools.
Sec. 937. Software licenses of the Department of Defense.
Sec. 938. Sense of Congress on potential security risks to Department of Defense networks.
Sec. 939. Quarterly cyber operations briefings.
Sec. 940. Sense of Congress on the United States Cyber Command.
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.
Sec. 955. Savings to be achieved in civilian personnel workforce and service contractor workforce of the Department of Defense.
Sec. 956. Expansion of persons eligible for expedited Federal hiring following completion of National Security Education Program scholarship.

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.

(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.

SEC. 903. DESIGNATION OF DEPARTMENT OF DEFENSE SENIOR OFFICIAL FOR ENTERPRISE RESOURCE PLANNING SYSTEM DATA CONVERSION.

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.—

''(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.''.

(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:

"§ 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—

''(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.

''(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:

''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:

''§ 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

''(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.''.

(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.

(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—

(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.

(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.

(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.

(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

''(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.

''(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:

''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:

''(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:

''(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**''.

(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.—

(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.

(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.—

(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.

(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.

(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.

(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.

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:

(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.

(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—

(1) develop an inventory of all tactical data link systems in use and in development in the Department of Defense, including interfaces and waveforms;

(2) conduct an analysis of each data link system contained in the inventory under paragraph (1) to determine whether—

(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;

(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.

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.

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).

(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.

SEC. 937. SOFTWARE LICENSES OF THE DEPARTMENT OF DEFENSE.

(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.

(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).

(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.

(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:

"§ 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.''.

(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.

(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.

(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.—

''(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).

''(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.

''(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—

''(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.

''(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.

''(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.''.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.

(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

Subtitle A—Financial Matters

Sec. 1001. General transfer authority.
Sec. 1002. Budgetary effects of this Act.
Sec. 1003. Sense of Congress on notice to Congress on unfunded priorities.
Sec. 1004. Authority to transfer funds to the National Nuclear Security Administration to sustain nuclear weapons modernization.
Sec. 1005. Audit readiness of Department of Defense statements of budgetary resources.
Sec. 1006. Report on balances carried forward by the Department of Defense at the end of fiscal year 2012.
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.

Subtitle B—Counter-Drug Activities

Sec. 1008. Extension of the authority to establish and operate National Guard counterdrug schools.
Sec. 1009. Biannual reports on use of funds in the Drug Interdiction and Counter-Drug Activities, Defense-wide account.
Sec. 1010. Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia.
Sec. 1011. Extension of authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities.
Sec. 1012. Requirement for biennial certification on provision of support for counter-drug activities to certain foreign governments.

Subtitle C—Naval Vessels and Shipyards

Sec. 1013. Policy relating to major combatant vessels of the strike forces of the United States Navy.
Sec. 1014. Limitation on availability of funds for delayed annual naval vessel construction plan.
Sec. 1015. Retirement of naval vessels.
Sec. 1016. Termination of a Maritime Prepositioning Ship squadron.
Sec. 1017. Sense of Congress on recapitalization for the Navy and Coast Guard.
Sec. 1018. Notice to Congress for the review of proposals to name naval vessels.

Subtitle D—Counterterrorism

Sec. 1021. Extension of authority to make rewards for combating terrorism.
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.
Sec. 1023. Report on recidivism of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, who have been transferred to foreign countries.
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.
Sec. 1025. Notice required prior to transfer of certain individuals detained at the Detention Facility at Parwan, Afghanistan.
Sec. 1026. Report on recidivism of individuals formerly detained at the Detention Facility at Parwan, Afghanistan.
Sec. 1027. Prohibition on the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba.
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.
Sec. 1029. Rights Unaffected.

Subtitle E—Nuclear Forces

Sec. 1031. Nuclear weapons employment strategy of the United States.
Sec. 1032. Progress of modernization.
Sec. 1033. Report in the event of insufficient funding for modernization of nuclear weapons stockpile.
Sec. 1034. Prevention of asymmetry of nuclear weapon stockpile reductions.
Sec. 1035. Strategic delivery systems.
Sec. 1036. Consideration of expansion of nuclear forces of other countries.
Sec. 1037. Nonstrategic nuclear weapon reductions and extended deterrence policy.
Sec. 1038. Unilateral change in nuclear weapons stockpile of the United States.
Sec. 1039. Expansion of duties and responsibilities of the Nuclear Weapons Council.
Sec. 1040. Interagency Council on the Strategic Capability of the National Laboratories.
Sec. 1041. Cost estimates for nuclear weapons.
Sec. 1042. Prior notification with regard to retirement of strategic delivery systems.
Sec. 1043. Report on nuclear warheads on intercontinental ballistic missiles of the United States.
Sec. 1044. Requirements for combined or interoperable warhead for certain missile systems.
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.
Sec. 1046. Report on conventional and nuclear forces in the Western Pacific region.

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.
Sec. 1052. Interagency collaboration on unmanned aircraft systems.
Sec. 1053. Authority to transfer surplus Mine-Resistant Ambush-Protected vehicles and spare parts.
Sec. 1054. Notice to Congress of certain Department of Defense nondisclosure agreements.
Sec. 1055. Extension of authority to provide assured business guarantees to carriers participating in Civil Reserve Air Fleet.
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.
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.

Subtitle G—Studies and Reports

Sec. 1061. Electronic warfare strategy of the Department of Defense.
Sec. 1062. Report on counterproliferation capabilities and limitations.
Sec. 1063. Report on strategic airlift aircraft.
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.
Sec. 1079. Coordination for computer network operations.
Sec. 1080. Sense of Congress regarding unauthorized disclosures of classified information.
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.—

(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;

(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''.

(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.

(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.

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.

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.

(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.

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.

(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.

''(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.

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.

(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.

(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.

(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.

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.

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.—

(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.

(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).

(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.

(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).

(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—

(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.

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.—

(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.''.

(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.

(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:

''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,''.

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''.

(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—

''(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:

''(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:

''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.

(4) EFFECTIVE DATE.—The amendment made by paragraph (1)(D) shall take effect on October 1, 2012.

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.

''(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.

''(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.

(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

''(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—

''(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:

''(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

''(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

''(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.

''(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

''(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.''.

(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:

''§ 496. Consideration of expansion of nuclear forces of other countries

''(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:

''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:

''§ 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

''(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.—

''(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:

''§ 498 Unilateral change in nuclear weapons stockpile of the United States

''(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:

''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):

''(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.

''(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.''.

(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:

''§ 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.''.

(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.''.

(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).

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

(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.''.

(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:

(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.

(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.

(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.

(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:

''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.—

(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.

(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.

(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.

(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.

SEC. 1054. NOTICE TO CONGRESS OF CERTAIN DEPARTMENT OF DEFENSE NONDISCLOSURE AGREEMENTS.

(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.

(b) TIMING OF NOTIFICATION.—

(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—

(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.

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.

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.

(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—

(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.—

(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, pre-positioning, 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.

(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.

(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 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''.

(2) Section 323(b) (125 Stat. 1362) is amended by striking ''Section 328(b)(A)'' and inserting ''Section 328(b)(2)(A)''.

(3) Section 541(b) (125 Stat. 1407) is amended by striking '', as amended by subsection (a),''.

(4) Section 589(b) (125 Stat. 1438) is amended by striking ''section 717'' and inserting ''section 2564''.

(5) Section 602(a)(2) (125 Stat. 1447) is amended by striking ''repairs,'' and inserting ''repairs''.

(6) Section 631(e)(28)(A) (125 Stat. 1464) is amended by striking ''before 'In addition' '' and inserting ''before 'Under regulations' ''.

(7) Section 631(f)(2) (125 Stat. 1464) is amended by striking ''table of chapter'' and inserting ''table of chapters''.

(8) Section 631(f)(3)(B) (125 Stat. 1465) is amended by striking ''chapter 9'' and inserting ''chapter 10''.

(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

(C) in subsection (e)(1)(A), by striking ''**Point**'' in the matter proposed to be struck and inserting ''**Point A**''.

(11) Section 806(d) (125 Stat. 1487) is amended by striking ''paragraph (2)'' and inserting ''subsection (c)(2)''.

(12) Section 832(b)(1) (125 Stat. 1504) is amended by striking ''Defenese'' and inserting ''Defense''.

(13) Section 855 (125 Stat. 1521) is amended by striking ''Section 139e(b)(12)'' and inserting ''Section 139c(b)(12)''.

(14) Section 864(a)(2) (125 Stat. 1522) is amended by striking ''for Acquisition Workforce Programs'' in the matter proposed to be struck.

(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.'.''.

(16) Section 866(a) (125 Stat. 1526) is amended by striking ''September 30'' in the matter proposed to be struck and inserting ''December 31''.

(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)''.

(20) Section 1067 (125 Stat. 1589) is amended—

(A) by striking subsection (a); and

(B) by striking the subsection designation and the subsection heading of subsection (b).

(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''.

(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:

(1) Section 358(c)(3) (124 Stat. 4199) is amended by striking ''fulfil'' and inserting ''fulfill''.

(2) Section 533(b) (124 Stat. 4216) is amended by inserting ''Section'' before ''1559(a)''.

(3) Section 896(a) (124 Stat. 4314) is amended by striking ''Chapter 7'' and inserting ''Chapter 4''.

(4) Section 1075(b)(50)(C) (124 Stat. 4371) is amended by striking ''subsection (j)(1)'' and inserting ''subsection (j)''.

(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''.

(2) The table of sections at the beginning of chapter 4 is amended by striking the item relating to section 133b.

(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''.

(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.

(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.

(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,''.

(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''.

(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—

''(A) to establish procedures to maintain such material;

''(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—

''(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).

''(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.''.

(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.

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.

(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.

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.

(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:

"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—

"(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 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

"(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.''.

(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.

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

''(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:

''(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—

(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

(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;

''(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.''.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (1), the amendments made by this section shall—

(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.

''(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:

''(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.

(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. 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''.

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.

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.

(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.

(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.''.

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.—

(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.

(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.
Sec. 1216. Extension and modification of logistical support for coalition forces supporting certain United States military operations.
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.
Sec. 1222. Authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan.
Sec. 1223. Report on efforts to promote the security of Afghan women and girls during the security transition process.
Sec. 1224. Sense of Congress commending the Enduring Strategic Partnership Agreement between the United States and Afghanistan.
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.
Sec. 1234. Rule of construction.

Subtitle D—Iran Sanctions

Sec. 1241. Short title.
Sec. 1242. Definitions.
Sec. 1243. Sense of Congress relating to violations of human rights by Iran.
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.
Sec. 1254. Applicability to certain natural gas projects.
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.
Sec. 1266. Rules of construction.
Sec. 1267. Definitions.

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.
Sec. 1273. Sustainability requirements for certain capital projects in connection with overseas contingency operations.
Sec. 1274. Administration of the American, British, Canadian, and Australian Armies' Program.
Sec. 1275. United States participation in Headquarters Eurocorps.
Sec. 1276. Department of Defense participation in European program on multilateral exchange of air transportation and air refueling services.
Sec. 1277. Prohibition on use of funds to enter into contracts or agreements with Rosoboronexport.
Sec. 1278. Sense of Congress on Iron Dome short-range rocket defense system.
Sec. 1279. Bilateral defense trade relationship with India.
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''.

(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 NONRECIPROCAL 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.

(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.

(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:

(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).

(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.

(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).

(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.

(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.''.

(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—

(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.

''(B) An assessment whether the Government of Afghanistan is committed to and has the capacity to maintain and use such project after its completion.

''(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—

(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

(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.

(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.

(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.—

(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.—

(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

(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.

(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.

SEC. 1234. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as authorizing the use of force against Iran.

Subtitle D—Iran Sanctions

SEC. 1241. SHORT TITLE.

This subtitle may be cited as the ''Iran Freedom and Counter-Proliferation Act of 2012''.

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.

(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 prodemocracy 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.

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.

(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—

(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).

(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).

(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—

(1) to the extent that the President determines that such an exception is in the national interest of the United States; and

(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—

(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.

(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.

(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—

(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.

(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—

(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.

(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.

(a) IMPOSITION OF SANCTIONS.—

(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.

(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—

(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.

(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.

(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)).

(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.—

(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—

(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.

(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.

(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

(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.

''(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.—

''(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.

''(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.

(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.

SEC. 1252. REPORT ON USE OF CERTAIN IRANIAN SEAPORTS BY FOREIGN VESSELS AND USE OF FOREIGN AIRPORTS BY SANCTIONED IRANIAN AIR CARRIERS.

(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.

(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, 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).

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.

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''.

(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—

(A) determines that it is in the national interest of the United States to do so; and

(B) notifies the appropriate congressional committees of such determination.

(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.

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

SEC. 1262. REPORT ON LICENSES AND OTHER AUTHORIZATIONS TO EXPORT CERTAIN SATELLITES AND RELATED ITEMS.

(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.

SEC. 1263. REPORT ON COUNTRY EXEMPTIONS FOR LICENSING OF EXPORTS OF CERTAIN SATELLITES AND RELATED ITEMS.

(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.

SEC. 1264. END-USE MONITORING OF CERTAIN SATELLITES AND RELATED ITEMS.

(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.

(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.

(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).

(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.

SEC. 1266. RULES OF CONSTRUCTION.

(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).

(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.

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:

''(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.

(a) LIMITATION.—

(1) IN GENERAL.—Commencing 60 days after the date of the enactment of this Act—

(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.

(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).

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.

(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.

(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:

(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.

(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.

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.

(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.

''(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.

(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.

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.

(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.

(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.

(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.

(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.

(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.

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.

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.

(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 hydrolysates.'';

(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 hydrolysates;

''(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.

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

''(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

''(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.''.

(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.—

(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).

(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.

(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.

(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.—

(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—

(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):

''(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'').

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.

(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.

(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.
Sec. 1602. Assessment of effects of foreign boycotts.
Sec. 1603. National security strategy for national technology and industrial base.

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.
Sec. 1612. Small Business Ombudsman for defense audit agencies.
Sec. 1613. Independent assessment of Federal procurement contracting performance of the Department of Defense.
Sec. 1614. Additional responsibilities of Inspector General of the Department of Defense.
Sec. 1615. Restoration of 1 percent funding for administrative expenses of Commercialization Readiness Program of Department of Defense.

Subtitle C—Matters Relating to Small Business Concerns

PART I—PROCUREMENT CENTER REPRESENTATIVES

Sec. 1621. Procurement center representatives.
Sec. 1622. Small Business Act contracting requirements training.
Sec. 1623. Acquisition planning.

PART II—GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS

Sec. 1631. Goals for procurement contracts awarded to small business concerns.
Sec. 1632. Reporting on goals for procurement contracts awarded to small business concerns.
Sec. 1633. Senior executives.

PART III—MENTOR-PROTEGE PROGRAMS

Sec. 1641. Mentor-Protege programs.

PART IV—TRANSPARENCY IN SUBCONTRACTING

Sec. 1651. Limitations on subcontracting.
Sec. 1652. Penalties.
Sec. 1653. Subcontracting plans.
Sec. 1654. Notices of subcontracting opportunities.
Sec. 1655. Publication of certain documents.

PART V—SMALL BUSINESS CONCERN SIZE STANDARDS

Sec. 1661. Small business concern size standards.

PART VI—CONTRACT BUNDLING

Sec. 1671. Contract bundling.

PART VII—INCREASED PENALTIES FOR FRAUD
Sec. 1681. Safe harbor for good faith compliance efforts.
Sec. 1682. Requirement that fraudulent businesses be suspended or debarred.
Sec. 1683. Annual report on suspensions and debarments proposed by Small Business Administration.
PART VIII—OFFICES OF SMALL AND DISADVANTAGED BUSINESS UNITS
Sec. 1691. Offices of Small and Disadvantaged Business Utilization.
Sec. 1692. Small Business Procurement Advisory Council.
PART IX—OTHER MATTERS
Sec. 1695. Surety bonds.
Sec. 1696. Conforming Amendments; Repeal of redundant provisions; Regulations.
Sec. 1697. Contracting with small business concerns owned and controlled by women.
Sec. 1698. Small business HUBZones.
Sec. 1699. National Veterans Business Development Corporation.
Sec. 1699a. State Trade and Export Promotion Grant Program.

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:

''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.

(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:

''§ 204. Small Business Ombudsman for defense audit agencies

''(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:

''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.

(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.

(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.

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.

(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).

(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.''.

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.—

''(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.'';

(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.''.

(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.

(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.

''(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.

(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.).

(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.

(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

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.

''(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

''(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:

''(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.

''(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.''.

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.

''(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)—

''(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).

''(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.—

''(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.

''(2) UNIFORMITY.—A requirement established under paragraph (1) shall apply to all covered small business concerns.

''(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).

''(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.''.

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—

''(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

''(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:

''(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.

''(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.''.

(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.

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 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.

''(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.

(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—

(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.

(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.''.

(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.

(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.

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''.

(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.

(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.

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;

''(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—

''(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;

''(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—

''(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:

''(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.

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.''.

SEC. 1698. SMALL BUSINESS HUBZONES.

(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).

(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.

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.

(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;

(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.

(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.

(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.

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.

(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.

(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.

(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.

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).

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;''.

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.

(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

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).''.

(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

''(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 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.

''(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.

''(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—

''(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.—

''(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.—

''(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.

''(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.

''(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

''(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.—

''(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.—

''(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.

''(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).

''(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:

''(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:

(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.

(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.

(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.—

(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.

(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—

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(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

(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

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).

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.

(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
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.

(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.

(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

Army: Extension of 2010 Project Authorizations—Continued

State	Installation or Location	Project	Amount
Virginia	Fort Belvoir	Road and Access Control Point	$9,500,000
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—

(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

(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
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.

(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.

(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.

(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
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

Defense Agencies: Outside the United States—Continued

Country	Installation or Location	Amount
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.

(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

Army National Guard: Inside the United States—Continued

State	Location	Amount
	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 NON-APPROPRIATED 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 non-appropriated 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 non-appropriated 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.—

(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.

(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.

(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.

''(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''.

SEC. 2812. IDENTIFICATION REQUIREMENTS FOR ACCESS TO MILITARY INSTALLATIONS.

(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.

(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.

(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.

(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:

(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.

(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.

(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 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

''(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''.

(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.''.

(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.

(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.

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.

(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.

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.

(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:

"SEC. 3241A. AUTHORIZED PERSONNEL LEVELS OF THE OFFICE OF THE ADMINISTRATOR.

''(a) FULL-TIME EQUIVALENT PERSONNEL LEVELS.—

''(1) TOTAL NUMBER.—By October 1, 2014, the total number of employees of the Office of the Administrator may not exceed 1,825.

''(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.

''(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.''.

(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.''.

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—

''(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).

''(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:

''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.

''(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).

''(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).

(d) NAVAL REACTOR STUDY.—

(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 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.

(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:

''SEC. 4509. DESIGN AND USE OF PROTOTYPES OF NUCLEAR WEAPONS FOR INTELLIGENCE PURPOSES.

''(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.

''(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.

''(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.

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.

SEC. 3120. IMPROVEMENT AND STREAMLINING OF THE MISSIONS AND OPERATIONS OF THE DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(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.

(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.

(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.

(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.—

(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.

(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.

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 metalworking, 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.

(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.

(e) ASSISTANCE.—

(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).

(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.

(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.

(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.—

(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''.

(D) By striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of National Intelligence''.

(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.''.

(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''.

(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.

''(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).

''(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.

''(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.—

(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.

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:

''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:

''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:

''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.

(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:

''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.

''(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:

''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—

''(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—

''(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);

(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.

(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.

(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.

(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

SEC. 3171. SHORT TITLE.

This subtitle may be cited as the ''American Medical Isotopes Production Act of 2012''.

SEC. 3172. DEFINITIONS.

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.

(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—

(A) develop a program plan and annually update the program plan through public workshops; and

(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.

(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:

''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.

''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.

''(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.

''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—

''(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:

''SEC. 112. DOMESTIC MEDICAL ISOTOPE PRODUCTION.—

''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—

''(1) the Commission determines that—

''(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

''(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.

''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:

''(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—

''(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:

''SEC. 322. INSPECTOR GENERAL.

''(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''.

(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.

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—

''(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.—

''(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.''.

(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

(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.''.

(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

''(C) publish each such determination on the Internet Web site of the Department of Transportation not later than 48 hours after notice of the determination is provided to the Secretary of Transportation.

''(3) NOTICE TO CONGRESS.—

''(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.

(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.

(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.

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
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		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
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
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

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
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
	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

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
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
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		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
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
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**
	AIRCRAFT PROCUREMENT, NAVY		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	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
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

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	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		
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		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
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]
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		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
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		
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

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	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
	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
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

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
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
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

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
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
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

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	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		
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

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	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		
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		
	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		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
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 light-weight 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
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		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
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		
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

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	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
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		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
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
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
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

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
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
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

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
		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
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
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

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
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
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

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
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
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
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

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
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		
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

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
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
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
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

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
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
		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

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
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
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]
221	0305940F	SPACE SITUATION AWARENESS OPERATIONS	19,586	19,586

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
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
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

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
		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]
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
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]

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
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
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

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
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
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**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	Conference Authorized
		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 emergency 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**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	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
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
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

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
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]
	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

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
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
	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
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

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	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
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		

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
	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
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		
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

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
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
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
	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

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
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
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

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	Conference Authorized
030	DEPOT MAINTENANCE	106,768	106,768
050	BASE SUPPORT	6,250	6,250
	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
	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]

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

Item	FY 2013 Request	Conference Authorized
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		
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		

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2013 Request	Conference Authorized
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		
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

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
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
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

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
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			
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
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			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
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
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
	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

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
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			
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
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**

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
	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			
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			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
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			
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
Air NG	Various Worldwide Locations	Unspecified Minor Construction	5,900	5,900
	Wyoming			
Air NG	Cheyenne Map	C–130 Flight Simulator Training Facility	6,486	6,486
Total Military Construction, Air National Guard			**42,386**	**42,386**
	California			
AF Res	March Air Reserve Base	Joint Regional Deployment Processing Center	0	0
	New York			
AF Res	Niagara Falls IAP	Flight Simulator Facility	6,100	6,100
	Worldwide Unspecified			
AF Res	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**
	Worldwide Unspecified			
FH Con Army	Unspecified Worldwide Locations	Family Housing P&d	4,641	4,641
Total Family Housing Construction, Army			**4,641**	**4,641**
	Worldwide Unspecified			
FH Ops Army	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**
	Worldwide Unspecified			
FH Con AF	Unspecified Worldwide Locations	Improvements	79,571	79,571

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
FH Con AF	Unspecified Worldwide Locations	Planning and Design	4,253	4,253
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
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
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
BRAC 05	Unspecified Worldwide Locations	Usa–36: Red River Army Depot	1,385	1,385

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Conference Authorized
Total Base Realignment and Closure Account 2005			**126,697**	**126,697**
	Worldwide Unspecified			
BRAC IV	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**
	Worldwide Unspecified			
PYS	Unspecified Worldwide Locations	BRAC 2005	0	–132,513
PYS	Unspecified Worldwide Locations	Contingency Construction	0	–20,000
Total Prior Year Savings			**0**	**–152,513**
	Worldwide Unspecified			
GR	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**
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

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	Conference Authorized
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
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		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	Conference Authorized
Kansas City Plant	163,602	163,602
Lawrence Livermore National Laboratory	89,048	89,048
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
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		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	Conference Authorized
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
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**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	Conference Authorized
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
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**
Defense-related activities		
Infrastructure		
Idaho sitewide safeguards and security	0	0

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	*FY 2013 Request*	*Conference Authorized*
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***

And the Senate agree to the same.

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

HOWARD P. ''BUCK'' MCKEON,
ROSCOE G. BARTLETT,
MAC THORNBERRY,
J. RANDY FORBES,
JEFF MILLER,
JOE WILSON,
FRANK A. LOBIONDO,
MICHAEL R. TURNER,
JOHN KLINE,
MIKE ROGERS,
BILL SHUSTER,
K. MICHAEL CONAWAY,
ROBERT J. WITTMAN,
DUNCAN HUNTER,
E. SCOTT RIGELL,
VICKY HARTZLER,
ALLEN B. WEST,
MARTHA ROBY,
ADAM SMITH,
MIKE MCINTYRE,
ROBERT E. ANDREWS,
SUSAN A. DAVIS,
JAMES R. LANGEVIN,
RICK LARSEN,
JIM COOPER,
MADELEINE Z. BORDALLO,
JOE COURTNEY,
NIKI TSONGAS,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

MIKE ROGERS,
C.A. DUTCH RUPPERSBERGER,

From the Committee on Education and the Workforce, for consideration of secs. 541 and 561 of the House bill and secs. 563 and 571–73 of the Senate amendment, and modifications committed to conference:

THOMAS E. PETRI,
KRISTI L. NOEM,
ROBERT C. ''BOBBY'' SCOTT,

From the Committee on Energy and Commerce, for consideration of secs. 312, 601, 727, 3111, 3113, 3114, 3117, 3118, 3132, 3133, 3151, and 3202 of the House bill and secs. 736, 758, 914, 3118, 3122, 3152–54, 3156, and 5022 of the Senate amendment, and modifications committed to conference:

GREG WALDEN,
ED WHITFIELD,
HENRY A. WAXMAN,

From the Committee on Financial Services, for consideration of sec. 661 of the House bill and secs. 651–55, subtitle E of title XII, and title L of the Senate amendment, and modifications committed to conference:

SHELLEY MOORE CAPITO,
BILL HUIZENGA,
ED PERLMUTTER,

From the Committee on Foreign Affairs, for consideration of secs. 227, 230, 335, 355, 952, 1013, 1033, 1035, 1037, 1041, 1043, 1097, 1111, 1202, 1203, 1212, 1213, 1217, 1219, 1234, 1237, 1238, 1240, 1240A, 1240B, 1240C, 1243, 1245–47, 1301, 1303, 1531–33, title XVII, secs. 3120, 3121, and 3123 of the House bill and secs. 237, 342, 873, subtitle F of title VIII, secs. 1013, 1031, 1033, 1042, 1045, 1050, 1093, 1201–04, 1212–15, 1217, 1218, 1223, 1224, 1241, 1242, 1247, 1248, subtitle E of title XII, secs. 1301, 1531, 1532, 1534, 3114, and 5023 of the Senate amendment, and modifications committed to conference:

ILEANA ROS-LEHTINEN,
EDWARD R. ROYCE,

From the Committee on Homeland Security, for consideration of sec. 1111 of the House bill and sec. 1803 of the Senate amendment, and modifications committed to conference:

BENNIE G. THOMPSON,

From the Committee on the Judiciary, for consideration of secs. 564, 593, 1033, 1084, 1088, 1099C, 1707, and 1709 of the House bill and secs. 653, 736, 844, 844A, 897, 899, 1033, 1092, 1096, 1099C, 5021, 5024, subtitle E of title XII, and title LI of the Senate amendment, and modifications committed to conference:

LAMAR SMITH,
DANIEL E. LUNGREN,
JOHN CONYERS, JR.,

From the Committee on Natural Resources, for consideration of secs. 316, 317, 601, 2841, 2846, and 2861 of the House bill and secs. 271, 312, 1091, 1433, title XIX, and sec. 2842 of the Senate amendment, and modifications committed to conference:

DOC HASTINGS,
ROB BISHOP,

From the Committee on Oversight and Government Reform, for consideration of secs. 313, 651, 663, 801, 812, 833, 952, 1101–04, 1111, 1616, 1683, 1702, 1704–06, and 2811 of the House bill and secs. 641, 822, 825, 844, 844A, 892, 894–96, 903, 1099A, 1101–04, and subtitle B of title LIII of the Senate amendment, and modifications committed to conference:

DARRELL E. ISSA,
TIM WALBERG,

From the Committee on Science, Space, and Technology, for consideration of secs. 916, 1074, 1603, 1617, 1661, and 3158 of the House bill and secs. 271, 912, 1046, title XVIII, secs. 3153, 3159, and 3504 of the Senate amendment, and modifications committed to conference:

RALPH M. HALL,
JUDY BIGGERT,
EDDIE BERNICE JOHNSON,

From the Committee on Small Business, for consideration of secs. 1611, 1621–23, 1631, 1632, 1641, 1651–58, 1661, 1671–73, 1681–83, 1691, 1693a, 1695, and 1697 of the House bill and secs. 848, 888, 889e, 1090, and 1089E of the Senate amendment, and modifications committed to conference:

SAM GRAVES,
JAIME HERRERA BEUTLER,

From the Committee on Transportation and Infrastructure, for consideration of secs. 334, 535, 601, 704, 1074, 1078, 2801, and 3509 of the House bill and secs. 521, 1803, 1804, 3503–05, 3508 and 3509 of the Senate amendment, and modifications committed to conference:

JOHN L. MICA,
HOWARD COBLE,
TIMOTHY H. BISHOP,

From the Committee on Veterans Affairs, for consideration of secs. 355, 564, 565, 664, and 728 of the House bill and secs. 642, 755, 756, 759–64, 1044, 1087, 1090, 1097, 1099B, and title L of the Senate amendment, and modifications committed to conference:

GUS M. BILIRAKIS,
DOUG LAMBORN,
MICHAEL H. MICHAUD,
Managers on the Part of the House.

CARL LEVIN,
JOSEPH I. LIEBERMAN,
JACK REED,
DANIEL K. AKAKA,
BEN NELSON,
JIM WEBB,
CLAIRE MCCASKILL,
MARK UDALL,
KAY R. HAGAN,
MARK BEGICH,
JOE MANCHIN III,
JEANNE SHAHEEN,
KIRSTEN E. GILLIBRAND,
RICHARD BLUMENTHAL,
JOHN MCCAIN,
JAMES M. INHOFE,
JEFF SESSIONS,
SAXBY CHAMBLISS,
ROGER F. WICKER,
SCOTT P. BROWN,
ROB PORTMAN,
KELLY AYOTTE,
SUSAN M. COLLINS,
LINDSEY GRAHAM,
JOHN CORNYN,
DAVID VITTER,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (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, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment that is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

Compliance with rules of the House of Representatives and Senate regarding earmarks and congressionally directed spending items

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives and Rule XLIV(3) of the Standing Rules of the Senate, neither this conference report nor the accompanying joint statement of managers contains any congressional earmarks, congressionally directed spending items, limited tax benefits, or limited tariff benefits, as defined in such rules.

Summary of discretionary authorizations and budget implication

The budget request for national defense discretionary programs within the jurisdiction of the Committees on Armed Services of

the Senate and the House of Representatives for fiscal year 2013 was $631.6 billion. Of this amount, $525.3 billion was requested for base Department of Defense programs, $88.5 billion was requested for overseas contingency operations, and $17.8 billion was requested for national security programs in the Department of Energy and the Defense Nuclear Facilities Safety Board.

The conference agreement would authorize $633.3 billion in fiscal year 2013, including $527.5 billion for base Department of Defense programs, $88.5 billion for overseas contingency operations, and $17.4 billion for national security programs in the Department of Energy and the Defense Nuclear Facilities Safety Board.

The following two tables summarize the discretionary authorizations in the agreement and the equivalent budget authority levels for fiscal year 2013 defense programs.

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2013
(In Thousands of Dollars)

	FY 2013 Request	Conference Change	Conference Authorized
DISCRETIONARY AUTHORIZATIONS WITHIN THE JURISDICTION OF THE ARMED SERVICES COMMITTEE			
Department of Defense Base Budget			
Division A: Base Budget (Titles I, II, III, IV, XIV, XVII)			
Title I: PROCUREMENT			
Aircraft Procurement, Army	5,853,729		5,853,729
Missile Procurement, Army	1,302,689	50,000	1,352,689
Weapons & Tracked Combat Vehicles, Army	1,501,706	312,817	1,814,523
Procurement of Ammunition, Army	1,739,706	–167,938	1,571,768
Other Procurement, Army	6,326,245	–174,212	6,152,033
Joint Improvised Explosive Device Defeat Fund	227,414	–227,414	
Aircraft Procurement, Navy	17,129,296	–1,833	17,127,463
Weapons Procurement, Navy	3,117,578	–5,521	3,112,057
Procurement of Ammunition, Navy & Marine Corps	759,539	678,679	14,258,524
Shipbuilding & Conversion, Navy	13,579,845	–33,539	726,000
Other Procurement, Navy	6,169,378	49,663	6,219,041
Procurement, Marine Corps	1,622,955	–140,874	1,482,081
Aircraft Procurement, Air Force	11,002,999	276,600	11,279,599
Missile Procurement, Air Force	5,491,846		599,194
Procurement of Ammunition, Air Force	599,194	–32,700	5,459,146
Other Procurement, Air Force	16,720,848	28,200	16,749,048
Procurement, Defense-Wide	4,187,935	303,400	4,491,335
Joint Urgent Operational Needs Fund	99,477	–99,477	
National Guard and Reserve Equipment		150,000	150,000
Subtotal, PROCUREMENT	**97,432,379**	**965,851**	**98,398,230**
Title II: RESEARCH, DEVELOPMENT, TEST & EVALUATION			
RDT&E, Army	8,929,415	–434,660	8,494,755
RDT&E, Navy	16,882,877	426,100	17,308,977
RDT&E, Air Force	25,428,046	–44,707	25,383,339
RDT&E, Defense-Wide	17,982,161	568,400	18,550,561
Operational Test & Evaluation, Defense	185,268	15,000	200,268
Subtotal, RESEARCH, DEVELOPMENT, TEST & EVALUATION	**69,407,767**	**530,133**	**69,937,900**
Title III: OPERATION AND MAINTENANCE			
Operation & Maintenance, Army	36,608,592	–127,047	36,481,545
Operation & Maintenance, Navy	41,606,943	139,022	41,745,965
Operation & Maintenance, Marine Corps	5,983,163	22,800	6,005,963
Operation & Maintenance, Air Force	35,435,360	224,399	35,659,759
Operation & Maintenance, Defense-Wide	31,993,013	95,000	32,088,013
Operation & Maintenance, Army Reserve	3,162,008	16,200	3,178,208
Operation & Maintenance, Navy Reserve	1,246,982		1,246,982
Operation & Maintenance, Marine Corps Reserve	272,285		272,285
Operation & Maintenance, Air Force Reserve	3,166,482	40,600	3,207,082
Operation & Maintenance, Army National Guard	7,108,612	49,400	7,158,012
Operation & Maintenance, Air National Guard	6,015,455	170,100	6,185,555
Miscellaneous Appropriations	2,340,038		2,340,038
Subtotal, OPERATION AND MAINTENANCE	**174,938,933**	**630,474**	**175,569,407**
Title IV: MILITARY PERSONNEL	**135,111,799**	**646,479**	**135,758,278**
Title XIV: OTHER AUTHORIZATIONS			
Working Capital Fund, Army	60,037		60,037
Working Capital Fund, Air Force	45,452		45,452
Working Capital Fund, Defense-Wide	39,135		39,135
Working Capital Fund, DECA	1,371,560		1,371,560
National Defense Sealift Fund	608,136		608,136
Defense Health Program	32,528,718	92,000	32,620,718
Chemical Agents & Munitions Destruction, Defense	1,301,786		1,301,786
Drug Interdiction & Counter-Drug Activities, Defense	999,363	25,900	1,025,263
Office of the Inspector General	273,821	59,100	332,921
Subtotal, OTHER AUTHORIZATIONS	**37,228,008**	**177,000**	**37,405,008**
Subtotal, Division A Base Budget	**514,118,886**	**2,949,937**	**517,068,823**
Division B: Military Construction Base Budget (Titles XXI–XXVII)			
Titles XXI–XXVI: MILITARY CONSTRUCTION			
Military Construction, Army	1,923,323	–239,000	1,684,323
Military Construction, Navy and Marine Corps	1,701,985	–128,101	1,573,884
Military Construction, Air Force	388,200	–65,657	322,543

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2013—Continued
(In Thousands of Dollars)

	FY 2013 Request	Conference Change	Conference Authorized
Military Construction, Defense-Wide	3,654,623	–222,200	3,432,423
NATO Security Investment Program	151,000		151,000
Military Construction, Army National Guard	254,163		254,163
Military Construction, Air National Guard	613,799		613,799
Military Construction, Army Reserve	305,846		305,846
Military Construction, Navy Reserve	49,532		49,532
Military Construction, Air Force Reserve	42,386		42,386
Chemical Demilitarization Construction	10,979		10,979
Subtotal, MILITARY CONSTRUCTION	**9,095,836**	**–654,958**	**8,440,878**
Titles XXI–XXVI: FAMILY HOUSING			
Family Housing Construction, Army	4,641		4,641
Family Housing O&M, Army	530,051		530,051
Family Housing Construction, Navy and Marine Corps	102,182		102,182
Family Housing O&M, Navy and Marine Corps	378,230		378,230
Family Housing Construction, Air Force	497,829		497,829
Family Housing O&M, Air Force	83,824		83,824
Family Housing O&M, Defense-Wide	52,238		52,238
Family Housing Improvement Fund	1,786		1,786
Subtotal, FAMILY HOUSING	**1,650,781**		**1,650,781**
Title XXVII: BRAC			
Defense Base Closure Account 1990	349,396		349,396
Defense Base Closure Account 2005	126,697		126,697
Subtotal, BRAC	**476,093**		**476,093**
Military Construction Undistributed Adjustments			
General Reductions		–2,334	–2,334
Prior Year Savings		–152,513	–152,513
Subtotal, Military Construction Undistributed Adjustments		**–154,847**	**–154,847**
Total, Division B Base Budget	**11,222,710**	**–809,805**	**10,412,905**
Department of Defense Overseas Contingency Operations (OCO) Budget			
OCO Budget—Division A, Title XV			
PROCUREMENT, OCO			
Aircraft Procurement, Army	486,200		486,200
Missile Procurement, Army	49,653		49,653
Weapons & Tracked Combat Vehicles, Army	15,422		15,422
Procurement of Ammunition, Army	357,493	–19,000	338,493
Other Procurement, Army	2,015,907	60,000	2,075,907
Joint Improvised Explosive Device Defeat Fund	1,675,400	166,914	1,842,314
Aircraft Procurement, Navy	164,582		164,582
Weapons Procurement, Navy	23,500		23,500
Procurement of Ammunition, Navy & Marine Corps	285,747		285,747
Other Procurement, Navy	98,882		98,882
Procurement, Marine Corps	943,683		943,683
Aircraft Procurement, Air Force	305,600		305,600
Procurement of Ammunition, Air Force	116,203		116,203
Missile Procurement, Air Force	34,350		34,350
Other Procurement, Air Force	2,818,270		2,818,270
Procurement, Defense-Wide	196,349		196,349
Joint Urgent Operational Needs Fund	100,000	–100,000	
National Guard and Reserve Equipment		350,000	350,000
Subtotal, PROCUREMENT, OCO	**9,687,241**	**457,914**	**10,145,155**
RESEARCH, DEVELOPMENT, TEST & EVALUATION, OCO			
RDT&E, Army	19,860	–5,000	14,860
RDT&E, Navy	60,119		60,119
RDT&E, Air Force	53,150		53,150
RDT&E, Defense-Wide	112,387		112,387
Subtotal, RDT&E, OCO	**245,516**	**–5,000**	**240,516**
OPERATION AND MAINTENANCE, OCO			
Operation & Maintenance, Army	28,591,441	–250,000	28,341,441
Operation & Maintenance, Navy	5,880,395		5,880,395
Operation & Maintenance, Marine Corps	4,066,340		4,066,340
Operation & Maintenance, Air Force	9,241,613		9,241,613
Operation & Maintenance, Defense-Wide	7,824,579	–100,000	7,724,579
Operation & Maintenance, Army Reserve	154,537		154,537
Operation & Maintenance, Navy Reserve	55,924		55,924
Operation & Maintenance, Marine Corps Reserve	25,477		25,477
Operation & Maintenance, Air Force Reserve	120,618		120,618
Operation & Maintenance, Army National Guard	382,448		382,448
Operation & Maintenance, Air National Guard	19,975		19,975
Afghanistan Security Forces Fund	5,749,167		5,749,167
Afghanistan Infrastructure Fund	400,000	–50,000	350,000
Subtotal, OPERATION AND MAINTENANCE, OCO	**62,512,514**	**–400,000**	**62,112,514**
MILITARY PERSONNEL, OCO	**14,060,094**	**–5,000**	**14,055,094**

SUMMARY OF NATIONAL DEFENSE AUTHORIZATIONS FOR FISCAL YEAR 2013—Continued
(In Thousands of Dollars)

	FY 2013 Request	Conference Change	Conference Authorized
OTHER AUTHORIZATIONS, OCO			
Working Capital Fund, Army	42,600		42,600
Working Capital Fund, Air Force	240,400		240,400
Working Capital Fund, Defense-Wide	220,364		220,364
Defense Health Program	993,898		993,898
Drug Interdiction & Counter-Drug Activities, Defense	469,025		469,025
Office of the Inspector General	10,766		10,766
Subtotal, OTHER AUTHORIZATIONS, OCO	**1,977,053**		**1,977,053**
Subtotal, OCO Budget, Division A	**88,482,418**	**47,914**	**88,530,332**
OCO Budget—Division B, Military Construction			
MILITARY CONSTRUCTION, OCO			
Military Construction, Navy		99,420	99,420
Prior Year Savings		–150,768	–150,768
Subtotal, MILITARY CONSTRUCTION, OCO		**–51,348**	**–51,348**
Subtotal, OCO Budget, Division B		**–51,348**	**–51,348**
Subtotal OCO Budget, Divisions A and B	**88,482,418**	**–3,434**	**88,478,984**
Recapitulation, Base Budget	**525,341,596**	**2,140,132**	**527,481,728**
Recapituation, OCO Budget	**88,482,418**	**–3,434**	**88,478,984**
TOTAL, DEPARTMENT OF DEFENSE (051)	**613,824,014**	**2,136,698**	**615,960,712**
Division C: Department of Energy National Security and Independent Federal Agency Authorizations			
Department of Energy Authorizations			
Electricity Delivery and Energy Reliability	6,000	–6,000	
Title XXXI: NATIONAL NUCLEAR SECURITY ADMINISTRATION			
Weapons Activities	7,577,341	80,580	7,657,921
Defense Nuclear Nonproliferation	2,458,631	27,000	2,485,631
Naval Reactors	1,088,635		1,088,635
Office of the Administrator	411,279	–29,279	382,000
Subtotal, NATIONAL NUCLEAR SECURITY ADMINISTRATION	**11,535,886**	**78,301**	**11,614,187**
Title XXXI: ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES			
Defense Environmental Cleanup	5,472,001	–463,000	5,009,001
Other Defense Activities	735,702	–4,403	731,299
Subtotal, ENVIRONMENTAL AND OTHER DEFENSE ACTIVITIES	**6,207,703**	**–467,403**	**5,740,300**
TOTAL, DEPARTMENT OF ENERGY	**17,749,589**	**–395,102**	**17,354,487**
Independent Federal Agency Authorization			
Title XXXII: DEFENSE NUCLEAR FACILITIES SAFETY BOARD			
Defense Nuclear Facilities Safety Board	29,415		29,415
TOTAL, DEFENSE NUCLEAR FACILITIES SAFETY BOARD	**29,415**		**29,415**
TOTAL, ATOMIC ENERGY DEFENSE PROGRAMS (053)	**17,779,004**	**–395,102**	**17,383,902**
GRAND TOTAL, NATIONAL DEFENSE (050)	**631,603,018**	**1,741,596**	**633,344,614**
MEMORANDUM: NON-DEFENSE AUTHORIZATIONS			
Title XIV—Armed Forces Retirement Home (Function 600)	67,590		67,590
Title XXXIV—Naval Petroleum and Oil Shale Reserves (Function 700)	14,909		14,909
Title XXXV—Maritime Administration (Function 400)	146,298		146,298
MEMORANDUM: TRANSFER AUTHORITIES (NON-ADDS)			
Title X—General Transfer Authority (non-add)	[5,000,000]		[4,000,000]
Title XV—Special Transfer Authority (non-add)	[4,000,000]		[3,000,000]

NATIONAL DEFENSE BUDGET AUTHORITY IMPLICATION
(In Thousands of Dollars)

	FY 2013 Request	Conference Change	Conference Authorized
Discretionary Authorizations Within the Jurisdiction of the Armed Services Committee			
Recapitulation, Base Budget	525,341,596	2,140,132	527,481,728
Recapituation, OCO Budget	88,482,418	–3,434	88,478,984
TOTAL, DEPARTMENT OF DEFENSE (051)	**613,824,014**	**2,136,698**	**615,960,712**
TOTAL, ATOMIC ENERGY DEFENSE PROGRAMS (053)	**17,779,004**	**–395,102**	**17,383,902**
GRAND TOTAL, NATIONAL DEFENSE (050)	**631,603,018**	**1,741,596**	**633,344,614**
Defense Discretionary Programs Outside the Jurisdiction of the Armed Services Committees or Already Authorized			
Defense Production Act Purchases	89,189		89,189
Indefinite Account: National Science Center, Army	25		25
Indefinite Account: Disposal Of DOD Real Property	7,855		7,855
Indefinite Account: Lease Of DOD Real Property	12,029		12,029
Subtotal, Budget Sub-Function 051	**109,098**		**109,098**

NATIONAL DEFENSE BUDGET AUTHORITY IMPLICATION—Continued

(In Thousands of Dollars)

	FY 2013 Request	Conference Change	Conference Authorized
Formerly Utilized Sites Remedial Action Program	104,000		104,000
Nuclear Energy	93,000		93,000
Subtotal, Budget Sub-Function 053	**197,000**		**197,000**
Other Discretionary Programs	7,168,000		7,168,000
Subtotal, Budget Sub-Function 054	**7,168,000**		**7,168,000**
Total Defense Discretionary Adjustments (050)	**7,474,098**		**7,474,098**
Budget Authority Implication, National Defense Discretionary			
Department of Defense—Military (051)	613,933,112	2,136,698	616,069,810
Atomic Energy Defense Activities (053)	17,976,004	–395,102	17,580,902
Defense-Related Activities (054)	7,168,000		7,168,000
Total BA Implication, National Defense Discretionary	**639,077,116**	**1,741,596**	**640,818,712**
National Defense Mandatory Programs, Current Law (CBO Estimates)			
Concurrent receipt accrual payments to the Military Retirement Fund	6,849,000		6,849,000
Revolving, trust and other DOD Mandatory	1,100,000		1,100,000
Offsetting receipts	–1,794,000		–1,794,000
Net change of provisions in the FY 2013 NDAA		–33,000	–33,000
Subtotal, Budget Sub-Function 051	**6,155,000**	**–33,000**	**6,122,000**
Energy employees occupational illness compensation programs and other	1,165,000		1,165,000
Subtotal, Budget Sub-Function 053	**1,165,000**		**1,165,000**
Radiation exposure compensation trust fund	57,000		57,000
Payment to CIA retirement fund and other	514,000		514,000
Subtotal, Budget Sub-Function 054	**571,000**		**571,000**
Total National Defense Mandatory (050)	**7,891,000**	**–33,000**	**7,858,000**
Budget Authority Implication, National Defense Discretionary and Mandatory			
Department of Defense—Military (051)	620,088,112	2,136,698	622,191,810
Atomic Energy Defense Activities (053)	19,141,004	–395,102	18,745,902
Defense-Related Activities (054)	7,739,000		7,739,000
Total BA Implication, National Defense Discretionary and Mandatory	**646,968,116**	**1,708,596**	**648,676,712**

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

BUDGET ITEMS

M1 Abrams upgrade program

The budget request included $74.3 million in Weapons and Tracked Combat Vehicles, Army (WTCV) for the M1 Abrams upgrade program.

The House bill would authorize $255.4 million in WTCV for the M1 Abrams upgrade program.

The Senate amendment would authorize $91.0 million in WTCV for advanced procurement of long-lead items for M1 Abrams upgrades.

The agreement authorizes $209.3 million in WTCV for the M1 Abrams upgrade program.

The conferees remain concerned about risk in the current and future tank industrial base and direct the Secretary of the Army's attention to the views expressed in the House report to accompany H.R. 4310 (H. Rpt. 112–479) and the Senate report to accompany S. 3254 (S. Rpt. 112–173) of the National Defense Authorization Act for Fiscal Year 2013.

SPIDERNET/Spectral Warrior hardware

The budget request included $49.3 million to purchase and upgrade satellite communications systems for the Navy.

The Senate amendment would increase that line item by $2.0 million to provide a cloud network for Spectral Warrior terminals in support of requirements of the commanders of the combatant commands.

The House bill would approve the budget request.

The conferees agree to recommend an additional $2.0 million for this program in section 4101 of this Act. The conferees note that the Department of Defense requested a transfer of funds of $2.0 million in March 2012 as an additional authorization to initiate this new program.

AC–130 aircraft electro-optical and infrared sensors

The budget request included $20.3 million to purchase various items of equipment to meet combat mission requirements for U.S. Special Operations Command forces.

The Senate amendment would increase the authorization of appropriations by $6.0 million to procure color electro-optical and infrared imaging sensors for AC–130 aircraft used by U.S. Special Operations Command forces in ongoing contingency operations.

The House bill would approve the budget request.

The conferees agree to recommend an additional $6.0 million for this program in section 4101 of this Act. The conferees note that the Department of Defense requested a transfer of funds of $8.0 million in November 2012 as an additional authorization to initiate this new program.

Subtitle A—Authorization of Appropriations

Authorization of appropriations (sec. 101)

The House bill contained a provision (sec. 101) authorizing appropriations for fiscal year 2013 for procurement for the Army, the Navy and Marine Corps, the Air Force, and Defense-Wide activities, as specified in the funding table in section 4101.

The Senate amendment contained an identical provision (sec. 101).

The conference agreement includes this provision.

Subtitle B—Army Programs

Multiyear procurement authority for Army CH–47 helicopters (sec. 111)

The House bill contained a provision (sec. 111) that would grant the Secretary of the Army authority to enter into a multiyear procurement contract in accordance with section 2306b of title 10, United States Code, for up to 5 years for CH–47 helicopters.

The Senate amendment contained a similar provision (sec. 111).

The Senate recedes with a technical amendment.

Reports on airlift requirements of the Army (sec. 112)

The House bill contained a provision (sec. 112) that would require the Secretary of the Army to submit annual reports on the time-sensitive or mission-critical airlift requirements of the Army, including an accounting of sorties flown in support of these requirements during the previous year. The first report would have been required on October 31, 2012. The requirement for the annual report would expire in fiscal year 2017.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to change the due date for the first report to March 31, 2013.

Subtitle C—Navy Programs

Extension of Ford class aircraft carrier construction authority (sec. 121)

The House bill contained a provision (sec. 122) that would allow the Secretary of the Navy to buy all *Ford*-class aircraft carriers over a 6 year period, rather than over a 5 year period as currently allowed.

The Senate amendment contained a similar provision (sec. 122) that would authorize the Secretary of the Navy to buy *Ford*-class aircraft carriers designated CVN–79 and CVN–80 over a 6 year period.

The Senate recedes.

Multiyear procurement authority for Virginia class submarine program (sec. 122)

The House bill contained a provision (sec. 126) that would authorize the Secretary of the Navy to buy not more than 10 *Virginia*-class submarines under a multiyear procurement contract. The provision would also permit the Secretary to use incremental funding in that multiyear contract.

The Senate amendment contained a similar provision (sec. 124) that would authorize the Secretary of the Navy to buy *Virginia*-class submarines under a multiyear procurement contract. The provision would also permit the Secretary to use incremental funding for *Virginia*-class submarines to be procured during fiscal years 2013 through 2018 if the Secretary: (1) determines that such an approach would permit the Navy to procure an additional *Virginia*-class submarine in fiscal year 2014; and (2) intends to use the funding for that purpose.

The House recedes.

Multiyear procurement authority for Arleigh Burke class destroyers and associated systems (sec. 123)

The House bill contained a provision (sec. 125) that would authorize the Secretary of the Navy to buy not more than 10 *Arleigh Burke*-class destroyers under a multiyear procurement contract. The House provision did not specify which version of *Arleigh Burke*-class destroyers would be authorized within that authority.

The Senate amendment contained a provision (sec. 125) that would authorize the Secretary of the Navy to buy up to 10 *Arleigh Burke*-class Flight IIA destroyers under a multiyear procurement contract.

The House recedes.

Limitation on availability of amounts for second Ford class aircraft carrier (sec. 124)

The Senate amendment contained a provision (sec. 123) that would limit fiscal year 2013 obligations for the *Ford*-class aircraft carrier program to 50 percent of the amount in the budget, pending submission of a report by the Secretary of the Navy to the congressional defense committees setting forth a description of the program management and cost control measures that will be employed in constructing the second Ford-class aircraft carrier.

The House bill contained no similar provision.

The House recedes.

Refueling and complex overhaul of the U.S.S. Abraham Lincoln (sec. 125)

The House bill contained a provision (sec. 127) that would authorize the Secretary of the Navy to provide funding for the refueling and complex overhaul (RCOH) of the U.S.S. *Abraham Lincoln* incrementally over a 2 year period. The provision would authorize $1,613.4 million for that purpose.

The Senate amendment contained a similar provision (sec. 121).

The House recedes with an amendment that would reduce the authorized amount by $96.1 million.

Late this year, the Navy requested and was granted authority to reprogram $96.1 million from other fiscal year 2012 programs to support the U.S.S. Abraham Lincoln RCOH. This reduces the need to authorize the originally requested amount.

Designation of mission modules of the Littoral Combat Ship as a major defense acquisition program (sec. 126)

The Senate amendment contained a provision (sec. 127) that would require the Secretary of Defense to 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.

The House bill contained no similar provision.

The House recedes.

Report on Littoral Combat Ship designs (sec. 127)

The House bill contained a provision (sec. 128) that would require the Secretary of the Navy to 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.

The Senate amendment contained no similar provision.

The Senate recedes.

Comptroller General review of Littoral Combat Ship program (sec. 128)

The House bill contained a provision (sec. 129) that would require the Comptroller General of the United States to conduct a review of the Littoral Combat Ship (LCS) program's quality and a review of the U.S. Navy's operational and sustainment support strategy for the program. In particular, the provision would direct the Comptroller General to review whether the Secretary of the Navy was complying with regulations in accepting delivery of LCS vessels.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the acceptance compliance review to LCS–1 and LCS–2, the two lead ships in the program.

The conferees note the Navy Board of Inspection and Survey released a July 2012 report regarding LCS ''Material Condition and Maintainability.'' This report highlights numerous sustainment issues that the conferees expect the Navy's LCS Council to address. The conferees specifically note concerns with training requirements, Title 10 compliance for long-term maintenance requirements, potential operational impediments, corrosion control challenges, and manning, among other issues. The conferees also expect the Comptroller General to address these shortfalls, in addition to any other deficiencies he may find, and identify the steps the Navy is taking to ensure success for the long-term sustainment of LCS.

Sense of Congress on importance of engineering in early stages of shipbuilding (sec. 129)

The House bill contained a provision (sec. 130) that would state the sense of Congress about the importance of prioritizing early engineering in large ship construction. The provision would also encourage the Secretary of the Navy to do so.

The Senate amendment contained no similar provision.

The Senate recedes.

Sense of Congress on nuclear-powered ballistic submarines (sec. 130)

The House bill contained a provision (sec. 121) that would require the Secretary of the Navy to maintain a minimum of 12 ballistic missile submarines in the fleet.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that is a sense of Congress stating the importance of maintaining a 12 ballistic missile submarine fleet.

Sense of Congress on Marine Corps amphibious lift and presence requirements (sec. 131)

The House bill contained a provision (sec. 131) that would state 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 Department of the Navy should carefully evaluate amphibious lift capabilities to meet current and projected requirements;

(3) the Department of 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.

The Senate amendment contained a similar provision (sec. 130).

The House recedes.

Sense of the Senate on Department of the Navy fiscal year 2014 budget request for tactical aviation aircraft (sec. 132)

The Senate amendment contained a provision (sec. 131) that would express 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 6 F–35B aircraft and 4 F–35C aircraft, presuming that development, testing, and production of the F–35 aircraft are proceeding according to current plans.

The House bill contained no similar provision.

The House recedes.

Subtitle D—Air Force Programs

Reduction in number of aircraft required to be maintained in strategic airlift aircraft inventory (sec. 141)

The House bill contained a provision (sec. 142) that would require the Commander, U.S. Transportation Command, to submit a report assessing the operational risk for meeting the geographical combatant commanders' airlift requirements with a fleet of less than 301 inter-theater airlift aircraft. The House bill would not allow retirements that would result in a strategic airlift force of fewer than 301 aircraft.

The Senate amendment contained a provision (sec. 141) that would permit the Air Force to reduce the number of strategic airlift aircraft in its inventory from 301 aircraft to 275 aircraft. It would require that the Secretary of the Air Force maintain any C–5A aircraft retired after September 30, 2012, in inviolate storage, with only the Secretary of Defense permitted to authorize the Air Force to take any spare parts from those aircraft.

The Senate amendment also included a provision (sec. 1708) that would prevent the Air Force from using any fiscal year 2013 funds to divest, retire, or transfer, or prepare to divest, retire, or transfer, any aircraft of the Air Force assigned to units of the Air National Guard or Air Force Reserve as of May 31, 2012. The provision would permit an exception to this prohibition for C–5A strategic airlift aircraft, if the Secretary of the Air Force were to replace such aircraft through a transfer of C–5B, C–5M, or C–17 aircraft so as to maintain all Air National Guard and Air Force Reserve units impacted by such divestment or retirement at current or higher assigned manpower levels to operate the transferred aircraft.

The Senate recedes with an amendment that would permit the Air Force to reduce the number of strategic airlift aircraft in its inventory from 301 aircraft to 275 aircraft, but only after the Department of Defense conducts a comprehensive 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. The provision would also require that the Secretary of the Air Force 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.

Retirement of B–1 bomber aircraft (sec. 142)

The House bill contained a provision (sec. 141) that would require the Secretary of the Air Force to maintain 36 combat-coded B–1 bomber aircraft beyond fiscal year 2013.

The Senate amendment contained no similar provision.

The Senate recedes.

Avionics systems for C–130 aircraft (sec. 143)

The House bill contained a provision (sec. 144) that would prevent the Secretary of the Air Force from terminating the C–130 Avionics Modernization Program (AMP) until 180 days after the Institute for Defense Analyses submits to the congressional defense

committees a cost-benefit analysis of modernizing the legacy C–130 airlift fleet with C–130 AMP as compared to only modernizing the legacy C–130 airlift fleet with a reduced scope program for avionics and mission planning systems.

The Senate amendment contained a similar provision (sec. 143) that would delay Air Force implementation of the cancellation or modification of the AMP for the C–130 aircraft until 30 days after the receipt of a report submitted to the congressional defense committees.

The Senate recedes with an amendment that would delay implementation of any cancellation or modification of the C–130 AMP effort until a period of 90 days has elapsed after the date on which the Secretary submits to the congressional defense committees the results of a cost-benefit analysis conducted by the Institute for Defense Analyses.

Treatment of certain programs for the F–22A Raptor aircraft as major defense acquisition programs (sec. 144)

The Senate amendment contained a provision (sec. 142) that would require that the Air Force report F–22A modernization and upgrade programs under the system of the Selected Acquisition Reports (SAR).

The House bill contained no similar provision.

The House recedes with an amendment that would provide that: (1) the Secretary of Defense treat both Increment 3.2B of the F–22A modernization program and any future increment to modernize F–22A aircraft, if viewed as a standalone program as a major defense acquisition program (MDAP), as an MDAP, requiring the submission of a SAR to Congress; and (2) the Secretary of the Air Force report at least annually on the cost, schedule and performance of the F–22A Reliability and Maintainability Maturation Program (RAMMP) and the F–22A Structural Retrofit Program (SRP II).

The conferees find that requiring the Department of Defense (DOD) to establish as an MDAP Increment 3.2B, and possibly other increments, of the Air Force's F–22 modernization program, would help ensure that these large, top-priority programs are subject to proper congressional oversight.

However, the conferees find that doing the same for the RAMMP and SRP II efforts would not be appropriate. The Air Force is pursuing these efforts in addition to modernization and is spending substantial levels of research and development and procurement funding to ensure that the F–22A satisfies its original reliability and performance requirements.

Given that these efforts are currently estimated to cost about $1.9 billion, the conferees, therefore find that continuing congressional oversight of these efforts is warranted and that separate annual reports on these efforts can assist in this oversight. Rather than view these efforts as only a continuously reprioritized list of maintainability initiatives that grow as more is learned, the conferees expect that the DOD will baseline these efforts in a way that will allow the DOD and Congress to gauge their progress on cost, schedule and performance over time. The conferees expect that the DOD will provide these baselines in the first report it would deliver to Congress under this provision.

Subtitle E—Joint and Multiservice Matters

Multiyear procurement authority for V–22 joint aircraft program (sec. 151)

The House bill contained a provision (sec. 124) that would authorize the Secretary of the Navy to enter into a multiyear contract to buy V–22 aircraft for the Department of the Navy, the Department of the Air Force, and the United States Special Operations Command.

The Senate amendment contained a similar provision (sec. 151) that would authorize the Secretary of the Navy to enter into one or more multiyear contracts for this purpose.

The Senate recedes with an amendment that would allow the Secretary to enter into one or more multiyear contracts to buy V–22 aircraft.

Procurement of space-based infrared systems satellites (sec. 152)

The House bill contained a provision (sec. 147) that would authorize the Secretary of the Air Force to enter into a fixed-price contract to procure two Space Based Infrared System (SBIRS) satellites, authorize incremental funding of the two SBIRS satellites over a period not to exceed 6 years, and establish a limitation on the total funds to be obligated and expended for the procurement. This section would also require the Secretary of the Air Force to submit a report to the congressional defense committees on contract details, cost savings, and plans for reinvesting the cost savings into capability improvements for future blocks of SBIRS satellites.

The Senate amendment contained a similar provision.

The Senate recedes with a clarifying amendment.

Limitation on availability of funds for evolved expendable launch vehicle program (sec. 153)

The House bill contained a provision (sec. 146) that would limit 10 percent of the obligation or expenditure of fiscal year 2013 funds authorized for the evolved expendable launch vehicle program until the Secretary of the Air Force submits a report describing the details of the acquisition approach. The report would include the anticipated savings, the planned number of launch vehicle booster cores to be procured, the number of years that the contract will last, an assessment of when new entrants will be certified to compete for evolved expendable launch vehicle class launches, the projected launch manifest with possible opportunities for new entrants to compete, and any other relevant analysis used to inform the acquisition strategy.

The Senate amendment contained no similar provision.

The Senate recedes and amends the House provision to remove the sense of Congress.

Limitation on availability of funds for retirement of RQ–4 Global Hawk unmanned aircraft systems (sec. 154)

The House bill contained a provision (sec. 152) that would prevent the Department of Defense from expending any funds to retire, prepare to retire, or place in storage RQ–4 Block 30 Global Hawk unmanned aircraft systems. The provision would also require that the Secretary of the Air Force 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 until the end of calendar year 2014.

The Senate amendment contained no similar provision.

The Senate recedes.

Requirement to set F–35 aircraft initial operational capability dates (sec. 155)

The House bill contained a provision (sec. 151) that would require the Secretary of the Air Force to establish an initial operational capability (IOC) date for the F–35A. The provision would also require the Secretary of the Navy to establish an IOC date for the F–35B and the F–35C. The provision would further require that the Secretaries report on the details of such initial operational capability to the congressional defense committees by December 31, 2012.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delay the requirement for the Secretaries to establish IOC dates and report on the details until June 1, 2013.

Shallow Water Combat Submersible program (sec. 156)

The Senate amendment contained a provision (sec. 153) that would require the Commander of U.S. Special Operations Command (USSOCOM), not later than 90 days after enactment of this Act, to provide the congressional defense committees with a report on the Shallow Water Combat Submersible Program (SWCS) describing: efforts by the contractor and USSOCOM to more accurately track schedule and cost; the revised timeline for SWCS initial and full operational capability; and the projected cost to meet the basis of issue requirement. The provision would also require that the Commander submit quarterly updates on the metrics from the earned value management system with which the Command is tracking cost and scheduled performance of the contractor. That requirement shall lapse once the SWCS has completed operational testing and has been found to be operationally effective and operationally suitable.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict to provide the required reports in coordination with the Commander of USSOCOM and modify the reporting requirements.

Requirement that tactical manned intelligence, surveillance, and reconnaissance aircraft and unmanned aerial vehicles use specified standard data link (sec. 157)

The House bill contained a provision (sec. 153) that would amend section 141 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), as amended by section 143 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84), to require that, in carrying out a solicitation for a common data link (CDL), the Secretary of Defense must ensure that such solicitation complies with the most recently issued CDL specification standard of the Department of Defense, and does not include any proprietary or undocumented interface or waveform as a requirement or evaluation criterion of such solicitation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) clarify that the requirement for use of data formats consistent with the architectural standard known as STANAG 4586 would apply to unmanned systems only; and (2) extend the waiver authority of the Under Secretary of Defense for Acquisition, Logistics, and Technology to cover aircraft that are being acquired under a special access program, if that program would not otherwise be considered a major defense acquisition program.

Study on small arms and small-caliber ammunition capabilities (sec. 158)

The Senate amendment contained a provision (sec. 889A) that would require the Secretary of Defense to contract with a federally funded research and development center to conduct a study of Army small arms and ammunition capabilities.

The House bill contained no similar provision.

The House recedes with technical and clarifying amendments.

LEGISLATIVE PROVISIONS NOT ADOPTED

Extension of multiyear procurement authority for F/A–18E, F/A–18F, and EA–18G aircraft

The House bill contained a provision (sec. 123) that would authorize the Secretary of the Navy to modify the current multiyear contract for F/A–18E, F/A–18F, and EA–18G aircraft to extend the current multiyear contract to include fiscal year 2014 production of these aircraft.

The Senate amendment contained no similar provision.

The House recedes.

The Navy informed the conferees that the Navy could achieve no savings using a multiyear contract for buying the 13 aircraft planned for fiscal year 2014, compared to buying them under an annual contract.

Transfer of certain fiscal year 2012 Procurement of Ammunition, Navy and Marine Corps funds

The Senate amendment contained a provision (sec. 128) that would permit the Secretary of the Navy to use, subject to appropriations, prior year funds that have been made available from program cancellations reflected in the fiscal 2013 budget request.

The House bill contained no similar provision.

The Senate recedes.

Transfer of certain fiscal year 2012 Procurement, Marine Corps funds for procurement of weapons and combat vehicles

The Senate amendment contained a provision (sec. 129) that would permit the Secretary of the Navy to use, subject to appropriations, prior year funds that have been made available from program cancellations reflected in the fiscal 2013 budget request.

The House bill contained no similar provision.

The Senate recedes.

SPIDERNET/Spectral Warrior hardware

The Senate amendment contained a provision (sec. 132) that would increase the authorization of appropriations by $2.0 million to provide a cloud network for Spectral Warrior terminals in support of requirements of the commanders of the combatant commands.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to recommend an additional $2.0 million for this program in section 4101 of this Act.

Limitation on availability of funds for divestment or retirement of C–27J aircraft

The House bill contained a provision (sec. 143) that would prohibit the Air Force from using any available funds to divest, retire, or transfer, or prepare to divest, retire, or transfer, any C–27J aircraft. The prohibition would remain in place until the 180 days after: (1) the Director of the Congressional Budget Office had submitted a life-cycle cost analysis of C–27J, C–130H, and C–130J; and (2) the Secretary of the Air Force submits the report required by section 112 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81).

The Senate amendment contained no similar provision.

The House recedes.

Review of C–130 force structure

The House bill contained a provision (sec. 145) that would require the Secretary of the Air Force to conduct a review of the C–130 force structure and report on a number of matters, including how the Secretary will determine which C–130 aircraft will be retired or relocated during fiscal years 2014 through 2018, and details of the costs incurred, avoided, or saved with respect to retiring or relocating C–130 aircraft.

The Senate amendment contained no similar provision.

The House recedes.

Transfer of certain fiscal year 2011 and 2012 funds for aircraft procurement for the Air Force

The Senate amendment contained a provision (sec. 145) that would permit the Secretary of the Air Force to use, subject to appropriations, prior year funds that have been made available from program cancellations reflected in the fiscal 2013 budget request.

The House bill contained no similar provision.

The Senate recedes.

Limitation on availability of funds for full-rate production of Handheld, Manpack, and Small Form/Fit radios under the Joint Tactical Radio System program

The Senate amendment contained a provision (sec. 152) that would limit the availability of funds for the full-rate production of Handheld, Manpack, and Small Form/Fit radios under the Joint Tactical Radio System (JTRS) program.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that during 2012 the Department of Defense (DOD) and Army took significant steps to clarify plans for competition within the JTRS program. These steps included acquisition decision memoranda for the JTRS program issued by the Under Secretary of Defense for Acquisition, Technology, and Logistics in July and October, and a certification regarding Army competition by the Secretary of the Army received by the congressional defense committees on November 29, 2012. The conferees strongly agree with the direction provided to the JTRS program by these documents regarding the conduct of full and open competition for full-rate production of the handheld and manpack radios within the JTRS program. The conferees expect these competitions to be conducted in a manner that allows non-program of record vendors with qualified systems a free and open chance to compete. In addition, the conferees support DOD's current plan for similar competitions in future years. These future competitions provide the best path to acquire the latest, best, and most affordable communications technology solutions to meet military requirements and at the same time avoid locking in long-term, sole-source contract arrangements that discourage competition. Given the rapidly changing nature of technology in the area of communications, the conferees encourage the DOD to constantly reexamine acquisition plans in this area in order to ensure that the DOD acquires the very best and most affordable equipment possible.

AC–130 aircraft electro-optical and infrared sensors

The Senate amendment contained a provision (sec. 154) that would increase the authorization of appropriations by $6.0 million to procure color electro-optical and infrared imaging sensors for AC–130 aircraft used by U.S. Special Operations Command forces in ongoing contingency operations.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to recommend an additional $6.0 million for this program in section 4101 of this Act.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

BUDGET ITEMS

Detailed digital radio frequency modulation countermeasures studies and simulations

The budget request included $277.4 million in PE65457A for research and development of Army integrated air and missile defense systems.

The Senate amendment would authorize an additional $38.0 million for a new program to conduct detailed digital radio frequency modulation (DRFM) countermeasures studies and simulations to develop algorithms to address this threat change in support of the accelerated fielding of a new capability in Patriot, Sentinel, and Integrated Air and Missile Defense for the requirements of the commanders of the combatant commands.

The House bill would approve the budget request.

The conferees agree to authorize an additional $38.0 million in PE65457A in section 4201 for a new DRFM program. The conferees note that the Department of Defense requested a transfer of funds of $38.0 million in March 2012 as an additional authorization to initiate this new program.

Relocation of C-band radar from Antigua to H.E. Holt Station in Western Australia to enhance space situational awareness capabilities

The budget request included $267.3 million in PE 64425F for research and development of space situational awareness systems.

The Senate amendment would authorize, within appropriations authorized for fiscal year 2013, the Secretary of the Air Force to obligate up to $3.0 million to initiate a new program for the relocation and research and development activities to enhance space situational awareness capabilities through the repurposing of the C-band radar at Antigua, the relocation of that radar to the H.E. Holt Station in Western Australia, and upgrades of the hardware and software of that radar to meet space situational awareness mission needs, operational testing of that radar, and transfer of jurisdiction of that radar to the Air Force Space Command for operations and sustainment by September 30, 2016.

The House bill would approve the budget request.

The conferees agree to authorize $3.0 million in PE 64425F within section 4201 for this program, and to take an offsetting general reduction of the same amount. The conferees note that the Department of Defense requested a transfer of funds of $3.0 million in April 2012 as an additional authorization to initiate this new program.

Subtitle A—Authorization of Appropriations

Authorization of appropriations (sec. 201)

The House bill contained a provision (sec. 201) authorizing appropriations 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.

The Senate amendment contained an identical provision (sec. 201).

The conference agreement includes this provision.

Subtitle B—Program Requirements, Restrictions, and Limitations

Next-generation long-range strike bomber aircraft nuclear certification requirement (sec. 211)

The House bill contained a provision (sec. 211) that would require the Secretary of the Air Force to make certain that the next-generation long-range strike bomber will be capable of using strategic weapons by the date it receives declaration of initial operational capability (IOC) and nuclear certified to use

strategic weapons no later than 2 years after declaration of IOC.

The Senate amendment contained no similar provision.

The Senate recedes with the understanding that the provision is consistent with the current Air Force plans for nuclear certification of the long-range strike bomber.

Extension of limitation on availability of funds for Unmanned Carrier-launched Surveillance and Strike system program (sec. 212)

The House bill contained a provision (sec. 213) that would limit the ability of the Secretary of Defense to obligate more than 75 percent of the total authorized amount of fiscal year 2013 program funds for the unmanned carrier-launched airborne surveillance and strike system (UCLASS) program until the Department of Defense makes certain certifications and established acquisition baselines for the program. The provision would also prevent the Secretary of the Navy from reducing the number of prime contractors working on the UCLASS to one prime contractor for the technology development phase of such program prior to the program achieving the critical design review (CDR) milestone and would specify that the program could not achieve CDR until October 1, 2016.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would:

(1) limit the ability of the Secretary of Defense to obligate more than 75 percent of the total authorized amount of fiscal year 2013 program funds for the UCLASS program until the Department made certain certifications and established acquisition baselines for the program;

(2) specify that the Secretary of the Navy may not reduce the number of prime contractors working on the UCLASS to one prime contractor until the program achieves the preliminary critical design review milestone; and

(3) require that the Under Secretary of Defense for Acquisition, Technology and Logistics:

(a) assess the completeness of the preliminary design reviews of the program for each participating prime contractor; and

(b) certify 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.

Limitation on availability of funds for milestone A activities for an Army medium range multi-purpose vertical takeoff and landing unmanned aircraft system (sec. 213)

The House bill contained a provision (sec. 215) that would limit the use of funds for Milestone A activities for the MQ–18 Medium Range Multi-Purpose Vertical Take-off and Landing Unmanned Aircraft System (UAS) until the Chairman of the Joint Requirements Oversight Council certifies that: (1) the MQ–18 UAS is required to meet a capability in the Department of Defense manned and unmanned medium-altitude intelligence, surveillance, and reconnaissance force structure; and (2) that an existing UAS cannot meet the required capability or be modified to meet the required capability.

The Senate amendment contained no similar provision

The Senate recedes with an amendment that would change that limitation to apply to any such Army UAS, not just the MQ–18.

Use of funds for conventional prompt global strike program (sec. 214)

The House bill contained a provision (sec. 235) that would require a competitive procedure for any solicitation involving the use of fiscal year 2013 funds for ground testing activities of the prompt global strike program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would give waiver authority to the competitive solicitation procedure if the Secretary of Defense determines that such procedure is not feasible, notifies congressional defense committees and a period of 5 days elapse after the date of such notification.

Next Generation Foundry for the Defense Microelectronics Activity (sec. 215)

The Senate amendment contained a provision (sec. 211) that would prohibit the expenditure of funds for the Next Generation Foundry for the Defense Microelectronics Activity until a microelectronics strategy is submitted to the congressional defense committees, as well as an estimate of the full life-cycle costs for the upgrade to the Foundry.

The House bill contained no similar provision.

The House recedes with an amendment that would add an assessment of the manufacturing capability of the United States to produce three-dimensional integrated circuits to serve national defense interests.

Advanced rotorcraft initiative (sec. 216)

The Senate amendment contained a provision (sec. 212) that would require a report on the strategy for the use of integrated design teams and agile prototyping approaches for the development of advanced rotorcraft capabilities.

The House bill contained no similar provision.

The House recedes with an amendment that removes any consideration of the restructuring of the Joint Multirole Rotorcraft program given that the Army has recently improved the program by increasing the technology demonstrators from one to two.

Subtitle C—Missile Defense Programs

Prohibition on the use of funds for the MEADS program (sec. 221)

The House bill contained a provision (sec. 229) that would prohibit fiscal year 2013 funds for the Department of Defense from being obligated or expended for the Medium Extended Air Defense System.

The Senate amendment contained an identical provision (sec. 236).

The conference agreement includes this provision.

Availability of funds for Iron Dome short-range rocket defense program (sec. 222)

The House bill contained a provision (sec. 227) that would authorize funds for the Department of Defense to provide to the Government of Israel for the Iron Dome short-range rocket defense program.

The Senate amendment contained a similar provision (sec. 237).

The House recedes.

The conferees note that in a letter to the House Committee on Armed Services, dated September 11, 2012, Dr. Frank Kendall, Under Secretary of Defense for Acquisition, Technology and Logistics, stated that the Department of Defense agrees with the committee that the Department ''needs to obtain appropriate data rights to Iron Dome technology to ensure us the ability to use that data for U.S. defense purposes and to explore potential co-production opportunities.''

The conferees support this policy and expect the Department to keep the congressional defense committees informed of developments and progress on this issue.

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. 223)

The House bill contained a provision (sec. 236) that would provide authority for the Secretary of the Navy to transfer Aegis weapon system equipment with ballistic missile defense capability to the Missile Defense Agency (MDA) for use in the Aegis Ashore system in Romania, to permit meeting the deployment schedule of December 2015. The provision would also require the Director of MDA to transfer similar equipment to the Navy later to replace any equipment transferred by the Navy to MDA, for the Navy to use in the DDG–51 class destroyer program.

The Senate amendment contained a similar provision (sec. 126).

The House recedes with a clarifying amendment.

Evaluation of alternatives for the precision tracking space system (sec. 224)

The House bill contained a provision (sec. 231) that would limit the availability of funds for the Precision Tracking Space System (PTSS) until a federally funded research and development center begins an analysis of alternatives for PTSS, and the terms of reference for such analysis are submitted to the congressional defense committees.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Director of Cost Assessment and Program Evaluation (CAPE) to conduct an independent cost estimate and an evaluation of alternatives for PTSS, and submit the analysis to the congressional defense committees. The provision would limit the availability of more than 75 percent of the fiscal year 2013 funds for PTSS until the Director of CAPE completes the evaluation of alternatives and the approved terms of reference for the evaluation are submitted to the congressional defense committees.

The conferees understand that, as part of the evaluation of alternatives for PTSS, the Director of CAPE plans to consider a variety of sensor systems and options, including planned sensor development programs. The conferees believe such consideration will be valuable to the evaluation of alternatives.

Next generation Exo-atmospheric Kill Vehicle (sec. 225)

The House bill contained a provision (sec. 222) that would require the Director of the Missile Defense Agency (MDA) to submit a report to the congressional defense committees on a plan to use the advanced kill vehicle for the Standard Missile–3 Block IIB missile for the Ground-based Midcourse Defense (GMD) system.

The Senate amendment contained a related provision (sec. 234) that would require the Director of MDA to develop and submit a plan for enhancing the current GMD Exo-atmospheric Kill Vehicle (EKV) and options for the competitive development of a next generation EKV for the GMD system.

The House recedes with a technical amendment.

Modernization of the Patriot air and missile defense system (sec. 226)

The Senate amendment contained a provision (sec. 235) that would require the Secretary of the Army to submit to the congressional defense committees a plan for support of the long term requirements in connection with the modernization of the Patriot air and missile defense system.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Evaluation and environmental impact assessment of potential future missile defense sites in the United States (sec. 227)

The House bill contained a provision (sec. 223) that would require the Secretary of Defense to ensure that a missile defense site on the East Coast of the United States is operational by no later than December 31, 2015.

The provision would also require the Secretary to evaluate three possible locations for the site and to prepare an environmental impact statement for each location. Finally, the provision would require the Director of the Missile Defense Agency to develop and submit, with the President's budget request for fiscal year 2014, a plan to deploy missile defense interceptors on the East Coast.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to evaluate at least three possible additional locations in the United States—at least two of which would be on the East Coast—that would be best suited for future deployment of a missile defense interceptor site to protect the homeland against long-range missile threats from nations such as North Korea and Iran. The amendment would also require the Secretary to prepare an environmental impact statement for each location the Secretary evaluates. Finally, the amendment would require the Director of the Missile Defense Agency to develop a contingency plan for the deployment of a potential future homeland missile defense interceptor site, in case the President determines to proceed with such additional deployment, and to notify the congressional defense committees when such contingency plan has been developed.

Homeland ballistic missile defense (sec. 228)

The Senate amendment contained a provision (sec. 231) that would state the sense of Congress concerning homeland ballistic missile defense and require a report on the status of efforts to improve the homeland ballistic missile defense capability of the United States.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Regional ballistic missile defense (sec. 229)

The House bill contained a provision (sec. 234) that would require the Secretary of Defense to submit a report to the congressional defense committees on regional missile defense architectures.

The Senate amendment contained a related provision (sec. 232) that would state the sense of Congress concerning regional missile defense, and would require a report describing the status and progress of regional missile defense programs and efforts.

The House recedes with an amendment that would incorporate the elements of its provision into the Senate provision.

NATO contributions to missile defense in Europe (sec. 230)

The House bill contained a provision (sec. 230) that would limit the availability of funds for certain activities of the Phased Adaptive Approach (PAA) to missile defense in Europe until certain conditions were met with respect to cost-sharing arrangements with the North Atlantic Treaty Organization (NATO) for the PAA in Europe.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a report from the Secretary of Defense on the contributions of NATO allies, individually and collectively, to missile defense in Europe.

Report on test plan for the ground-based midcourse defense system (sec. 231)

The House bill contained a provision (sec. 225) that would require the Department of Defense to conduct a flight test of the Ground-based Midcourse Defense (GMD) system, using a Ground-Based Interceptor equipped with a Capability Enhanced–1 (CE–1) exo-atmospheric kill vehicle (EKV), against an intercontinental ballistic missile (ICBM) target, not later than December 31, 2013.

The House bill also contained a related provision (sec. 233) that would require the Missile Defense Agency (MDA) to prepare and submit a plan to conduct at least three flight tests of the GMD system every 2 years, unless the Director of MDA certifies that such a plan would not be feasible or cost effective.

The Senate amendment contained no similar provision. The Senate recedes with an amendment that would require the Secretary of Defense to provide to the congressional defense committees a report on the test program for the GMD system. The report would contain an assessment of various GMD test options, including the feasibility, advisability, and cost effectiveness of accelerating the date for testing the GMD system against an ICBM-range target, and of conducting GMD flight tests at a pace of three tests every 2 years. The amendment would also require the Director of Operational Test and Evaluation to review the report and include the Director's views in an appendix to the report.

Sense of Congress on missile defense (sec. 232)

The House bill contained a provision (sec. 1237) that would establish limitations and conditions on international agreements relating to missile defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress concerning the continued development and deployment of missile defenses and concerning limitations on missile defenses.

Sense of Congress on the submittal to Congress of the homeland defense hedging policy and strategy report of the Secretary of Defense (sec. 233)

The Senate amendment contained a provision (sec. 239) that would express the sense of Congress that the Secretary of Defense should submit to Congress 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).

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle D—Reports

Mission packages for the Littoral Combat Ship (sec. 241)

The Senate amendment contained a provision (sec. 251) that would require the Secretary of the Navy to produce a report, in consultation with the Director of Operational Test and Evaluation, on the mine countermeasures warfare, antisubmarine warfare, and surface warfare mission packages for the Littoral Combat Ship.

The House bill contained no similar provision.

The House recedes.

Study on electronic warfare capabilities of the Marine Corps (sec. 242)

The House bill contained a provision (sec. 241) that would require the Commandant of the Marine Corps to conduct a study on the future capabilities of the Marine Corps with respect to electronic warfare. The Commandant would be required to address the following: (1) a detailed plan for EA–6B Prowler aircraft squadrons; (2) a solution for the replacement of such aircraft; (3) concepts of operation for future air-ground task force electronic warfare capabilities of the Marine Corps; and (4) any other issues that the Commandant determined to be appropriate.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment would change the study requirement to focus on a solution for the replacement of the capability of the EA–6B, not the aircraft itself.

Conditional requirement for report on amphibious assault vehicles for the Marine Corps (sec. 243)

The Senate amendment contained a provision (sec. 253) that would require the Secretary of the Navy and the Commandant of the Marine Corps to jointly submit to the congressional defense committees a report by February 1, 2013, if the ongoing Marine Corps ground combat vehicle fleet mix study recommends the acquisition of a Marine Personnel Carrier (MPC). The report would include an explanation of the role of the MPC in fulfilling the two Marine Expeditionary Brigades (MEB) forcible entry requirement; the fraction of the assault echelon of the MEBs comprised of MPCs, along with an assessment of the operational risks associated with using ship-to-shore connectors to ferry MPCs rather than tanks and artillery; and an estimate of the acquisition and life-cycle costs of a split fleet of Amphibious Combat Vehicles (ACVs) and MPCs as compared to the costs of a pure fleet of ACVs.

The House bill contained no similar provision.

The House recedes with an amendment that would drop the reporting requirements regarding the role of MPCs in forcible entry operations. The Marine Corps states that MPCs will not be employed during the assault or forcible entry phase of the two MEB forcible entry force. The Marine Corps affirms that there will not be any competition between MPCs and other supporting force elements (such as tanks and artillery) for connectors during amphibious assault operations, or between MPCs and ACVs and other forces for deck space.

Report on cyber and information technology research investments of the Air Force (sec. 244)

The House bill contained a provision (sec. 245) that would require the Secretary of Defense to submit to the congressional defense committees a study of Air Force cyber operations research, science and technology.

The Senate amendment contained no similar provision, but the Senate report (S. Rept. 112–173) accompanying the National Defense Authorization Act for Fiscal Year 2013 (S. 3254) contained similar directive report language.

The Senate recedes with an amendment that would include the directive report language from S. Rept. 112–173 in the provision.

National Research Council review of defense science and technical graduate education needs (sec. 245)

The House bill contained a provision (sec. 242) that would direct the Department of Defense (DOD) to have the National Research Council conduct a review of specialized degree-granting graduate programs in the Department in engineering, applied sciences, and management.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that clarifies the scope of the subjects of the review.

The conferees recognize that fostering and increasing the science, technology, engineering, mathematics, and technology management skills of the DOD workforce is an ongoing challenge. The conferees look forward to discussing these challenges with the Department as the terms of reference for this effort are developed.

Subtitle E—Other Matters

Eligibility for Department of Defense laboratories to enter into educational partnerships with educational institutions in territories and possessions of the United States (sec. 251)

The House bill contained a provision (sec. 251) that would allow Department of Defense laboratories to enter into educational partnerships with educational institutions in U.S. territories and possessions.

The Senate amendment contained an identical provision (sec. 214).

The conference agreement includes this provision.

Regional advanced technology clusters (sec. 252)

The House bill contained a provision (sec. 252) that would allow the Secretary of Defense to utilize the research and engineering network of the Department of Defense to support regional advanced technology clusters established by the Secretary of Commerce. This provision would also designate a lead office in the Department to be the main focal point to interact with regional advanced technology clusters.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment removing the creation of the office, but expanding the reporting requirement.

Sense of Congress on increasing the cost-effectiveness of training exercises for members of the Armed Forces (sec. 253)

The Senate amendment contained a provision (sec. 272) expressing the sense of Congress in support of emerging technologies that would increase the cost effectiveness of training exercises for members of the Armed Forces.

The House bill contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Unmanned combat air system

The House bill contained a provision (sec. 212) that would require the Secretary of the Navy to: (1) conduct additional technology development risk reduction activities for the unmanned carrier-launched airborne surveillance and strike system (UCLASS) program, using the unmanned combat air system; and (2) preserve a competitive acquisition environment for the UCLASS program.

The Senate amendment contained no similar provision.

The House recedes.

Transfer of certain fiscal year 2012 Navy research, development, test, and evaluation funds

The Senate amendment contained a provision (sec. 213) that would permit the Secretary of the Navy to use, subject to appropriations, prior year funds that have been made available from program cancellations reflected in the fiscal 2013 budget request.

The House bill contained no similar provision.

The Senate recedes.

Limitation on availability of funds for future manned ground moving target indicator capability of the Air Force

The House bill contained a provision (sec. 214) that would prohibit obligation of funding for any activity, including pre-Milestone A activities, to initiate a new start acquisition program to provide the Air Force with a manned ground moving target indicator (GMTI) capability or manned dismount moving target indicator capability until 90 days after submission of a report by the Secretary of the Air Force.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Air Force's analysis of alternatives (AoA) for a GMTI capability recommended a combination of: (1) manned aircraft based on smaller business jets; (2) and unmanned capability in the form of the Global Hawk Block 40 unmanned system.

The Air Force Chief of Staff testified that the Air Force could not afford to implement the recommendations of the AoA. Nevertheless, the Air Force has not proposed any alternative plan to modernize or replace the manned GMTI capability, and associated onboard command and control capability, currently provided by the Joint Surveillance and Target Attack Radar System (JSTARS).

The conferees believe that the capability provided by the JSTARS is a critical element of the future Air Force intelligence, surveillance, and reconnaissance (ISR) fleet. The conferees note that the Air Force's Fleet Viability Board raised concerns about the long-term supportability of JSTARS aircraft, which are based on a 60 year-old commercial aircraft design. The conferees further note that rapid advances in the areas of sensors and communication links may make it difficult for the Air Force to precisely define long-term future requirements in this mission area at this time.

Nevertheless, the Air Force needs to develop a plan to provide an updated GMTI capability meeting joint warfighting requirements. The capability must include the flexibility to incorporate current and future sensor and communications architectures that can be integrated as they evolve in the future. The conferees are concerned that, absent such a modernization plan, the Air Force may lose its ability to provide this capability to the joint force in the future.

Transfer of certain fiscal year 2012 Air Force research, development, test, and evaluation funds

The Senate amendment contained a provision (sec. 215) that would permit the Secretary of the Air Force to use, subject to appropriations, prior year funds that have been made available from program cancellations reflected in the fiscal 2013 budget request.

The House bill contained no similar provision.

The Senate recedes.

Relocation of C-band radar from Antigua to H.E. Holt Station in Western Australia to enhance space situational awareness capabilities

The Senate amendment contained a provision (sec. 216) that would authorize, within appropriations authorized for fiscal year 2013, the Secretary of the Air Force to obligate up to $3.0 million to initiate a new program for the relocation and research and development activities to enhance space situational awareness capabilities through the repurposing of the C-band radar at Antigua, the relocation of that radar to the H.E. Holt Station in Western Australia, and upgrades of the hardware and software of that radar to meet space situational awareness mission needs, operational testing of that radar, and transfer of jurisdiction of that radar to the Air Force Space Command for operations and sustainment by September 30, 2016.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to authorize $3.0 million in section 4201 for this program.

Vertical lift platform technology demonstrations

The House bill contained a provision (sec. 216) that would authorize up to $5.0 million for a program to develop and flight-demonstrate vertical lift platform technologies.

The Senate amendment contained no similar provision for the authorization of funds, but contained a provision (sec. 212) requiring a report on the strategy for the use of integrated platform design teams and agile prototyping approaches for the development of advanced rotorcraft capabilities.

The House recedes.

Detailed digital radio frequency modulation countermeasures studies and simulations

The Senate amendment contained a provision (sec. 217) that would authorize an additional $38.0 million for a new program to conduct detailed digital radio frequency modulation (DRFM) countermeasures studies and simulations to develop algorithms to address this threat change in support of the accelerated fielding of a new capability in Patriot, Sentinel, and Integrated Air and Missile Defense for the requirements of the commanders of the combatant commands.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree to authorize an additional $38.0 million in section 4201 for a new DRFM program.

Procurement of AN/TPY–2 radars

The House bill contained a provision (sec. 221) that would require the Secretary of Defense to procure two AN/TPY–2 radars, and to submit a report on the feasibility of developing an AN/TPY–2 radar on a rotating turntable to allow the radar to change directions quickly.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are aware of proposals to place AN/TPY–2 radars on rotating turntables to permit the radars to turn and track threat missiles in flight. The conferees direct the Secretary of Defense to submit a report to the congressional defense committees, not later than 180 days after the date of enactment of this Act, providing an analysis of the concept of developing an AN/TPY–2 radar on a rotational platform. The analysis shall include consideration of the technical feasibility and advisability, as well as the potential utility for missile defense or any other missions, of developing and deploying such a rotating radar, including potential advantages and disadvantages, costs, risks, and mobility considerations.

Ground-based Midcourse Defense system

The House bill contained a provision (sec. 224) that would require certain funding levels for the Ground-based Midcourse Defense system.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are aware that the Department of Defense has stated that it intends to maintain Missile Field–1 (MF–1) at Fort Greely, Alaska in a storage status that would permit it to be refurbished to operational status to deploy six additional Ground-Based Interceptors (GBIs), if that is determined to be necessary. The conferees want to be confident that this missile field could be available to increase our homeland defense capabilities if the future threat to the homeland should warrant it.

The conferees direct the Secretary of Defense to submit a report to the congressional defense committees, not later than 180 days after the enactment of this Act, on the steps the Department of Defense plans to take to keep MF–1 available for possible operational use in the future, if determined to be necessary. The report should include a description of the planned cost of maintaining MF–1 in the planned storage status, and the actions, timeline, circumstances, and estimated costs that would be required to return MF–1 to an operational status with six GBIs.

Deployment of SM–3 IIB interceptors on land and sea

The House bill contained a provision (sec. 226) that would require the Secretary of Defense to ensure that the Standard Missile–3 (SM–3) Block II B interceptor missile is deployable both on land and on ships.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that after the submission of the President's budget request for fiscal year 2013, the Missile Defense Agency made the decision that the SM–3 Block IIB missile will be compatible for use with land-based Aegis Ashore sites and with Aegis Ballistic Missile Defense ships. Consequently, the missile will be developed to be deployable on ships, as well as on land.

Sea based X-band radar

The House bill contained a provision (sec. 228) that would require the Missile Defense Agency (MDA) to ensure that the Sea-Based X-band radar (SBX) is maintained in a status such that the radar may be deployed in less than 14 days and for at least 60 days each year.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Department of Defense has placed the SBX radar in a Limited Test Support Status that would permit it to be deployed within 30 days and to operate for up to 60 days at sea each year. The conferees direct the Director of the MDA to submit to the congressional defense committees, not later than 90 days after the enactment of this Act, an assessment of the potential benefits and drawbacks of reducing the deployment readiness timeline of SBX from 30 to 14 days.

Plan to improve discrimination and kill assessment capability of ballistic missile defense systems

The House bill contained a provision (sec. 232) that would require the Director of the Missile Defense Agency (MDA) to develop and submit a plan to improve the discrimination and kill assessment capability of Ballistic Missile Defense Systems.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Director of the MDA to submit a report to the congressional defense committees, not later than 120 days after the enactment of this Act, describing MDA's plans, programs, and activities to improve the discrimination and kill assessment capabilities of the Ballistic Missile Defense System, particularly with respect to the Ground-based Midcourse Defense system. The report may be submitted in classified form.

Readiness and flexibility of intercontinental ballistic missile force

The Senate amendment contained a provision (sec. 238) that gives the Secretary of Defense, in a manner consistent with international agreements, the authority to retain intercontinental ballistic missile (ICBM) launch facilities supporting the deployed strategic nuclear delivery vehicles within the limit of 800 deployed and non-deployed strategic launchers; maintain ICBM on alert or operationally deployed; and preserve ICBM silos in operational or warm status.

The House bill contained no similar provision.

The Senate recedes.

The conferees believe it is important to ensure that the Air Force in its ICBM Master Plan and System Roadmap detail a long-term sustainment acquisition strategy to ensure the existing ICBMs and their supporting infrastructure are well maintained through 2030. The conferees direct the Air Force and the Navy to brief the congressional defense committees not later than 180 days after the date of enactment of this Act on joint Air Force and Navy activities in support of the ICBM Master Plan and the Trident II D5 life extension program that can be jointly undertaken and cost-shared. The conferees expect the Air Force to fully brief the congressional defense committees on the Analysis of Alternative for the Ground Based Strategic Deterrent, including when available, its terms of reference.

Report on three-dimensional integrated circuit manufacturing capabilities

The House bill contained a provision (sec. 243) that would require a comprehensive assessment of U.S. manufacturing capability for three-dimensional integrated circuits to serve national defense interests.

The Senate amendment contained no similar provision.

The House recedes. The required assessment is included elsewhere in this Act.

Report on efforts to field new directed energy weapons

The House bill contained a provision (sec. 244) that would require the Secretary of Defense to submit a report to the congressional defense committees summarizing efforts within the Department of Defense (DOD) to transition mature and maturing directed energy (DE) technologies to new operational weapon systems.

The Senate amendment contained no similar provision.

The House recedes.

The conferees urge the DOD and military services to begin transitioning DE technologies to operational weapon systems once such technologies have been demonstrated at a sufficient level of maturity in relevant operational environments. The conferees direct the Assistant Secretary of Defense for Research and Engineering, with the military services, to brief the congressional defense committees in conjunction with the submission of the President's budget request for fiscal year 2014 on: 1) An assessment of the maturity of high energy laser and high power microwave technologies and the challenges needed to be overcome to transition these technologies from research efforts to operational capabilities; and 2) The state of DOD's activities linking science and technology demonstrations to operational goals to fieldable prototype systems.

Comptroller General annual reports on the acquisition program for the Amphibious Combat Vehicle

The Senate amendment contained a provision (sec. 252) that would require the Comptroller General of the United States to conduct an annual review of the Marine Corps Amphibious Combat Vehicle (ACV) acquisition program.

The House bill contained no similar provision.

The Senate recedes. The ACV is early in its acquisition life cycle and a forthcoming Analysis of Alternatives will inform Marine Corps development and resource decisions, rendering the Comptroller's report early to need.

Briefing on power and energy research conducted at University Affiliated Research Centers

The House bill contained a provision (sec. 253) that would require a briefing on the power and energy-related research being conducted at Department of Defense (DOD) University Affiliated Research Centers (UARCs).

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to brief the Committees on Armed Services of the Senate and the House of Representatives no later than March 1, 2013, on power and energy-related research being conducted at DOD UARCs. The briefing shall include a description of the research activities being conducted at these UARCs, including those related to energy efficiency and renewable energy technologies such as for lighting, heating, ventilation, and air-conditioning systems, and the integration of renewable and non-renewable energy technologies.

Transfer of administration of Ocean Research and Resources Advisory Panel from Department of the Navy to National Oceanic and Atmospheric Administration

The Senate amendment contained a provision (sec. 271) that would transfer the responsibility for administration of the Ocean Research Advisory Panel from the Department of the Navy to the National Oceanic and Atmospheric Administration of the Department of Commerce.

The House amendment contained no similar provision.

The Senate recedes.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

Operation and maintenance funding (sec. 301)

The House bill contained a provision (sec. 301) authorizing appropriations for fiscal year 2013 for the use of the Armed Forces 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.

The Senate amendment contained an identical provision (sec. 301).

The conference agreement includes this provision.

Subtitle B—Energy and Environment

Training range sustainment plan and training range inventory (sec. 311)

The House bill contained a provision (sec. 311) that would amend section 348 of the National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364) by extending through 2018 the Department of Defense requirement to submit an annual report to Congress on its progress to evaluate training constraints caused by limitations on the use of military land, marine areas, and airspace and progress being made in developing a comprehensive plan to address these limitations.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

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. 312)

The House bill contained a provision (sec. 317) that would amend the Sikes Act (16 U.S.C. 670 et seq) to authorize the Secretary of a military department to enter into cooperative agreements with Indian tribes.

The Senate amendment contained no similar provision.

The Senate recedes.

Department of Defense guidance on environmental exposures at military installations and briefing regarding environmental exposures to members of the Armed Forces (sec. 313)

The House bill contained a provision (sec. 315) that would require the Secretary of Defense to develop a plan for a material solution to measure environmental exposures and to brief that plan to the congressional defense committees.

The Senate amendment contained a similar provision (sec. 311) that would require the Secretary to issue guidance relating to how the military departments and other defense agencies deal with the possible exposure of individuals to environmental contamination at military installations.

The Senate recedes with an amendment that would combine the two provisions into a single provision, with some modifications.

Report on status of targets in implementation plan for operational energy strategy (sec. 314)

The House bill contained a provision (sec. 349) that would require the Secretary of Defense to submit an annual report on the status of the targets listed in the document entitled ''Operational Energy Strategy: Implementation Plan, Department of Defense, March 2012''.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would only require the above report if the annual report for fiscal year 2011 required under section 2925(b) of title 10, United States Code, is not submitted to the congressional defense committees by December 31, 2012.

Limitation on obligation of Department of Defense funds from Defense Production Act of 1950 for biofuel refinery construction (sec. 315)

The House bill contained a provision (sec. 314) that would prohibit the use of funds authorized to be appropriated to the Department of Defense (DOD) in fiscal year 2013 from being obligated or expended for the production or sole purchase of an alternative fuel if the cost exceeds the cost of traditional fossil fuels used for the same purpose, except for continued testing purposes.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that none of the fiscal year 2013 Defense Production Act (DPA) funds may be obligated or expended for the construction of a biofuel refinery until the DOD receives matching DPA contributions from the Department of Energy and equivalent contributions from the Department of Agriculture for the same purpose.

Sense of Congress on protection of Department of Defense airfields, training airspace, and air training routes (sec. 316)

The Senate amendment contained a provision (sec. 1086) that would express the sense of the Senate on the importance of protecting Department of Defense (DOD) airfields, airspace, and air training routes from encroachment and the need to develop comprehensive guidance to protect those assets.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the context of the provision with respect to DOD operational risk assessment and the DOD Siting Clearinghouse.

The conferees expect that the DOD guidance encouraged by this provision will provide further clarification for the assessment of an unacceptable risk to the national security of the United States as defined in Part 211 of title 32, Code of Federal Regulations.

Subtitle C—Logistics and Sustainment

Expansion and reauthorization of multi-trades demonstration project (sec. 321)

The House bill contained a provision (sec. 321) that would amend section 338 of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136), as most recently amended by section 329 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

The Senate amendment contained a similar provision (sec. 322).

The Senate recedes.

Restoration and amendment of certain provisions relating to depot-level maintenance and core logistics capabilities (sec. 322)

The House bill contained a provision (sec. 322) that would further amend sections 2460 and 2464 of title 10, United States Code, as amended by sections 321 and 327 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81).

The Senate amendment contained a provision (sec. 321) that would repeal the amendments made by sections 321 and 327 and revive sections 2460 and 2464 as in effect prior to the enactment of Public Law 112–81.

The House recedes with an amendment that would amend the revived sections 2460 and 2464 to: (1) clarify the treatment of nuclear refueling opportunities for aircraft carriers; and (2) require the Secretary of Defense to submit a biennial report to Congress on core depot-level maintenance and repair capability requirements and sustaining workloads.

The conferees note that this provision includes conforming changes to sections 2366a and 2366b of title 10, United States Code. Sections 2366a and 2366b, as amended by this provision, would require a determination of the applicability of core logistics capabilities requirements prior to a Milestone A decision, an assessment of core logistics capabilities and associated sustaining workloads prior to a Milestone B decision, and a detailed definition of core logistics capabilities and associated sustaining workloads prior to any contract for low-rate initial production of a major defense acquisition program. The purpose of these requirements is to ensure that the Department of Defense fully considers and plans for life cycle sustainment needs, including core logistics capabilities, early in the acquisition cycle. In the view of the conferees, the Department has too often limited its sustainment options by deferring key decisions until a major weapon system is ready, or nearly ready, to be fielded. The early consideration of and deliberate planning for sustainment needs required by this provision should preserve a broader range of options and result in a more comprehensive and balanced approach to core logistics capabilities.

Rating chains for system program managers (sec. 323)

The Senate amendment contained a provision (sec. 323) that would require that 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, comply with the Department of Defense Instructions regarding assignment of program responsibility.

The House bill contained no similar provision.

The House recedes.

The conferees agree that this direction should not be construed to be taking any particular position on the Air Force's plans to reorganize the Air Force Materiel Command (AFMC). Elsewhere in this Act, the conferees recommend a requirement that the Secretary of Defense provide a report on the Air Force's planned reorganization of AFMC organizations.

Subtitle D—Readiness

Intergovernmental support agreements with State and local governments (sec. 331)

The House bill contained a provision (sec. 331) that would authorize the Department of Defense to enter into intergovernmental support agreements with State or local government for the procurement of installation support services.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the provision and prevent abuse of the new authority.

Expansion and reauthorization of pilot program for availability of working-capital funds for product improvements (sec. 332)

The House bill contained a provision (sec. 333) that would expand and reauthorize a pilot program resourced through working capital funds for product improvements.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees encourage the Services to use this pilot authorization to use working capital funds to pursue initiatives costing less than $1,000,000 for each item that would upgrade, modernize, or retrofit a component or subsystem of an existing weapon system platform or major end item of a weapon system currently sustained in the service inventory.

The limitation on the use of this pilot program to pursue significant change to capabilities is intended by the conferees to preclude the use of working capital funds to develop new versions of equipment, to expand the performance envelope of a current system, or to acquire new types of systems, while still allowing for performance enhancements that improve reliability, sustainability, and maintainability in current systems.

Department of Defense national strategic ports study and Comptroller General studies and reports on strategic ports (sec. 333)

The House bill contained a provision (sec. 3510) that would express the sense of Congress that the Secretary of Defense should expedite completion of the study of strategic ports in the United States. The provision would also direct that the Comptroller General: (1) review the Secretary's report; and (2) conduct his own review of the status of strategic ports.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to direct the Comptroller General to conduct a sufficiency review of the Secretary's report.

Subtitle E—Reports

Annual report on Department of Defense long-term corrosion strategy (sec. 341)

The Senate amendment contained a provision (sec. 331) that would amend section 371 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181, 10 U.S.C. 2228) to require the Department of Defense to provide additional information on corrosion projects in reports to Congress. The additional information includes validated returns on investment for completed corrosion projects, activities, and information on how corrosion funding is used for military projects, the Technical Corrosion Collaboration pilot program, and other corrosion-related activities.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Report on joint strategy for readiness and training in a C4ISR-denied environment (sec. 342)

The House bill contained a provision (sec. 341) that would direct the Secretary of Defense to submit 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 (C4ISR) systems. The provision also would require the development of a C4ISR-

denied environment roadmap and exercise plan.

The Senate amendment contained no similar provision.

The Senate recedes.

Comptroller General review of annual Department of Defense report on prepositioned materiel and equipment (sec. 343)

The House bill contained a provision (sec. 342) that would amend section 2229a(b)(1) of title 10, United States Code, by altering the report deadline.

The Senate amendment contained a similar provision (sec. 332).

The Senate recedes.

Modification of report on maintenance and repair of vessels in foreign shipyards (sec. 344)

The House bill contained a provision (sec. 343) that would modify section 7310(c) of title 10, United States Code, to expand a reporting requirement to cover privately owned vessels that are operated pursuant to a contract entered into by the Military Sealift Command, the Maritime Administration, or the U.S. Transportation Command.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand the report to cover privately owned vessels, but would exclude proprietary information from the data required in the report for those vessels.

Extension of deadline for Comptroller General report on Department of Defense service contract inventory (sec. 345)

The House bill contained a provision (sec. 344) that would extend the deadline for a statutorily mandated Government Accountability Office report on the Department of Defense inventory of service contracts.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle F—Limitations and Extension of Authority

Repeal of redundant authority to ensure interoperability of law enforcement and emergency responder training (sec. 351)

The House bill contained a provision (sec. 351) that would amend section 372 of title 10, United States Code, to ensure that Department of Defense support to a federal, state, or local law enforcement or emergency response agency to prepare for or respond to an emergency involving chemical or biological agents is consistent with the national preparedness system and other statutory changes made since the creation of the Department of Homeland Security.

The Senate amendment contained a similar provision (sec. 343) that would result in an identical outcome.

The Senate recedes.

Aerospace control alert mission (sec. 352)

The House bill contained a provision (sec. 352) that would: (1) prevent Department of Defense from spending any funds to disestablish or downgrade any of the 18 level 5 aerospace control alert (ACA) defense locations in existence as of the date of the enactment of this Act; and (2) establish a consolidated budget justification display that fully identifies the baseline ACA budget for each of the military services, and encompasses all programs and activities of the ACA mission.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to eliminate the language prohibiting disestablishing or downgrading ACA locations. The conferees understand that the Air Force now has no plans to disestablish any ACA units.

Limitation on authorization of appropriations for the National Museum of the United States Army (sec. 353)

The House bill contained a provision (sec. 353) that would limit the obligation or expenditure of funds for the National Museum of the United States Army until the Secretary of the Army submits to the congressional defense committees written certification that sufficient private funding has been raised to fund construction of the ''baseline museum'' and that at least 50 percent of the baseline museum has been completed.

The Senate amendment contained no similar provision.

The Senate recedes.

Limitation on availability of funds for retirement or inactivation of Ticonderoga class cruisers or dock landing ships (sec. 354)

The House bill contained a provision (sec. 354) that would limit the obligation and expenditure of funds authorized to be appropriated or otherwise made available for fiscal year 2013 for the retirement, inactivation, or storage of a cruiser or dock landing ship. The provision would provide an exception for the retirement of the U.S.S. *Port Royal* (CG–73). Finally, the provision would require the Secretary of the Navy to maintain the operational capability and perform the necessary maintenance of the cruisers and dock landing ships in support of operational requirements of the combatant commands.

The Senate amendment contained a provision (sec. 344) that would express the sense of the Congress on Navy fleet requirements, including the fact that the Secretary of the Navy should maintain the operational capability and perform the necessary maintenance and for each cruiser and dock landing ship belonging to the Navy.

The Senate recedes with an amendment that would eliminate the exception for the retirement of the U.S.S. *Port Royal*. The U.S.S. *Port Royal* incurred significant damage following a grounding incident in 2009. Although the Navy indicates that the ship never completely recovered from the grounding, the Navy has not provided adequate analysis and cost data on the structural condition of the ship.

Therefore, the conferees direct the Secretary of the Navy to conduct a detailed material condition assessment of the U.S.S. *Port Royal* that will:

(1) include a comprehensive inspection of the ship's major structural, machinery, electrical, combat and weapons systems elements;

(2) identify the necessary repairs and modernization, including detailed costs to make those repairs and upgrades, that would be required for the ship to meet its expected service life, consistent with other ships in the *Ticonderoga*-class;

(3) be conducted by the Navy, with the results evaluated by the appropriate Navy technical authority; and

(4) be reviewed by an independent board of subject matter experts, from industry and the Department of Defense.

The conferees further direct the Secretary to submit the results of that assessment, along with results of independent reviews of that assessment, to the congressional defense committees within 180 days of enactment of this Act. The conferees further direct that the Government Accountability Office conduct a sufficiency review of this report. The Secretary shall also provide the congressional defense committees a status update on the assessments within 120 days of enactment of this Act.

Renewal of expired prohibition on return of veterans memorial objects without specific authorization in law (sec. 355)

The House bill contained a provision (sec. 355) that would prohibit the transfer of a veterans memorial object to a foreign country unless the transfer is specially authorized by law or the transfer is made after September 30, 2017.

The Senate amendment contained an identical provision (sec. 1093).

The conference agreement includes this provision.

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

National commission on the structure of the Air Force (secs. 361–367)

The Senate amendment contained a provision (secs. 1701–1707) that would create a commission to study the appropriate makeup of the Air Force, considering that the Department of the Air Force draws upon active duty forces, the Air Force Reserve, and the Air National Guard.

The House bill contained no similar provision.

The House recedes with an amendment that would have the commission focus on longer-term decisions, but would not freeze near-term force structure changes pending the recommendations of the commission. The amendment would also adjust the direction to the commission from focusing on maximizing achievable costs savings to a focus on maximizing and appropriately balancing affordability, efficiency, effectiveness, capability, and readiness.

Subtitle H—Other Matters

Military working dog matters (sec. 371)

The House bill contained a provision (sec. 361) that would require the Secretary of Defense to change the classification of military working dogs from equipment to canine members of the armed forces, establish and maintain a system to provide for the lifetime veterinary care of retired military working dogs by contracting with a private non-profit entity, establish policies to ease the cost of transporting retired military working dogs for the purposes of adoption, and create a decoration or other recognition for military working dogs killed in action or that perform meritorious acts in service to the United States. The provision would also authorize the service secretaries to transfer retired military working dogs if no suitable adoption is available at the military facility where the dog is located.

The Senate amendment contained a provision (sec. 1049) that would authorize the service secretaries to transfer retired military working dogs if no suitable adoption is available at the military facility where the dog is located, authorize the Secretary of Defense to establish and maintain a system to provide for the veterinary care of retired military working dogs, and authorize the recognition of military working dogs that are killed, wounded, or missing in action and military working dogs that perform an exceptionally meritorious or courageous act in service to the United States.

The House recedes with an amendment that would authorize the service secretaries to transfer retired military working dogs if no suitable adoption is available at the military facility where the dog is located, and authorize the Secretary of Defense to establish and maintain a system to provide for the veterinary care of retired military working dogs, provided that no federal government funds are provided for that purpose.

Comptroller General review of handling, labeling, and packaging procedures for hazardous material shipments (sec. 372)

The House bill contained a provision (sec. 363) that would require the Comptroller General of the United States to conduct a review of the policies and procedures of the Department of Defense (DOD) for handling, labeling and packaging hazardous material shipments.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees expect DOD, during the period while the review by the Government Accountability Office (GAO) is under way, to continue to ensure the safety of the public and the security of sensitive and hazardous shipments, and to monitor driver and carrier performance. Within 60 days of completion of the GAO review, the Secretary of Defense shall ensure that DOD re-engages with the Committees on Armed Services of the Senate and the House of Representatives regarding the appropriate level of mandatory safety standards. The conferees also intend that DOD will still conduct the review required by the Item of Special Interest entitled ''Safety and security standards for Department of Defense hazardous materials transport'' contained in Senate Report 112–173 accompanying the National Defense Authorization Act of 2013 (S. 3254) and report to the Committees on Armed Services of the Senate and the House of Representatives within 30 days of the completion of that review.

LEGISLATIVE PROVISIONS NOT ADOPTED

Authorization of appropriations of funds for inactivation execution of the U.S.S. Enterprise

The House bill contained a provision (sec. 302) that would provide incremental funding authority for inactivating the U.S.S. Enterprise (CVN–65), and would limit the total amount to be obligated and expended by the Secretary of the Navy for this activity to no more than $708.0 million.

The Senate amendment contained no similar provision.

The House recedes.

Funding of agreements under the Sikes Act

The Senate amendment contained a provision (sec. 312) that would amend the Sikes Act (16 U.S.C. 670 et seq) to allow funds committed by the Department of Defense for a cooperative agreement to be made in a lump sum and retained in an interest bearing account.

The House bill contained no similar provision.

The Senate recedes.

Modification of definition of chemical substance

The House bill contained a provision (sec. 312) that would modify the definition of chemical substance contained in section 2602 of title 15, United States Code, known as the Toxic Substances Control Act.

The Senate amendment contained no similar provision.

The House recedes.

Exemption of Department of Defense from alternative fuel procurement requirement

The House bill contained a provision (sec. 313) that would exempt the Department of Defense from section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140), regarding greenhouse gas emissions.

The Senate amendment contained no similar provision.

The House recedes.

Southern sea otter military readiness areas

The House bill contained a provision (sec. 316) that would, among other things, create military readiness areas near the coast of southern California.

The Senate amendment contained no similar provision.

The House recedes.

Sense of Congress regarding decontamination of former bombardment area on island of Culebra, Puerto Rico

The House bill contained a provision (sec. 318) that would express the sense of Congress regarding the former bombardment area on the island of Culebra, Puerto Rico.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Committees on Armed Services of the Senate and the House of Representatives have received the report required by Section 2815 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383). The U.S. Navy used parts of Culebra as a bombardment area for several decades before the property was transferred by deed from the United States to the Commonwealth of Puerto Rico in 1982 at the Commonwealth's request. The report identified the Former Bombardment Area on the island of Culebra as priority 2 when applying the Munitions Response Site Prioritization Protocol to identify the relative risks posed, which is the highest relative risk ranking possible for a Munitions Response Site that is known or suspected to contain only conventional military munitions. Therefore, the conferees encourage the Department of Defense to continue working with the Commonwealth of Puerto Rico to address unexploded munitions for the protection of the public who visit the area, specifically Flamenco Beach, Carlos Rosario Trail and Beach, and Tamarindo Beach.

Sense of Congress regarding the performance of commercially available activities by Department of Defense civilian employees

The House bill contained a provision (sec. 323) that would express the sense of Congress regarding the performance of commercially available activities by Department of Defense civilian employees.

The Senate amendment contained no similar provision.

The House recedes.

Center of Excellence for the National Guard State Partnership Program

The House bill contained a provision (sec. 334) that would amend chapter 5 of title 32, United States Code, by authorizing the Chief of the National Guard Bureau to maintain a Center of Excellence for the National Guard State Partnership Program to provide training opportunities for units and members of the active and reserve components for the purpose of improving the skills for such units and members when deployed to complete the mission of the State Partnership Program.

The Senate amendment contained no similar provision.

The House recedes.

Comptroller General of the United States report reviewing methodology of Department of Defense relating to costs of performance by civilian employees, military personnel, and contractors

The House bill contained a provision (sec. 345) that would require the Comptroller General to review Department of Defense methodology relating to costs of performance by civilian employees, military personnel, and contractors.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Comptroller General to conduct a review of Department of Defense Directive-Type Memorandum 09–007 entitled ''Estimating and Comparing the Full Costs of Civilian and Military Manpower and Contractor Support'' or successor guidance to determine whether the methodology used in the memorandum reflects the actual, relevant, and quantifiable costs to taxpayers of performance by Federal civilian employees, military personnel, and contractors. In conducting this review, the conferees expect the Comptroller General to consult with appropriate officials in the Department of Defense, to include, at a minimum, the Under Secretary of Defense for Personnel and Readiness, the Director of Cost Assessment and Program Evaluation, and the Office of Management and Budget, and with experts and interested parties in the private sector. The conferees direct the Comptroller General to submit a report including his findings and recommendations to the congressional defense committees by not later than 270 days after the date of the enactment of this Act. The report shall contain the results of the review and make recommendations for any statutory or policy changes that the Comptroller General determines are necessary to ensure that the memorandum reviewed appropriately addresses the actual, relevant, and quantifiable costs to taxpayers for Federal civilian employees, military personnel, and contractors.

Report on medical evacuation policies

The House bill contained a provision (sec. 346) that would require the Secretary of Defense to report on Department of Defense policies, procedures, and guidelines for helicopter evacuation of injured service members performed by unarmed Army helicopters and armed Air Force helicopters. The provision would also require the Comptroller General to submit to the congressional defense committees an analysis of this report.

The Senate amendment contained no similar provision.

The House recedes.

The conferees commend the Department of Defense for its continuous efforts to improve aeromedical evacuation standards and operations, which have contributed to the highest survival rate for wounded and ill service members in United States history.

The conferees direct the Department of Defense to provide to the Armed Services Committees of the Senate and the House of Representatives a declassified version of the May 2012 Chairman of the Joint Chiefs review of aeromedical evacuation procedures in the United States Central Command area of responsibility. In addition, the conferees note that the report accompanying the House bill (H. Rept. 112–479) contains an item of special interest that directs the Secretary of the Army to establish, by September 1, 2012, a Department-wide standard that requires all in-flight medical care providers to be critical care flight paramedic certified within the next 3 years. The conferees direct the Army to provide the Committees on Armed Services of the Senate and the House of Representatives with a briefing on the status of its compliance with the certification mandates set forth in the House report, and its plans to continuously advance the quality and effectiveness of aeromedical evacuation standards and operations, no later than March 1, 2013.

Report on providing telecommunications services to uniformed personnel transiting through foreign airports

The House bill contained a provision (sec. 347) that would require the Secretary of Defense to submit to the congressional defense committees a report on the feasibility of providing market rate or below-market rate telecommunications services to service members transiting through foreign airports while traveling to and from overseas deployments, and to investigate allegations of telecom companies specifically targeting uniformed military personnel in transit overseas, charging them above-market rates for telecom services.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are aware of instances where U.S. service members transiting through international airports experienced unexpectedly high rates for international telephone calls. The conferees recognize that foreign

companies may charge high rates for operator-assisted international telephone service back to the United States and are concerned that this practice is disadvantageous to service members transiting to and from foreign locations, often returning from overseas deployments. The conferees expect commanders and the Department to do more to educate service members about telecommunications rates when transiting foreign airports and encourage the Department to provide alternative, lower-cost methods of communication for service members returning from deployments, where possible.

Survey and report on personal protection equipment needed by members of the Armed Forces deployed on the ground in combat zones

The House bill contained a provision (sec. 348) that would require the Secretary of Defense to conduct a survey among members and former members of the Armed Forces requesting information related to personal protection equipment.

The Senate amendment contained no similar provision.

The House recedes.

Assistance for homeland defense mission training

The House bill contained a provision (sec. 362) that would authorize the Secretary of Defense to provide funding assistance for the operation and maintenance of any State training center certified by the Federal Emergency Management Agency as capable of providing emergency response training.

The Senate amendment contained no similar provision.

The House recedes.

Funding for maintenance of force structure of the Air Force pending commission recommendations

The Senate amendment contained a provision (sec. 1709) that would authorize an additional $1.4 billion to pay for additional Air Force force structure required by another provision in the Senate bill (sec. 1708).

The House bill contained no similar provision.

The Senate recedes.

Air Force assessments of the effects of proposed movements of airframes on joint readiness training

The Senate amendment contained a provision (sec. 1711) that would require the Secretary of the Air Force to: (1) undertake an assessment of the effects of currently proposed movements of Air Force airframes on Green Flag East and Green Flag West joint readiness training; and (2) if the Secretary determines it appropriate, submit to the congressional defense committees a report setting forth a proposal to make future replacements of capabilities for purposes of augmenting training at the joint readiness training center or for such other purposes as the Secretary considers appropriate.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of the Air Force to assess the effects of the Department of the Air Force force structure retirements, divestments, and transfers on joint readiness training, particularly military airlift support and combined arms combat training exercises with other services, and to provide the congressional defense committees a report by April 1, 2013, with the results of Secretary's assessment, including the Secretary's recommendations for improving participation in joint training opportunities.

TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

Subtitle A—Active Forces

End strengths for active forces (sec. 401)

The House bill contained a provision (sec. 401) that would authorize the following end strengths for active duty personnel of the armed forces as of September 30, 2013: Army, 552,100; Navy, 322,700; Marine Corps, 197,300; and Air Force, 330,383.

The Senate amendment contained a similar provision (sec. 401) that would authorize active duty end strength for the Air Force of 329,597.

The Senate recedes with an amendment that would authorize active duty end strength for the Air Force of 329,460.

End strength levels for the active forces for fiscal year 2013 are set forth in the following table:

Service	FY 2012 authorized	FY2013		Change from	
		Request	Recommendation	FY 2013 request	FY 2012 authorized
Army	562,000	552,100	552,100	0	−9,900
Navy	325,700	322,700	322,700	0	−3,000
Marine Corps	202,100	197,300	197,300	0	−4,800
Air Force	332,800	328,900	329,460	560	−3,340
DOD Total	1,422,600	1,401,000	1,401,560	560	−21,040

Revision in permanent active duty end strength minimum levels (sec. 402)

The House bill contained a provision (sec. 402) that would establish the following minimum end strengths for active duty personnel as of September 30, 2013: Army, 552,100; Navy, 322,700; Marine Corps, 197,300; and Air Force 330,383.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish minimum active duty end strengths for the Army of 542,700, for the Marine Corps of 193,500, and for the Air Force of 329,460. The amendment would also authorize the Secretary of Defense to reduce end strengths below the minimum levels established in this section by up to 0.5 percent.

Minimum end strength levels for active duty personnel for fiscal year 2013 are set forth in the following table:

Service	FY 2012 authorized	FY2013	Change from
		Recommendation	FY 2012
Army	547,400	542,700	−4,700
Navy	325,700	322,700	−3,000
Marine Corps	202,100	193,500	−8,600
Air Force	332,800	329,460	−3,340
DOD Total	1,408,000	1,388,360	−19,640

Annual limitation on end strength reductions for regular component of the Army and Marine Corps (sec. 403)

The House bill contained a provision (sec. 403) that would require the President to submit to Congress as part of the annual budget a certification that reductions in Army and Marine Corps end strength would not undermine ability to meet the requirements of the National Security Strategy, increase security risks, or compel members to endure diminished dwell time between deployments. The provision would also limit annual reductions in Army and Marine Corps end strength to no more than 15,000 soldiers and 5,000 marines measured from that service's end strength at the end of the preceding fiscal year. Finally, the provision would prohibit the use of Overseas Contingency Operations (OCO) funding to pay for end strength requirements.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove the certification requirement and OCO budgeting restriction.

The conferees remain concerned with the pace of the planned drawdown of the ground forces while the nation is still at war, as well as the impact of further defense budget reductions on personnel accounts. It is imperative that the Department fully fund its end strength requirements in accordance with the services' force reduction plans in the annual budgets through 2017.

Additional Marine Corps personnel for the Marine Corps Security Guard Program (sec. 404)

The Senate amendment contained a provision (sec. 402) that would require the Secretary of Defense, in consultation with the Secretary of State, to 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. The purpose of the increase is to provide additional end strength and resources to support enhanced Marine Corps security at embassies and consulates, and other diplomatic facilities.

The provision would further require the President to provide certain funding information on the marine security guard program with the budget submission for fiscal years 2014 through 2017. The provision would require that the Marine Corps fully resource the embassy security mission without degrading readiness to fulfill its requirements under the National Military Strategy prescribed by the Chairman of the Joint Chiefs of Staff. Finally, the provision would require the Secretary to submit a report to Congress by October 1, 2013, and annually thereafter through 2017, on implementation of program increases required by this provision.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the annual reports through 2017 to one report due no later than October 1, 2013, and would make other technical and conforming amendments.

The provision will ensure that the increase in the Marine Corps security guard program in any year up to 1,000 additional marines will be authorized and funded over and above end strength needed for the Marine Corps' core mission requirements. The conferees believe that enhanced embassy security and support of the Marine Corps' core missions are essential, that one mission shall not be funded at the expense of the other, and that each must be fully resourced in future budget requests so as not to undermine readiness, as required by this provision.

Subtitle B—Reserve Forces

End strengths for Selected Reserve (sec. 411)

The House bill contained a provision (sec. 411) that would authorize the following end strengths for Selected Reserve personnel, including the end strengths for reserves on active duty in support of the reserves, as of September 30, 2013: the Army National Guard of the United States, 358,200; the Army Reserve, 205,000; the Navy Reserve, 62,500; the Marine Corps Reserve, 39,600; the Air National Guard of the United States, 106,005; the Air Force Reserve, 72,428; and the Coast Guard Reserve, 9,000.

The Senate amendment contained a similar provision (sec. 411) that would authorize end strength for the Air National Guard of 106,435.

The Senate recedes with an amendment that would authorize end strengths for the Air National Guard of 105,700 and the Air Force Reserve of 70,880.

End strength levels for the Selected Reserve for fiscal year 2013 are set forth in the following table:

Service	FY 2012 authorized	FY 2013		Change from	
		Request	Recommendation	FY 2013 request	FY 2012 authorized
Army National Guard	358,200	358,200	358,200	0	0
Army Reserve	205,000	205,000	205,000	0	0
Navy Reserve	66,200	62,500	62,500	0	−3,700
Marine Corps Reserve	39,600	39,600	39,600	0	0
Air National Guard	106,700	101,600	105,700	4,100	−1,000
Air Force Reserve	71,400	70,500	70,880	380	−520
DOD Total	847,100	837,400	841,880	4,480	−5,220
Coast Guard Reserve	10,000	9,000	9,000	0	−1,000

End strengths for Reserves on active duty in support of the reserves (sec. 412)

The House bill contained a provision (sec. 412) that would authorize the following end strengths for reserves on active duty in support of the reserve components as of September 30, 2013: the Army National Guard of the United States, 32,060; the Army Reserve, 16,277; the Navy Reserve, 10,114; the Marine Corps Reserve, 2,261; the Air National Guard of the United States, 14,952; and the Air Force Reserve, 2,888.

The Senate amendment contained a similar provision (sec. 412) that would authorize end strength for the Air National Guard of 14,871.

The Senate recedes with an amendment that would authorize end strength for the Air National Guard of 14,765.

End strength levels for reserves on active duty in support of the reserves for fiscal year 2013 are set forth in the following table:

Service	FY 2012 authorized	FY 2013		Change from	
		Request	Recommendation	FY 2013 request	FY 2012 authorized
Army National Guard	32,060	32,060	32,060	0	0
Army Reserve	16,261	16,277	16,277	0	16
Navy Reserve	10,337	10,114	10,114	0	−223
Marine Corps Reserve	2,261	2,261	2,261	0	0
Air National Guard	14,833	14,305	14,765	460	−68
Air Force Reserve	2,662	2,888	2,888	0	226
DOD Total	78,414	77,905	78,365	460	−49

End strengths for military technicians (dual status) (sec. 413)

The House bill contained a provision (sec. 413) that would authorize the following end strengths for military technicians (dual status) as of September 30, 2013: the Army National Guard of the United States, 27,210; the Army Reserve, 8,395; the Air National Guard of the United States, 22,272; and the Air Force Reserve, 10,946.

The Senate amendment contained a similar provision (sec. 413) that would authorize the following end strengths for military technicians (dual status): the Army Reserve, 8,445; the Army National Guard, 28,380; the Air Force Reserve, 10,716; and the Air National Guard, 22,313.

The Senate recedes with an amendment that would authorize end strengths for the Air National Guard of 22,180 and for the Air Force Reserve of 10,400.

End strength levels for military technicians (dual status) for fiscal year 2013 are set forth in the following table:

Service	FY 2012 authorized	FY 2013		Change from	
		Request	Recommendation	FY 2013 request	FY 2012 authorized
Army National Guard	27,210	28,380	27,210	−1,170	0
Army Reserve	8,395	8,445	8,395	−50	0
Air National Guard	22,509	21,101	22,180	1,079	−329
Air Force Reserve	10,777	10,283	10,400	117	−377
DOD Total	68,891	68,209	68,185	−24	−706

Fiscal year 2013 limitation on number of non-dual status technicians (sec. 414)

The House bill contained a provision (sec. 414) that would establish the following personnel limits for the reserve components of the Army and Air Force for non-dual status technicians as of September 30, 2013: the Army National Guard of the United States, 1,600; the Air National Guard of the United States, 350; the Army Reserve, 595; and the Air Force Reserve, 90.

The Senate amendment contained an identical provision (sec. 414).

The conference agreement includes this provision.

Personnel limitations for non-dual status technicians for fiscal year 2013 are set forth in the following table:

Service	FY 2012 authorized	FY 2013		Change from	
		Request	Recommendation	FY 2013 request	FY 2012 authorized
Army National Guard	1,600	1,600	1,600	0	0
Air National Guard	350	350	350	0	0
Army Reserve	595	595	595	0	0
Air Force Reserve	90	90	90	0	0
DOD Total	2,635	2,635	2,635	0	0

Maximum number of reserve personnel authorized to be on active duty for operational support (sec. 415)

The House bill contained a provision (sec. 415) that would authorize the maximum number of reserve component personnel who may be on active duty or full-time National Guard duty under section 115(b) of title 10, United States Code, during fiscal year 2013 to provide operational support.

The Senate amendment contained an identical provision (sec. 415).

The conference agreement includes this provision.

The maximum number of reserve component personnel who may be on active duty or

full-time National Guard duty under section 115(b) of title 10, United States Code, during fiscal year 2013 is set forth in the following table:

Service	FY 2012 authorized	FY 2013		Change from	
		Request	Recommendation	FY 2013 request	FY 2012 authorized
Army National Guard	17,000	17,000	17,000	0	0
Army Reserve	13,000	13,000	13,000	0	0
Navy Reserve	6,200	6,200	6,200	0	0
Marine Corps Reserve	3,000	3,000	3,000	0	0
Air National Guard	16,000	16,000	16,000	0	0
Air Force Reserve	14,000	14,000	14,000	0	0
DOD Total	69,200	69,200	69,200	0	0

Subtitle C—Authorization of Appropriations

Military personnel (sec. 421)

The House bill contained a provision (sec. 421) that would authorize appropriations for military personnel at the levels identified in section 4401 of division D of this Act.

The Senate amendment contained an identical provision (sec. 421).

The conference agreement includes this provision.

TITLE V—MILITARY PERSONNEL POLICY

Subtitle A—Officer Personnel Policy Generally

Limitation on number of Navy flag officers on active duty (sec. 501)

The House bill contained a provision (sec. 501) that would amend sections 526 and 5150 of title 10, United States Code, to eliminate the exemption for the Director of the Nurse Corps and the Director of the Medical Service Corps from counting against the statutory limit on Navy flag officers on active duty and to increase the statutory limit of flag officers on active duty in the Navy to 161.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to increase the statutory limit of flag officers on active duty in the Navy to 162 and to change the effective date from October 1, 2013 to October 1, 2012 for increasing by one the number of Marine Corps general officers on active duty.

Reinstatement of authority for enhanced selective early retirement boards and early discharges (sec. 502)

The Senate amendment contained a provision (sec. 501) that would amend section 638a of title 10, United States Code, to extend until December 31, 2018, the authority to convene selection boards to consider the discharge of regular officers below the grade of lieutenant colonel or commander who have served on active duty for at least 1 year in their current grade, are not on a promotion list, and are not eligible for retirement.

The House bill contained no similar provision.

The House recedes with an amendment that would amend section 638a of title 10, United States Code, to extend until December 31, 2018, the authority for enhanced selective early retirement boards and early discharges.

Modification of definition of joint duty assignment to include all instructor assignments for joint training and education (sec. 503)

The Senate amendment contained a provision (sec. 503) that would amend section 668(b)(1)(B) of title 10, United States Code, to remove the limitations on the types of instructors included in the definition of ''joint duty assignment''.

The House bill contained no similar provision.

The House recedes.

Exception to required retirement after 30 years of service for Regular Navy Warrant officers in the grade of Chief Warrant Officer, W–5 (sec. 504)

The House bill contained a provision (sec. 502) that would amend section 1305(a) of title 10, United States Code, to increase from 30 years to 33 years the total active military service a Navy warrant officer in the grade of chief warrant officer, W–5, may serve prior to being statutorily retired for length of service.

The Senate amendment contained a similar provision (sec. 502).

The Senate recedes.

Extension of temporary authority to reduce minimum length of active service as a commissioned officer required for voluntary retirement as an officer (sec. 505)

The House bill contained a provision (sec. 504) that would amend sections 3911, 6323, and 8911 of title 10, United States Code, to extend the authority until September 30, 2018, for the secretaries of the military departments to reduce from 10 to 8 the number of years of commissioned service required for a service member to retire as an officer.

The Senate amendment contained no similar provision.

The Senate recedes.

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. 506)

The House bill contained a provision (sec. 505) that would amend section 1370 of title 10, United States Code, to authorize the Secretary of Defense to authorize the service secretaries to reduce the time in grade requirement for retirement in the grades of lieutenant colonel and colonel in the Army, Air Force, and Marine Corps and commander and captain in the Navy from not less than 3 years to not less than 2 years during fiscal years 2013 through 2018 for up to 4 percent of the officers in that service serving in that grade.

The Senate amendment contained no similar provision.

The Senate recedes.

Modification to limitations on number of officers for whom service-in-grade requirements may be reduced for retirement in grade upon voluntary retirement (sec. 507)

The House bill contained a provision (sec. 506) that would amend section 1370 of title 10, United States Code, to increase the number of brigadier generals and major generals of the Army, Air Force, and Marine Corps and rear admirals (lower half) and rear admirals of the Navy for whom a reduction of time in grade for retirement is authorized during fiscal years 2013 through 2017.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment to increase to 10 percent of the authorized active duty strength in that grade the number of brigadier generals and major generals of the Army, Air Force, and Marine Corps and rear admirals (lower half) and rear admirals of the Navy for whom a reduction of time in grade for retirement is authorized during fiscal years 2013 through 2017.

Air Force Chief of Chaplains (sec. 508)

The House bill contained a provision (sec. 503) that would establish the positions of Chief of Chaplains and Deputy Chief of Chaplains in the Air Force and require that officers selected for these positions be recommended by a board of officers.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend chapter 805 of title 10, United States Code, to establish the position of the Chief of Chaplains in the Air Force in the grade of major general, and require that the officer selected for this position be recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36, United States Code.

Subtitle B—Reserve Component Management

Codification of staff assistant positions for Joint Staff related to National Guard and Reserve matters (sec. 511)

The House bill contained a provision (sec. 511) that would amend chapter 5 of title 10, United States Code, to codify the positions of the Assistant to the Chairman of the Joint Chiefs of Staff for National Guard Matters and the Assistant to the Chairman of the Joint Chiefs of Staff for Reserve Matters. The provision would also add a new requirement that each Assistant to the Chairman have significant joint duty experience as determined by the Chairman.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Automatic Federal recognition of promotion of certain National Guard warrant officers (sec. 512)

The House bill contained a provision (sec. 512) that would automatically extend federal recognition to members of the National Guard who are promoted from the grade of warrant officer 1 (W–1) to chief warrant officer 2 (W–2) to fill a vacancy in a federally recognized unit in the National Guard.

The Senate amendment contained no similar provision.

The Senate recedes.

Availability of Transition Assistance Advisors to assist members of reserve components who serve on active duty for more than 180 consecutive days (sec. 513)

The Senate amendment contained a provision (sec. 1052) that would amend chapter 58 of title 10, United States Code, to require the Secretary of Defense to establish as part of the Transition Assistance Program a Transition Assistance Advisor program to provide professionals in each state to assist certain members of the National Guard in accessing certain benefits and health care provided by the Department of Defense and Department of Veterans Affairs.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Chief of the National Guard Bureau to establish a program to provide Transition Assistance Advisors in each state to serve as points of contact to assist eligible members of the reserve components in accessing certain benefits and health care.

Subtitle C—General Service Authorities

Authority for additional behavioral health professionals to conduct pre-separation medical exams for post-traumatic stress disorder (sec. 518)

The House bill contained a provision (sec. 522) that would amend section 1177(a) of title 10, United States Code, to expand the scope of providers that may conduct pre-administrative separation medical examinations for post-traumatic stress disorder to include licensed clinical social workers and psychiatric nurse practitioners.

The Senate amendment contained a similar provision (sec. 523).

The Senate recedes with an amendment that would authorize licensed clinical social workers and psychiatric advanced practice registered nurses to conduct pre-administrative separation medical examinations for post-traumatic stress disorder.

The conferees note that this provision would not affect the statutory requirement that these examinations be reviewed by appropriate authorities responsible for reviewing and approving separation cases.

Diversity in the Armed Forces and related reporting requirements (sec. 519)

The House bill contained a provision (sec. 507) that would require the Secretary of Defense and Secretary of Homeland Security in the case of the Coast Guard, to develop and implement a plan to accurately measure the efforts of the Department of Defense (DOD) and Department of Homeland Security (DHS) in the case of the Coast Guard, to achieve a force reflective of the diverse population of the United States eligible for military service. The provision would require the Secretary of Defense and Secretary of Homeland Security to develop a uniform definition of diversity. Finally, the provision would require annual reports to the congressional defense committees on the progress of DOD and DHS in achieving their diversity goals.

The Senate amendment contained a similar provision (sec. 521) that would require biennial reports to the congressional defense committees through fiscal year 2017.

The Senate recedes with an amendment that would require annual reports on the achievement of diversity goals through fiscal year 2017 and would make other technical and conforming changes.

Limitation on reduction in number of military and civilian personnel assigned to duty with service review agencies (sec. 520)

The House bill contained a provision (sec. 662) that would amend section 1559 of title 10, United States Code, to extend from December 31, 2013, to December 31, 2016, the limitation on the reduction in the number of military and civilian personnel assigned to duty in the service review agencies of the military departments.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of temporary increase in accumulated leave carryover for members of the Armed Forces (sec. 521)

The Senate amendment contained a provision (sec. 526) that would extend until September 20, 2015, the authority for certain members to carry over 75 days of leave from one fiscal year to the next, rather than 60.

The House bill contained no similar provision.

The House recedes.

Modification of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces (sec. 522)

The House bill contained a provision (sec. 521) that would amend section 533 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) to include full-time active guard and reserve members in the population eligible for the career intermission pilot program, to clarify that accrued leave may be carried forward through the period of inactive service, and to clarify that participants in the program who become ill or injured during their period of inactive service may be processed for retirement or separation under chapters 55 and 61 of title 10, United States Code.

The Senate amendment contained a similar provision (sec. 522).

The House recedes with a technical amendment.

Prohibition on waiver for commissioning or enlistment in the Armed Forces for any individual convicted of a felony sexual offense (sec. 523)

The Senate amendment contained a provision (sec. 527) that would prohibit the granting of waivers for commissioning or enlistment in the Armed Forces of an individual who has been convicted of certain sexual offenses under federal or state law.

The House bill contained no similar provision.

The House recedes.

Quality review of Medical Evaluation Boards, Physical Evaluation Boards, and Physical Evaluation Board Liaison Officers (sec. 524)

The Senate amendment contained a provision (sec. 753) that would require the Secretary of Defense to standardize, assess, and monitor the quality assurance programs of the military departments to evaluate the performance of medical evaluation boards, physical evaluation boards, and physical evaluation board liaison officers.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Reports on involuntary separation of members of the Armed Forces (sec. 525)

The Senate amendment contained a provision (sec. 524) that would require the service secretaries to submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than 30 days after the end of each quarter of the calendar year in 2013 and 2014, a report on members of the regular components who were involuntarily separated from active duty.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the report to service members involuntarily separated from active duty for reasons other than for cause and would require the report not later than 30 days after the end of each 6–month period during calendar years 2013 and 2014.

Report on feasibility of developing gender-neutral occupational standards for military occupational specialties currently closed to women (sec. 526)

The House bill contained a provision (sec. 526) that would require the Secretary of Defense to submit to the congressional defense committees a report evaluating the feasibility of incorporating gender-neutral occupational standards for military occupational specialties currently closed to women.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on education and training and promotion rates for pilots of remotely piloted aircraft (sec. 527)

The Senate amendment contained a provision (sec. 942) that would require the Secretary and the Chief of Staff of the Air Force to provide a report to the congressional defense committees by January 31, 2013, on remotely piloted aircraft (RPA) pilot promotion and education rates.

The House bill contained no similar provision.

The House recedes with an amendment that would change the due date for the report to 180 days after the date of enactment of this Act.

Impact of numbers of members within the Integrated Disability Evaluation System on readiness of Armed Forces to meet mission requirements (sec. 528)

The House bill contained a provision (sec. 404) that would require that members within the Integrated Disability Evaluation System (IDES) not count toward the end strength authorizations for active duty members prescribed for each fiscal year 2013 through 2018.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the secretary concerned to provide with the President's budget submission for fiscal years 2014 through 2018 a statement concerning the degree to which the disability population within that service impacts that service's readiness to meet ongoing mission requirements and dwell time. The amendment would also require that the secretary concerned provide a plan to mitigate any adverse impact.

Subtitle D—Military Justice and Legal Matters

Clarification and enhancement of the role of Staff Judge Advocate to the Commandant of the Marine Corps (sec. 531)

The House bill contained a provision (sec. 531) that would amend sections 806(a) (Article 6(a) of the Uniform Code of Military Justice), 5041, and 5046(a) of title 10, United States Code, to clarify and enhance the role of the Staff Judge Advocate to the Commandant of the Marine Corps.

The Senate amendment contained a similar provision (sec. 531).

The Senate recedes with a clarifying amendment.

Additional information in reports on annual surveys of the Committee on the Uniform Code of Military Justice (sec. 532)

The Senate amendment contained a provision (sec. 532) that would amend subsection section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice (UCMJ)), to require the Code Committee to address the following additional matters in its annual report: compliance with processing time goals; cases in which court-martial convictions are reversed as a result of command influence or denial of the right to a speedy review; any provision of the UCMJ that is held unconstitutional; developments in appellate case law relating to courts-martial involving allegations of sexual misconduct; issues associated with implementing legislatively directed changes to the UCMJ or the Manual for Courts-Martial; measures implemented 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; and 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 within their service to perform military justice functions.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Code Committee to address the following additional matters in its annual report: compliance with processing time goals; cases in which court-martial convictions are reversed as a result of command influence or denial of the right to a speedy review; any provision of the UCMJ that is held unconstitutional; measures implemented 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; and 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 within their service to perform military justice functions.

Protection of rights of conscience of members of the Armed Forces and chaplains of such members (sec. 533)

The House bill contained a provision (sec. 536) that would require the armed forces to accommodate the moral principles and religious beliefs of service members concerning appropriate and inappropriate expression of human sexuality and would prohibit use of such conscience, principles, or beliefs as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment. The provision would also prohibit any member of the armed forces from directing, ordering, or requiring a chaplain to perform any duty, rite, ritual, ceremony, service, or function that is contrary to the conscience, moral principles, or religious beliefs of the chaplain, or contrary to the moral principles and religious beliefs of the endorsing faith group of the chaplain; or discriminating or taking any adverse personnel action against a chaplain on the basis of the refusal by the chaplain to comply with any such direction, order, or requirement.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the armed forces to accommodate the beliefs of a service member reflecting the conscience, moral principles, or religious beliefs of the member and, in so far as practicable, would prohibit use of such beliefs as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment. The amendment would also prohibit a member of the armed forces from requiring a chaplain to perform any rite, ritual, or ceremony that is contrary to the conscience, moral principles, or religious beliefs of the chaplain, or discriminating or taking adverse personnel actions against a chaplain for failing to comply with a requirement to perform any rite, ritual, or ceremony that is contrary to the conscience, moral principles, or religious beliefs of the chaplain.

The conferees intend to accommodate the beliefs of service members, but preserve the authority to take disciplinary or administrative action for speech or conduct that violates the Uniform Code of Military Justice, including actions and speech that threaten good order and discipline.

Reports on hazing in the Armed Forces (sec. 534)

The House bill contained a provision (sec.535) that would require the Secretary of Defense to provide a briefing by May 1, 2013, to the Committees on Armed Services of the Senate and the House of Representatives on efforts by the Department of Defense and the Coast Guard to prevent hazing of members of the armed forces and to respond to and resolve alleged hazing incidents involving members of the armed forces.

The Senate amendment contained a provision (sec. 543) that would require the service secretaries, in consultation with their respective service chiefs, and the Secretary of Homeland Security for the Coast Guard when it is not operating as a service in the Navy, to submit a report not later than 180 days after the date of enactment of this Act on hazing in their service.

The House recedes with an amendment that would require the service secretaries, and the Secretary of Homeland Security in the case of the Coast Guard, to submit the report to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives. The amendment would also require the report to include an evaluation of the definition of hazing and an assessment of the feasibility of establishing a database to track, respond to, and resolve hazing incidents.

Subtitle E—Member Education and Training Opportunities and Administration

Transfer of Troops-to-Teachers Program from Department of Education to Department of Defense and enhancements to the Program (sec. 541)

The House bill contained a provision (sec. 541) that would amend chapter 58 of title 10, United States Code, to transfer responsibility and authority for operation and administration of the Troops-to-Teachers Program from the Department of Education to the Department of Defense and enhance the program.

The Senate amendment contained a provision (sec. 563) that would enhance the Troops-to-Teachers program.

The Senate recedes with an amendment that would transfer and enhance the Troops-to-Teachers program.

Support of Naval Academy athletic and physical fitness programs (sec. 542)

The House bill contained a provision (sec. 542) that would amend chapter 603 of title 10, United States Code, to authorize the Secretary of the Navy to enter into agreements, including collaborative agreements, with the Naval Academy Athletic Association to manage any aspect of the athletic and physical fitness programs of the Naval Academy.

The Senate amendment contained a similar provision (sec. 553) that would authorize the Secretary of the Navy to enter into contracts, cooperative agreements, and leases with the Naval Academy Athletic Association for the purpose of supporting the athletic and physical fitness programs of the Naval Academy.

The House recedes with a clarifying amendment.

Expansion of Department of Defense pilot program on receipt of civilian credentialing for military occupational specialty skills (sec. 543)

The House bill contained a provision (sec. 544) that would amend section 558 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) to expand the pilot program on receipt of civilian credentialing for skills required for military occupational specialties.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

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. 544)

The Senate amendment contained a provision (sec. 1099B) that would amend section 4102A of title 38, United States Code, to authorize the Secretary of Veterans Affairs to require states that accept certain funds for veterans' employment and training to consider military training and experience when granting state certifications and licenses for nursing assistants, commercial drivers' licenses, and emergency medical technicians.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize the Secretary to require consideration of military training and experience when granting state certifications and licenses for nonemergency medical professionals, emergency medical professionals, and commercial driver's licenses and would require the Secretary to publish certain information on the Internet website of the Department of Veterans Affairs.

Department of Defense review of access to military installations by representatives of institutions of higher education (sec. 545)

The House bill contained a provision (sec. 543) that would require the Inspector General of the Department of Defense to conduct a review to determine the extent of the access that representatives of for-profit educational institutions have to military installations and whether there are adequate safeguards in place to regulate such access.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to conduct a review to assess the extent of access that representatives of institutions of higher education have to military installations and to submit a report on the results of this review to the Committees on Armed Services of the Senate and the House of Representatives not later than 270 days after the date of enactment of this Act.

Report on Department of Defense efforts to standardize educational transcripts issued to separating members of the Armed Forces (sec. 546)

The Senate amendment contained a provision (sec. 561) that would require the Secretary of Defense to submit a report not later than 90 days after the date of enactment of this Act to the Committees on Armed Services of the Senate and the House of Representatives 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.

The House bill contained no similar provision.

The House recedes with an amendment that would require the report to be submitted not later than 180 days after the date of enactment of this Act.

Comptroller General of the United States reports on joint professional military education matters (sec. 547)

The Senate amendment contained a provision (sec. 562) that would require the Comptroller General to conduct a study of Joint Professional Military Education and research institutions.

The House bill contained no similar provision.

The House recedes.

Subtitle F—Reserve Officers' Training Corps and Related Matters

Repeal of requirement for eligibility for in-State tuition of at least 50 percent of participants in Senior Reserve Officers' Training Corps program (sec. 551)

The Senate amendment contained a provision (sec. 556) that would amend section 2107(c)(1) of title 10, United States Code, to repeal the requirement that at least 50 percent of midshipmen and cadets appointed under section 2107 of title 10, United States Code, qualify for and receive in-state tuition rates at their respective institutions.

The House bill contained no similar provision.

The House recedes.

Consolidation of military department authority to issue arms, tentage, and equipment to educational institutions not maintaining units of Junior Reserve Officers' Training Corps (sec. 552)

The Senate amendment contained a provision (sec. 558) that would amend chapter 102 of title 10, United States Code, to consolidate under one section of law all military department authority to issue arms, tentage, and equipment to educational institutions not maintaining units of the Junior Reserve Officers' Training Corps.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Modification of requirements on plan to increase the number of units of the Junior Reserve Officers' Training Corps (sec. 553)

The Senate amendment contained a provision (sec. 557) that would amend section 548 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) to modify the requirement that the Secretary of Defense develop and implement a plan to establish and support not less than 3,700 units of the Junior Reserve Officers' Training Corps (JROTC) not later than September 30, 2020, to a requirement for not less than 3,000 and not more than 3,700 units by September 30, 2020; to authorize service secretaries to determine that all support provided to youth development programs in the armed forces is consistent with funding limitations and the achievement of the objectives of such programs; and to change the due date for required annual reports after 2012 to not later than March 31 of 2015, 2018, and 2020.

The House bill contained no similar provision.

The House recedes with an amendment to require the Secretary of Defense to submit to the congressional defense committees not later than March 31, 2013, a revised plan for the development and support of JROTC units.

Comptroller General report on Reserve Officers' Training Corps programs (sec. 554)

The Senate amendment contained a provision (sec. 560) that would require the Comptroller General of the United States to submit to the congressional defense committees not later than 270 days after the date of enactment of this Act a report on: (1) whether the Reserve Officers' Training Corps (ROTC) programs of the Departments of the Army, Navy, and Air Force are effectively meeting current and projected requirements for newly commissioned officers in the armed forces, (2) the cost-effectiveness and productivity of current ROTC programs; and (3) the adequacy of current oversight and criteria for closure of ROTC programs.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle G—Defense Dependents' Education and Military Family Readiness

Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees (sec. 561)

The House bill contained a provision (sec. 561) that would authorize $25.0 million for continuation of the Department of Defense (DOD) assistance program to local educational agencies (LEAs) that are impacted by the enrollment of dependent children of military members and DOD civilian employees. The provision would also authorize $5.0 million for assistance to LEAs with significant changes in enrollment of school-aged dependents of military members and civilian employees due to base closures, force structure changes, or force relocations.

The Senate amendment contained a provision (sec. 572) that would authorize $25.0 million for the assistance program to LEAs impacted by the enrollment of dependent children of military members and civilian employees.

The Senate recedes with an amendment that would authorize $25.0 million for continuation of the assistance program to LEAs that are impacted by the enrollment of dependent children of military members and DOD civilian employees. The amendment would also authorize $5.0 million for assistance to LEAs with significant changes in enrollment of school-aged dependents of military members and civilian employees due to base closures, force structure changes, or force relocations, and extend for 2 years the authority to provide such assistance. Additionally, an obsolete funding reference would be repealed.

The conferees note that for more than two decades, Congress has authorized and appropriated DOD funds to supplement the federal Impact Aid program administered by the U.S. Department of Education, which provides assistance to local school districts with concentrations of federally connected children, including those who reside on Indian lands and military bases, and compensates school districts that have lost tax revenue because federal land is exempt from local property taxes. DOD Impact Aid funds are authorized for districts in which military dependents make up at least 20 percent of average daily attendance, assistance for children with severe disabilities, and assistance for school districts significantly affected by base realignment and closure or relocation of military units.

In a March 2011 report, the Comptroller General found that, ''Little is known about the specific use and effectiveness of DOD Impact Aid and there are no national data on military dependent students as a group'' (''Education of Military Dependent Students: Better Information Needed to Assess Student Performance'' (GAO–11–231)).

The conferees note that supplemental funding for LEAs has never been requested by DOD and comes at a cost by drawing from funds required for military readiness and operations, and believe that in light of current fiscal challenges faced by DOD, the availability of information on the effective use of funds realigned from readiness to supplement other federal assistance programs takes on greater importance. Therefore, the conferees direct DOD to continue its work with the U.S. Department of Education to obtain data on student performance for military connected children based on its commitment, noted in the January 2011 report titled ''Strengthening Our Military Families,'' and to work in collaboration with the congressional defense committees to identify effective strategies for the use of supplemental assistance to LEAs to improve academic performance by and support of military connected children, including those with severe disabilities, for future consideration by Congress should DOD funds be made available for this purpose.

Impact Aid for children with severe disabilities (sec. 562)

The Senate amendment contained a provision (sec. 571) that would authorize $5.0 million in Operation and Maintenance, Defense-wide, for Impact Aid payments for children with disabilities using the criteria set forth in section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), for continuation of Department of Defense assistance to local educational agencies that benefit eligible military dependents with severe disabilities.

The House bill contained no similar provision.

The House recedes.

Amendments to the Impact Aid program (sec. 563)

The Senate amendment contained a provision (sec. 573) that would amend title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) to: simplify the calculation to determine the payment owed to federal property districts and establish a foundation payment for eligible districts; clarify how to calculate eligible children displaced from housing located on federal property due to renovation, rebuilding, or demolition; and accelerate the deadline for the Department of Education to make final payments to districts.

The House bill contained no similar provision.

The House recedes with an amendment that would: provide a second option when determining a school district's foundation payment, expedite past year foundation payments, and clarify foundation payments for districts determined eligible after fiscal year 2010; and clarify the process whereby eligibility determinations for displaced children are made in order to allow payments to be finalized more quickly, and remove references to ''demolition''. The amendment would sunset after 2 years, after which the provisions would be repealed.

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. 564)

The House bill contained a provision (sec. 562) that would amend section 1059 of title 10, United States Code, to include children who were carried during pregnancy at the time of a dependent abuse offense within the program to provide transitional compensation for spouses and dependents of service members separated for such offenses. The provision would also clarify that spouses and dependents who are not residing with the service member at the time of the abuse offense are eligible for the compensation.

The Senate amendment contained a similar provision (sec. 661).

The House recedes with a technical amendment.

Modification of authority to allow Department of Defense domestic dependent elementary and secondary schools to enroll certain students (sec. 565)

The House bill contained a provision (sec. 563) that would authorize the dependent of an active duty service member or federal employee who had been enrolled in the overseas defense dependents' education school system and was evacuated to enroll in a Department of Defense (DOD) domestic elementary and secondary education school near the safe haven where they were evacuated, for the duration of the school year. The provision

would also authorize the dependent of an active duty service member who was enrolled in the defense dependents' education school system overseas who, upon returning to the United States, is enrolled in an elementary or secondary school operated by a local educational agency to enroll in the DOD Education Activity Virtual School on a tuition-paying basis.

The Senate amendment contained a provision (sec. 575) that would authorize the tuition-free enrollment in DOD elementary and secondary schools for dependents who have left a school overseas pursuant to an authorized departure or evacuation order and whose safe haven location is within commuting distance of a DOD school. The provision would also authorize the Secretary of Defense to allow the enrollment of dependents of active duty service members located in the United States who are transitioning from a DOD overseas school to be able to take courses in the DOD Education Activity Virtual School on a tuition-paying basis.

The Senate recedes with an amendment that would authorize the dependent of an active duty service member or federal employee who had been enrolled in the overseas defense dependents' education school system and was evacuated to enroll in a DOD domestic elementary and secondary education school near the safe haven where they were evacuated. Such enrollment would be limited only for the duration of the school year, unless waived by the Secretary of Defense. The provision would also authorize the dependent of an active duty service member who was enrolled in the defense dependents' education school system overseas who, upon returning to the United States, is enrolled in an elementary or secondary school operated by a local educational agency to enroll in the DOD Education Activity Virtual School on a tuition-paying basis.

Noncompetitive appointment authority regarding certain military spouses (sec. 566)

The Senate amendment contained a provision (sec. 574) that would codify and expand existing authority for noncompetitive hiring in the civilian workforce of certain military spouses. Under current regulations (5 C.F.R. 315.612), spouses of active duty service members on permanent change of station orders, spouses of 100 percent disabled service members injured while on active duty, and unremarried widows or widowers of a service member who was killed on active duty are eligible for noncompetitive appointments. This provision would expand this hiring authority to all military spouses who relocate to a service member's permanent duty station, remove the 2 year limitation on length of hiring eligibility for spouses who relocate, and specify use of the Department of Veterans Affairs' schedule for rating disabilities to determine a 100 percent disability-rating.

The House bill contained no similar provision.

The House recedes with several clarifying amendments stating that: in order to be eligible, a relocating spouse of a service member must be married to the member on or prior to the permanent change of station of the member; the single appointment per duty station limitation applies to a permanent appointment; and specifying the rules regarding the spouse of a disabled or deceased service member.

Report on future of family support programs of the Department of Defense (sec. 567)

The Senate amendment contained a provision (sec. 577) that would require the Secretary of Defense to submit to the congressional defense committees a report on the anticipated future of Department of Defense and service family support programs over the next 5 years. The report would include an assessment by the Secretary of the Army of the Family Readiness Support Assistant (FRSA) program and a description of any planned or anticipated changes to that program.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to submit to the congressional defense committees a report on the anticipated future of Department of Defense and service family support programs over the next 5 years.

The conferees note that service members have raised concerns over the future of the Army's FRSA program and request that the Secretary ensure that a detailed discussion of the future plans for the FRSA program are included in this report.

Sense of Congress regarding support for Yellow Ribbon Day (sec. 568)

The House bill contained a provision (sec. 566) that would express the sense of Congress in support of the goals and ideals of Yellow Ribbon Day in honor of members of the armed forces and American civilians serving overseas in defense of the United States.

The Senate amendment contained a similar provision (sec. 576).

The House recedes with an amendment that would express the support of Congress for the goals and ideals of Yellow Ribbon Day in honor of service members and other individuals of the United States who are serving overseas.

The conferees note that the yellow ribbon is often recognized as a symbol of support for members of the armed forces and other American individuals serving overseas apart from their families and loved ones and that designation of a Yellow Ribbon Day would serve as an additional reminder for all people of the United States of the continued sacrifice of these citizens.

Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces

Armed Forces Workplace and Gender Relations Surveys (sec. 570)

The House bill contained a provision (sec. 578) that would amend section 481 of title 10, United States Code, to require the Armed Forces Workplace and Gender Relations Surveys to solicit information on assaults involving service members. The provision would also alter the timetable for conducting the Armed Forces Workplace and Equal Opportunity Surveys and the Armed Forces Workplace and Gender Relations Surveys.

The Senate amendment contained no similar provision.

The Senate recedes.

Authority to retain or recall to active duty reserve component members who are victims of sexual assault while on active duty (sec. 571)

The House bill contained a provision (sec. 582) that would amend chapter 1209 of title 10, United States Code, to authorize members of the reserve components who are alleged victims of sexual assault committed on active duty to remain on active duty or to be recalled to active duty for up to 180 days to complete a line of duty determination.

The Senate amendment contained a similar provision (sec. 541) that would authorize retention on active duty, or recall to active duty, until completion of the line of duty determination.

The House recedes with a technical amendment.

Additional elements in comprehensive Department of Defense policy on sexual assault prevention and response (sec. 572)

The House bill contained a provision (sec. 534) that would require the service secretaries to establish a record on the disposition of any report of sexual assault.

The House bill also contained a provision (sec. 573) that would require that information on sexual assault prevention and response be prominently posted at specified locations throughout the Department of Defense.

The House bill also contained a provision (sec. 579) that would require commanders of certain units to conduct an organizational climate assessment that includes sexual assault and equal opportunity elements within 120 days after the commander assumes command and annually thereafter.

The House bill also contained a provision (sec. 580) that would require the secretaries of the military departments to verify and track compliance of commanders in conducting organizational climate assessments.

The House bill also contained a provision (sec. 585) that would require the Secretary of Defense to conduct a general education campaign to notify members of the armed forces regarding the authorities available for the correction of military records when a member experiences any retaliatory personnel action for making a report of sexual assault or sexual harassment.

The Senate amendment contained a similar provision (sec. 542) that would require additional elements to be included in the Department of Defense comprehensive sexual assault and prevention policy.

The Senate amendment also contained a provision (sec. 542(a)(7) that would provide that the revised comprehensive policy for the Department of Defense sexual assault prevention and response program include a requirement to assign responsibility to receive and investigate complaints for the violation or failure to provide the rights of a crime victim established by section 3771 of title 18, United States Code, as applicable to members of the armed forces and civilian personnel of the Department of Defense.

The House recedes with an amendment that would require the Secretary of Defense to modify the revised comprehensive policy for the Department of Defense sexual assault prevention and response program to include the following new requirements: (1) that the service secretaries initiate and retain for a specified period a record on the disposition of allegations of sexual assault; (2) that commanders of certain commands and units conduct within 120 days of assuming command and at least annually thereafter a climate assessment for the purposes of preventing and responding to sexual assaults; (3) to post and widely disseminate information about resources available to report and respond to sexual assaults; and (4) for a general education campaign to notify service members of the authorities available for the correction of military records when a member experiences any retaliatory personnel action for making a report of sexual assault or sexual harassment.

The conferees note that the Senate report (S. Rept. 112–173) accompanying the National Defense Authorization Act for 2013 (S. 3254) requires the Secretary of Defense to report to the Committees on Armed Services of the Senate and the House of Representatives not later than January 7, 2013, on the practicability and advisability of extending additional rights under the Crime Victims' Rights Act (18 U.S.C. 3771) to victims involved in cases tried by courts-martial and a means for seeking redress for failure to be afforded such rights.

Establishment of special victim capabilities within the military departments to respond to allegations of certain special victim offenses (sec. 573)

The House bill contained a provision (sec. 571) that would require the secretaries of the

military departments to establish special victim teams for investigation, prosecution, and victim support in connection with child abuse, serious domestic violence, or sexual offenses under the Uniform Code of Military Justice.

The Senate amendment contained a similar provision (sec. 542(a)(1) and (b)).

The Senate recedes with an amendment that would require the Secretary of Defense to prescribe regulations under which the service secretaries would be required to establish special victim capabilities.

Enhancement to training and education for sexual assault prevention and response (sec. 574)

The House bill contained a provision (sec. 572) that would require the Secretary of Defense to include sexual assault prevention and response training in the training for new or prospective commanders at all levels of command. The provision would also require that the Department of Defense sexual assault policy be carefully explained to each new service member during initial entry and accession training.

The Senate amendment contained a similar provision (sec. 542(a)(3) and (4)).

The Senate recedes.

Modification of annual Department of Defense reporting requirements regarding sexual assaults (sec. 575)

The House bill contained a provision (sec. 574) that would amend section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) to require the Secretaries of the military departments to include additional information in the case synopsis portion of the annual report on sexual assaults.

The Senate amendment contained a similar provision (sec. 546).

The Senate recedes with a clarifying amendment that would require additional information to be included in reports regarding sexual assaults involving members of the armed forces beginning with the report required to be submitted by March 1, 2014.

Independent reviews and assessments of Uniform Code of Military Justice and judicial proceedings of sexual assault cases (sec. 576)

The House bill contained a provision (sec. 533) that would require the Secretary of Defense to establish an independent panel to conduct a review and assessment of judicial proceedings under the Uniform Code of Military Justice (UCMJ) involving sexual assault and related offenses in order to develop potential improvements in such proceedings.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to establish a Response Systems 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 article 120 of the UCMJ (10 U.S.C. 920) for the purpose of developing recommendations regarding how to improve the effectiveness of such systems. The amendment would also require the Secretary to establish a Judicial Proceedings Panel to conduct an independent review and assessment of judicial proceedings conducted under the UCMJ involving adult sexual assault and related offenses for the purpose of developing recommendations for improvements to such proceedings.

The conferees acknowledge the progress made by the Department of Defense in developing policies, programs, and tracking of the crime of sexual assault. The conferees view the purpose of the panels established by this section as a means to achieve a greater understanding of sexual assault in the military and how effectively sexual assault is addressed through the UCMJ as well as to identify any needed reforms in systems used to investigate, prosecute, and adjudicate the crime of sexual assault.

The conferees expect the Response Systems Panel to conduct a comprehensive review that will provide the conferees and the Department of Defense with a factual basis for making reforms to the systems used to investigate, prosecute and adjudicate adult sexual assault offenses under Article 120 the UCMJ. This panel, among other things, shall address issues such as: (1) how the military system for adjudicating sexual assault offenses compares to civilian systems in terms of protections for defendants and mitigation of potential punishments; (2) the impact of the method for selection of court members for trials by court-martial when compared to jury selection in civilian courts; (3) why victims are reluctant to report that they have been sexually assaulted; (4) the adequacy and appropriateness of medical care and legal support provided to victims of sexual assault; (5) whether medical records and rape kits are properly preserved; (6) allegations that commanders are unresponsive or indifferent to reports of sexual assault; (7) assertions that measures other than courts-martial are used inappropriately to address allegations of sexual assault or to shield alleged perpetrators who are considered superior performers; (8) the allegation that commanders are not held accountable for failure to enforce policies and laws related to adult sexual assault crimes and for failure to investigate and to hold service members who commit sexual assaults accountable for their actions; (9) whether victims of sexual assault who receive mental health counseling should be required to report such counseling when seeking a security clearance; (10) whether the military careers of victims who report sexual assaults are adversely affected; (11) how Military Rules of Evidence (MRE) 412 (relevance of alleged victim's sexual behavior or sexual predisposition) and 513 (psychotherapist-patient privilege) differ from civilian applications in ways that adversely impact on the willingness of victims to report sexual assaults and testify in court proceedings; and (12) the unique relationship between a trainer and trainee in basic military training.

The conferees expect the Judicial Proceedings Panel to build on the findings of the Response Systems Panel and to address, among other things: (1) whether MRE 412 and 513 are correctly applied; (2) the application of the ''good military character'' defense under MRE 404 and 405; and (3) whether subjecting victims to cross examination at Article 32, UCMJ, investigations discourages victims from reporting sexual assaults or participating in legal proceedings to hold assailants accountable.

With regard to the support rendered to the panels, the conferees expect that the department's Sexual Assault and Prevention Office (SAPRO) will be involved; however, in order to ensure that the SAPRO will not be diverted from its other missions, the conferees expect that the primary responsibility for supporting and resourcing the panels will come from other department and military service assets.

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. 577)

The Senate amendment contained a provision (sec. 544) that would require the Secretary of Defense to ensure that copies of Department of Defense Forms 2910 and 2911 filed in connection with a restricted report of sexual assault involving a member of the armed forces are retained for the longer of 50 years or the time provided for the retention of such forms in connection with unrestricted reports of sexual assault.

The House bill contained no similar provision.

The House recedes with an amendment that would require retention of these reports at the request of a service member who files a restricted report of sexual assault.

General or flag officer review of and concurrence in separation of members of the Armed Forces making an Unrestricted Report of sexual assault (sec. 578)

The House bill contained a provision (sec. 581) that would require the Secretary of Defense to conduct a review of all unrestricted reports of sexual assault made by members of the armed forces since October 1, 2000, to determine the number of members who were subsequently separated from the service and the circumstances of and grounds for such separation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to develop a policy to require a general or flag officer to review the circumstances of, and grounds for, the proposed involuntary separation of any service member who: (1) made an unrestricted report of a sexual assault; (2) is recommended for involuntary separation from the armed forces within 1 year after making the unrestricted report of a sexual assault; and (3)requests a review on the grounds that the member believes the recommendation for involuntary separation was initiated in retaliation for making the report. The concurrence of the general or flag officer conducting the review is required in order to separate a member who requests the review.

Department of Defense policy and plan for prevention and response to sexual harassment in the Armed Forces (sec. 579)

The House bill contained a provision (sec. 575) that would require the secretaries of the military departments to include information on sexual harassment in the annual Department of Defense report on sexual assault.

The Senate amendment contained a provision (sec. 545) that would require the Secretary of Defense to develop a comprehensive policy to prevent and respond to sexual harassment in the armed forces.

The Senate recedes with an amendment that would require the Secretary of Defense to develop a comprehensive policy to prevent and respond to sexual harassment in the armed forces and to develop a plan to collect information and data regarding substantiated incidents of sexual harassment involving members of the armed forces.

Subtitle I—Suicide Prevention and Resilience

Enhancement of oversight and management of Department of Defense suicide prevention and resilience programs (sec. 580)

The Senate amendment contained a provision (sec. 751) that would require the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, to establish within the Office of the Secretary of Defense a position with responsibility for oversight and management of all suicide prevention and resilience programs and all preventative behavioral health programs of the Department of Defense (DOD), including those of the military departments and the armed forces.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense,

acting through the Under Secretary of Defense for Personnel and Readiness, to establish within the Office of the Secretary of Defense a position with responsibility for oversight of all suicide prevention and resilience programs of DOD and each of the military departments.

Reserve component suicide prevention and resilience program (sec. 581)

The Senate amendment contained a provision (sec. 512) that would amend chapter 1007 of title 10, United States Code, to codify the Suicide Prevention and Community Health and Response Program for National Guard and reserve component members, to move it from within the Office for Reintegration Programs to the Office of the Secretary of Defense, and to repeal subsection (i) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note). The program would terminate on October 1, 2015.

The House bill contained no similar provision.

The House recedes with an amendment that would amend chapter 1007 of title 10, United States Code, to codify the Suicide Prevention and Community Health and Response Program for National Guard and reserve component members, to require the Secretary of Defense to provide training on suicide prevention, resilience, and community healing and response at Yellow Ribbon Reintegration Program events and activities, to move the program from within the Office for Reintegration Programs to the Office of the Secretary of Defense, and to repeal subsection (i) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note). The program would terminate on October 1, 2017.

Comprehensive policy on prevention of suicide among members of the Armed Forces (sec. 582)

The Senate amendment contained a provision (sec. 752) that would require the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, to develop and implement a comprehensive program on the prevention of suicide among members of the armed forces.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, acting through the Under Secretary of Defense for Personnel and Readiness, to develop within the Department of Defense a comprehensive policy on the prevention of suicide among service members.

Study of resilience programs for members of the Army (sec. 583)

The Senate amendment contained a provision (sec. 528) that would require the Secretary of the Army to carry out a research program on resilience of members of the Army to determine the effectiveness of the current Comprehensive Soldier and Family Fitness Program and to verify the current Army means to reduce trends in high risk or self-destructive behavior.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of the Army to conduct a study of resilience programs within the Army. The amendment would also require that the study draw upon professionally accepted measurements and assessments to evaluate the impact of such programs.

Subtitle J—Other Matters

Issuance of prisoner-of-war medal (sec. 584)

The House bill contained a provision (sec. 551) that would amend section 1128 of title 10, United States Code, to eliminate the requirement that foreign armed forces be ''hostile to the United States'' as a prerequisite for requiring the Secretary concerned to award the prisoner-of-war (POW) medal to any person taken prisoner or held captive while serving with the armed forces.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary concerned, pursuant to uniform regulations prescribed by the Secretary of Defense, to issue a POW medal to any person serving with the armed forces under circumstances which the Secretary concerned finds to have been comparable to those under which persons have generally been held captive by enemy armed forces during periods of armed conflict.

The conferees note that the current POW medal statute contemplates the award only in the context of armed conflict or other action against an enemy of the United States and requires issuance of the award in these situations. The conferees believe this should continue to be the norm. However, the conferees also recognize that there may be circumstances when an individual serving with the armed forces is held captive by other than an enemy armed force, by other than a hostile nation, or during times other than periods of armed conflict in conditions comparable to those in which the POW medal is now required. For this reason, the conferees recommend amendment of current law to give the service secretaries the authority to issue an award in appropriate cases where the conditions of captivity are comparable to those in which a POW is held by enemy armed forces.

The conferees are aware of the inconsistent application of the statute by the Department of Defense and the Department of the Air Force to the U.S. airmen interned at Wauwilermoos, Switzerland, during World War II. Some internees have been awarded the medal, while the vast majority have not. In the conferees' view, this is the result of inconsistent interpretations of provisions of the current law that would be removed by this provision. Furthermore, from the information provided to the conferees, it appears these individuals were held in conditions comparable to those in which POWs are held by enemy armed forces. The conferees direct the Secretary of the Air Force to review the cases of the Wauwilermoos internees to determine if such an award is merited under the regulations prescribed by the Secretary of Defense, and to award the medal in appropriate cases.

Technical amendments relating to the termination of the Armed Forces Institute of Pathology under defense base closure and realignment (sec. 585)

The Senate amendment contained a provision (sec. 1099) that would make technical amendments to the charter of the American Registry of Pathology in section 177 of title 10, United States Code, to remove the Armed Forces Institute of Pathology, which was disestablished under past defense base closure and realignment actions.

The House bill contained no similar provision.

The House recedes with a technical amendment.

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. 586)

The Senate amendment contained a provision (sec. 559) that would amend section 983 of title 10, United States Code, to delete the requirement for the Secretary of Defense to publish in the Federal Register once every 6 months a list of each institution of higher education that is ineligible for contracts and grants because the Secretary has determined that the institution has a policy or practice that prohibits or prevents the establishment of a Senior Reserve Officers' Training Corps (SROTC) unit or a student at that institution from enrolling in a SROTC unit at another institution of higher education.

The House bill contained no similar provision.

The House recedes.

Acceptance of gifts and services related to educational activities and voluntary services to account for missing persons (sec. 587)

The House bill contained a provision (sec. 523) that would amend section 1501 of title 10, United States Code, to authorize the Secretary of Defense to accept gratuitous or voluntary services to assist in accounting for missing personnel.

The Senate amendment contained a similar provision (sec. 582) that would amend sections 2601(i)(2), 1588(a), and chapter 155 of title 10, United States Code, to authorize the acceptance of voluntary services to facilitate accounting for missing persons and to authorize military museums and military education programs to enter into cooperative agreements with certain nonprofit entities.

The House recedes with an amendment that would amend sections 2601 and 1588 of title 10, United States Code, to authorize the acceptance of services that benefit the education of service members and their family members, and voluntary services to facilitate accounting for missing persons.

Display of State, District of Columbia, commonwealth, and territorial flags by the Armed Forces (sec. 588)

The House bill contained a provision (sec. 1096) that would amend section 2249b of title 10, United States Code, to require the Secretary of Defense to 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, Commonwealth of Puerto Rico, United States Virgin Islands, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would repeal the provision in section 2249b of title 10, United States Code, that prohibits the use of funds to prescribe or enforce any rule that arbitrarily excludes the official flag of any State, territory, or possession of the United States from any display of the flags of the States, territories, and possessions of the United States at an official ceremony of the Department of Defense.

Enhancement of authorities on admission of defense industry civilians to certain Department of Defense educational institutions and programs (sec. 589)

The Senate amendment contained a provision (sec. 1048) that would amend section 7049(a) and 9314a(a) of title 10, United States Code, to authorize enrollment of eligible defense industry employees in educational programs leading to a professional continuing education certificate in the Naval Defense Development Program and the Air Force Institute of Technology and increase the maximum number of such employees who may enroll at each educational institution to 250 employees at any one time.

The House bill contained no similar provision.

The House recedes with an amendment that would retain the current limit of 125 defense industry employees authorized to be enrolled in the Naval Defense Development

Program and the Air Force Institute of Technology at any one time and would require the Secretary of Defense to request an increase in this limit if the Secretary determines that it is in the best interest of the Department of Defense.

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. 590)

The Senate amendment contained a provision (sec. 1087) that would amend section 2023(d) of title 38, United States Code, to extend for 1 year the authority of the Secretary of Veterans Affairs and the Secretary of Labor to carry out a program of referral and counseling services to veterans at risk of homelessness who are transitioning from certain institutions.

The House bill contained no similar provision.

The House recedes.

Inspection of military cemeteries under the jurisdiction of Department of Defense (sec. 591)

The House bill contained a provision (sec. 594) that would amend section 1(d) of Public Law 111–339 to require the Inspector General of the Department of Defense, instead of the Secretary of the Army, to report on the execution of and compliance with Army Directive 2010–04 on Enhancing the Operations and Oversight of the Army National Cemeteries Program, dated June 10, 2010, in fiscal year 2013. The provision would also amend section 592(d)(2) of Public Law 112–81 (124 Stat. 3592) to provide the Inspector General of the Department of Defense and the Secretaries of the military departments an additional 6 months to meet the inspection and reporting requirements required by that section.

The Senate amendment contained no similar provision.

The Senate recedes.

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. 592)

The House bill contained a provision (sec. 1070) that would require the establishment of a Federal Mortuary Affairs Advisory Commission.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense, not later than 180 days after the date of enactment of this Act, to submit to the Committees on Armed Services of the Senate and the House of Representatives a report on 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, including a summary of actions taken as a result of these reviews.

Preservation of editorial independence of Stars and Stripes (sec. 593)

The House bill contained a provision (sec. 591) that would require the Secretary of Defense to extend the lease for the commercial office space in the District of Columbia currently occupied by the editorial staff and management operations of Stars and Stripes until the Secretary can provide space in a Government-owned facility located within the National Capital Region that is geographically remote from the Defense Media Activity's facilities at Fort Meade, Maryland.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives not later than February 1, 2013, describing the implementation of this provision.

The conferees expect the Secretary to provide space in a qualifying Government-owned facility no later than the termination date of the current lease extension, which is November 25, 2013. The conferees direct that the current lease extension shall not be extended further without prior consultation with the Committees on Armed Services of the Senate and the House of Representatives.

National public awareness and participation campaign for Veterans' History Project of American Folklife Center (sec. 594)

The Senate amendment contained a provision (sec. 1098) that would require the Director of the American Folklife Center at the Library of Congress to carry out a national public awareness and participation campaign for the Veterans' History Project of the American Folklife Center.

The House bill contained no similar provision.

The House recedes.

Report on accuracy of data in the Defense Enrollment Eligibility Reporting System (sec. 595)

The Senate amendment contained a provision (sec. 584) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives not later than 90 days after the date of enactment of this Act a plan to improve the completeness and accuracy of the data contained in the Defense Enrollment Eligibility Reporting System (DEERS).

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Sense of Congress that the bugle call commonly known as Taps should be designated as the National Song of Military Remembrance (sec. 596)

The House bill contained a provision (sec. 592) that would express the sense of Congress that ''Taps'' should be designated as the National Song of Remembrance.

The Senate amendment contained a similar provision (sec. 1088).

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Sense of Senate on inclusion of assignments as academic instructor at the military service academies as joint duty assignments

The Senate amendment contained a provision (sec. 504) that would express the sense of the Senate that the Secretary of Defense should include assignments in which military officers are assigned as instructors responsible for preparing and presenting academic courses on the faculty of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy as joint duty assignments.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to designate assignments of military officers as instructors on the faculty of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy as the equivalent of a joint duty assignment for the purpose of satisfying the joint duty requirements established in section 661 of title 10, Unites States Code.

Authority for appointment of persons who are lawful permanent residents as officers of the National Guard

The Senate amendment contained a provision (sec. 511) that would amend section 313(b)(1) of title 32, United States Code, to authorize a lawful permanent resident to be eligible for appointment as an officer of the National Guard.

The House bill contained no similar provision.

The Senate recedes.

On-line tracking of certain reserve duty

The House bill contained a provision (sec. 513) that would require the Secretary of Defense to establish an on-line means by which members of the Ready Reserve of the Armed Forces can track their operational active-duty service performed after January 28, 2008.

The Senate amendment contained no similar provision.

The House recedes.

Report on mechanisms to ease the reintegration into civilian life of members of the National Guard and Reserves following a deployment on active duty

The Senate amendment contained a provision (sec. 513) that would require the Secretary of Defense to conduct a study of the adequacy of mechanisms for the reintegration into civilian life of members of the National Guard and Reserves following a deployment on active duty in the armed forces, and to report to the congressional defense committees not later than 180 days after the enactment of this Act on the results of that study.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the annual Yellow Ribbon Reintegration Program report, required by section 582 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) and section 597 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84), already addresses reintegration issues affecting members of the National Guard and Reserves.

Authorized leave available for members of the armed forces upon birth or adoption of child

The House bill contained a provision (sec. 524) that would increase the number of days of non-chargeable leave from 21 to 42 that a service member may be granted following adoption of a child. The provision would also provide that the other service member of a dual military couple be awarded 10 days of non-chargeable leave that could be taken while the primary caregiver is on adoption leave.

The Senate amendment contained no similar provision.

The House recedes.

Command responsibility and accountability for remains of members of the Army, Navy, Air Force, and Marine Corps who die outside the United States

The House bill contained a provision (sec. 525) that would require the Secretary of Defense to ensure continuous military command responsibility and accountability for the remains of each deceased member of the military services who died outside the United States.

The Senate amendment contained no similar provision.

The House recedes.

Compliance with medical profiles issued for members of the armed forces

The House bill contained a provision (sec. 527) that would require the Secretary of a military department to ensure that commanding officers do not prohibit or restrict

the ability of physicians to issue a medical profile and that they comply with the terms of a medical profile issued to a member of the armed forces.

The Senate amendment contained no similar provision.

The House recedes.

The conferees believe medical guidance is critical in advising commanders of potential problems, physical limitations, and potential situations that could be harmful to the service member or detrimental to the mission. Medical officials have the responsibility for documenting medical determinations and recommendations to commanders in the form of a profile. Commanders are responsible for assignment of military duties that are commensurate with the profile. The conferees expect that commanders will comply with service regulations and policies regarding assignment of duties to and deployment of service members who have a medical profile.

Persons who may exercise disposition authority regarding charges involving certain sexual misconduct offenses under the Uniform Code of Military Justice

The House bill contained a provision (sec. 532) that would require the Secretary of Defense to require the secretaries of the military departments to restrict disposition authority under the Uniform Code of Military Justice (UCMJ) for certain sexual offenses to officers who have authority to convene special courts-martial and who are in the grade of 0–6 (colonel or Navy captain) or higher.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Secretary of Defense has already exercised the authority granted to the Secretary under Article 22 of the UCMJ to withhold initial disposition authority from commanders who do not possess at least special court-martial convening authority and who are not in the grade of 0–6 (colonel or Navy captain) or higher for specified sexual offenses under the UCMJ. Elsewhere in this act, an independent panel is required to monitor the implementation of the Secretary's policy withholding initial disposition authority.

Use of military installations as sites for marriage ceremonies or marriage-like ceremonies

The House bill contained a provision (sec. 537) that would prohibit military installations or other property owned or rented by, or otherwise under the control of the Department of Defense, from being used to officiate, solemnize, or perform a marriage or marriage-like ceremony involving anything other than the union of one man with one woman.

The Senate amendment contained no similar provision.

The House recedes.

Coordination between Yellow Ribbon Reintegration Program and Small Business Development Centers

The House bill contained a provision (sec. 538) that would require the Department of Defense to assist each State to coordinate services under the Yellow Ribbon Reintegration Program with Small Business Development Centers.

The Senate amendment contained no similar provision.

The House recedes.

Inclusion of the School of Advanced Military Studies Senior Level Course as a senior level service school

The Senate amendment contained a provision (sec. 551) that would amend section 2151(b)(1) of title 10, United States Code, to authorize the Senior Level Course of the School of Advanced Military Studies of the Army Command and General Staff College to offer Joint Professional Military Education Phase II (JPME II) instruction and credit.

The House bill contained no similar provision.

The Senate recedes.

The conferees understand that the Senior Level Course of the School of Advanced Military Studies of the Army Command and General Staff College is a fellowship of the Army War College. The conferees recommend that JPME II credit for participants in this fellowship be awarded through the Army War College.

Award of Purple Heart to members of the armed forces who were victims of the attacks at recruiting station in Little Rock, Arkansas, and at Fort Hood, Texas

The House bill contained a provision (sec. 552) that would require the Secretary concerned to award the Purple Heart to members of the armed forces who were killed or wounded in the attacks that occurred at the recruiting station in Little Rock, Arkansas, on June 1, 2009, and at Fort Hood, Texas, on November 5, 2009.

The Senate amendment contained a provision (sec. 525) that would require the Secretary of Defense, in coordination with the service secretaries, to submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than March 1, 2013, a report on the advisability of modifying the criteria for the award of the Purple Heart to military personnel, and the Defense Medal of Freedom to civilian personnel, who are killed or wounded in a terrorist attack within the United States that is determined to be inspired by ideological, political, or religious beliefs that give rise to terrorism.

The conference agreement does not include these provisions.

Modification of eligibility for associate degree programs under the Community College of the Air Force

The Senate amendment contained a provision (sec. 552) that would amend section 9315(b) of title 10, United States Code, to authorize enlisted members of the armed forces other than the Air Force participating in joint-service medical training and education or serving as instructors in such training and education to participate in associate degree programs of the Community College of the Air Force (CCAF).

The House bill contained no similar provision.

The Senate recedes.

The House report (H. Rept. 112–78) accompanying the National Defense Authorization Act for Fiscal Year 2013 (H.R. 1540) requires a briefing to the Committees on Armed Services of the Senate and the House of Representatives on the results of a review of the feasibility and cost of allowing enlisted members from the other services, including the U.S. Coast Guard, to participate in the CCAF's associate degree program. This briefing, which has not yet been provided, was required within 180 days after enactment of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81). The conferees await this briefing before making changes to the eligibility requirements for the CCAF's associate degree program.

Advancement of Brigadier General Charles E. Yeager, United States Air Force (retired) on the retired list

The House bill contained a provision (sec. 553) that would entitle Brigadier General Charles E. Yeager, United States Air Force (retired), to hold the rank of major general while on the retired list of the Air Force.

The Senate amendment contained no similar provision.

The House recedes.

In section 563 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), Congress authorized the President to appoint, by and with the consent of the Senate, Brigadier General Charles E. Yeager, United States Air Force (retired), to the grade of major general on the retired list of the Air Force. This authorization is still in effect.

The conferees encourage the Secretary of Defense to conduct a good-faith review of Brigadier General Yeager's outstanding military record to ascertain whether the President should nominate him for appointment to the grade of major general on the retired list of the Air Force.

Authorization for award of the Medal of Honor to First Lieutenant Alonzo H. Cushing for acts of valor during the Civil War

The House bill contained a provision (sec. 554) that would authorize the President to award the Medal of Honor to First Lieutenant Alonzo H. Cushing for conspicuous acts of gallantry and intrepidity at the risk of life and beyond the call of duty in the Civil War.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that this decision does not prejudice the final outcome with regard to the award of the Medal of Honor to First Lieutenant Alonzo Cushing, nor does it preclude further action by Congress.

Rather, the conferees require a better understanding of the process used and materials available to the Department of Defense and the military services for considering Medal of Honor recommendations for acts of heroism during the Civil War. The conferees are concerned about the ability to examine events that occurred nearly 150 years ago and to make individual determinations in a consistent, equitable, and well-informed manner.

Therefore, the conferees direct the Secretary of Defense, in consultation with the service secretaries, to report to the Committees on Armed Services of the Senate and the House of Representatives, not later than 90 days after enactment of this Act, on the process and materials used by review boards for consideration of Medal of Honor recommendations for acts of heroism that occurred during the Civil War.

Grade of commissioned officers in uniformed medical accession programs

The Senate amendment contained a provision (sec. 554) that would amend sections 2114(b) and 2121(c) of title 10, United States Code, to eliminate the requirement that officers serve in the grade of O–1 throughout their medical education.

The House bill contained no similar provision.

The Senate recedes.

Authority for service commitment for reservists who accept fellowships, scholarships, or grants to be performed in the Selected Reserve

The Senate amendment contained a provision (sec. 555) that would amend section 2603(b) of title 10, United States Code, to authorize members of the Selected Reserve to fulfill a service obligation incurred for acceptance of a fellowship, scholarship, or grant by serving on active duty for a period of at least three times the length of the period of the education or training, or in the Selected Reserve for a period of at least five times the length of the period of the education or training.

The House bill contained no similar provision.

The Senate recedes.

Retroactive award of Army Combat Action Badge

The House bill contained a provision (sec. 555) that would authorize the Secretary of the Army to award the Army Combat Action Badge to a person who, while a member of the Army, participated in combat during which the person personally engaged, or was personally engaged by, the enemy at any time during the period beginning on December 7, 1941, and ending on September 18, 2001.

The Senate amendment contained no similar provision.

The House recedes.

Report on Navy review, findings, and actions pertaining to Medal of Honor nomination of Marine Corps Sergeant Rafael Peralta

The House bill contained a provision (sec. 556) that would require the Secretary of the Navy to submit to the Committees on Armed Services of the Senate and House of Representatives a report describing the Navy review, findings, and actions pertaining to the Medal of Honor nomination of Marine Corps Sergeant Rafael Peralta.

The Senate amendment contained no similar provision.

The House recedes.

Protection of child custody arrangements for parents who are members of the armed forces

The House bill contained a provision (sec. 564) that would amend title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq) to provide that if a court renders a temporary custody order based solely on the deployment or anticipated deployment of a service member, the court shall require the reinstatement of the prior custody order upon the return of the servicemember from deployment, unless the court finds that reinstatement is not in the best interest of the child. The provision would also prohibit a court from considering the absence of a servicemember by reason of deployment, or the possibility of deployment, in determining the best interest of a child.

The Senate amendment contained no similar provision.

The House recedes.

Treatment of relocation of members of the armed forces for active duty for purposes of mortgage refinancing

The House bill contained a provision (sec. 565) that would amend section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) to authorize a service member to refinance a principal residence in circumstances where the service member was unable to continue residing in the residence by virtue of receiving permanent change of station orders, or when deployed or mobilized in support of a military operation for a period of at least 18 months.

The Senate amendment contained no similar provision.

The House recedes.

Continued submission of progress reports regarding certain incident information management tools

The House bill contained a provision (sec. 576) that would require the Secretary of Defense to continue to submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the establishment of the Defense Incident-Based Reporting System and the Defense Sexual Assault Incident Database until the Secretary certifies that both systems are fully functional and operational.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Secretary of Defense has reported that the Defense Incident-Based Reporting System and the Defense Sexual Assault Incident Database are fully functional and operational and that the Services are contributing the necessary information to each system. The conferees want to ensure that all sexual assault incidents are accurately documented to facilitate appropriate oversight.

Briefings on Department of Defense actions regarding sexual assault prevention and response in the armed forces

The House bill contained a provision (sec. 577) that would require the Secretary of Defense, or the designee of the Secretary, to brief the Committees on Armed Services of the Senate and the House of Representatives on the status of implementation of the sexual assault provisions in the National Defense Authorization Act for Fiscal Year 2011 (Public Law 112–81), and other initiatives of the Secretary of Defense and service secretaries to address sexual assault involving members of the armed forces.

The Senate amendment contained no similar provision.

The House recedes.

Family briefings concerning accountings for members of the armed forces and Department of Defense civilian employees listed as missing

The Senate amendment contained a provision (sec. 581) that would amend section 1501 of title 10, United States Code, to require the Deputy Assistant Secretary of Defense for Prisoner of War/Missing Personnel Affairs to conduct periodic briefings for families of missing persons on Department of Defense activities to account for those persons.

The House bill contained no similar provision.

The Senate recedes.

Inclusion of information on substantiated reports of sexual harassment in member's official service record

The House bill contained a provision (sec. 583) that would require that a notation of substantiated reports of sexual harassment against a member of the military services be included in the service record of the member.

The Senate amendment contained no similar provision.

The House recedes.

Sense of Congress on military sexual trauma

The House bill contained a provision (sec. 584) that would express the sense of the Congress that the Secretary of Veterans Affairs should expand efforts to raise awareness about military sexual trauma and the treatment and services that the Department provides to victims.

The Senate amendment contained no similar provision.

The House recedes.

In light of the fact that the available data shows an overwhelming number of military sexual trauma claims go unreported within the Department of Defense, making it very difficult for veterans to show proof of the assault when filing claims with the Department of Veterans Affairs for post-traumatic stress disorder and other mental health conditions caused by military sexual trauma, the conferees believe the Secretary of Veterans Affairs should review the disability process to ensure that victims of military sexual trauma who file claims for service connection do not face unnecessary or overly burdensome requirements in order to claim disability benefits with the Department. The conferees also encourage the Secretary of Defense and the Secretary of Veterans Affairs to expand efforts to raise awareness about treatment and services provided to victims of sexual assault.

Posthumous honorary promotion of Sergeant Paschal Conley to second lieutenant in the Army

The Senate amendment contained a provision (sec. 585) that would authorize the President to issue an appropriate posthumous honorary commission promoting Sergeant (retired) Paschal Conley to second lieutenant in the Army.

The House bill contained no similar provision.

The Senate recedes.

The conferees believe that the President has authority to issue this posthumous commission pursuant to Article II, Section 2 of the Constitution of the United States.

Department of Defense Sexual Assault and Harassment Oversight and Advisory Council

The House bill contained a provision (sec. 586) that would amend chapter 7 of title 10, United States Code, to establish a Sexual Assault and Harassment Oversight and Advisory Council.

The Senate amendment contained no similar provision.

The House recedes.

Inclusion of freely associated states within scope of Junior Reserve Officers' Training Corps Program

The House bill contained a provision (sec. 590) that would amend section 2031(a) of title 10, United States Code, to authorize service secretaries to establish and maintain Junior Reserve Officers' Training Corps units at qualifying secondary educational institutions in the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.

The Senate amendment contained no similar provision.

The House recedes.

Recommended conduct during sounding of bugle call commonly known as ''Taps''

The House bill contained a provision (sec. 593) that would amend chapter 3 of title 36, United States Code, to establish the recommended conduct of persons during the sounding of the bugle call known as ''Taps''.

The Senate amendment contained no similar provision.

The House recedes.

Pilot program to provide transitional assistance to members of the armed forces with a focus on science, technology, engineering, and mathematics

The House bill contained a provision (sec. 595) that would authorize the Secretary of Defense to conduct pilot programs to provide transitional assistance to members of the armed forces with a focus on science, technology, engineering and mathematics.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are encouraged by the Department of Defense, Department of Veterans Affairs, and Department of Labor revised Transition Assistance Program that will provide a structured, integrated transition model with a goal of career readiness for military personnel as they transition out of military service. The conferees recognize that the fields of science, technology, engineering and mathematics offer critically needed opportunities for job growth and American competitiveness, and urge that the revised plan include elements to encourage transitioning service members to acquire and develop these skills.

Sense of Congress regarding the recovery of the remains of certain members of the armed forces killed in Thurston Island, Antarctica

The House bill contained a provision (sec. 596) that would express the sense of the Congress reaffirming its support for the recovery

and return to the United States of the remains of crewmembers who died as a result of the crash of a Navy aircraft known as George One over Thurston Island, Antarctica. The provision would also encourage the Department of Defense to review the facts and research pertaining to the crash and to pursue new efforts to achieve this goal.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Navy previously assessed the feasibility of recovering the George One crew and, owing to the location of the crash, logistics support, climate in the region, potential hazard to the recovery team, and cost, determined that the difficulty and risk involved with a recovery is too great, and therefore designated the George One to be the final resting place of those who lost their lives in the crash.

Report on effects of multiple deployments

The House bill contained a provision (sec. 597) that would require the Secretary of Defense to submit to Congress a report on the effects of multiple deployments on the well-being of military personnel and any recommended changes to health evaluations prior to redeployments.

The Senate amendment contained no similar provision.

The House recedes.

Establishment of chain of command for Army National Military Cemeteries

The House bill contained a provision (sec. 598) that would require the Secretary of the Army to establish a chain of command for the Army National Military Cemeteries, to include a military commander of the Army National Military Cemeteries to replace the current civilian director upon the termination of the tenure of the director.

The Senate amendment contained no similar provision.

The House recedes.

Military salute during recitation of pledge of allegiance by members of the Armed Forces not in uniform and by veterans

The House bill contained a provision (sec. 599) that would amend section 4 of title 4, United States Code, to authorize members of the armed forces not in uniform and veterans to render the military salute during the recitation of the pledge of allegiance.

The Senate amendment contained no similar provision.

The House recedes.

TITLE VI—COMPENSATION AND OTHER PERSONEL BENEFITS

Subtitle A—Pay and Allowances

Fiscal year 2013 increase in military basic pay (sec. 601)

The House bill contained a provision (sec. 601) that would authorize a pay raise for members of the uniformed services of 1.7 percent effective January 1, 2013. This across-the-board pay raise is equal to the Administration request.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances (sec. 602)

The Senate amendment contained a provision (sec. 603) that would extend for 1 year the authority of the Secretary of Defense to temporarily increase the rate of basic allowance for housing in areas impacted by natural disasters or experiencing a sudden influx of personnel.

The House bill contained no similar provision.

The House recedes.

Basic allowance for housing for two-member couples when one member is on sea duty (sec. 603)

The House bill contained a provision (sec. 602) that would authorize certain uniformed service members in a pay grade below E–6, who are assigned to sea duty, and who are married to another uniformed service member to receive a basic allowance for housing (BAH) in circumstances where they currently do not qualify. Current law requires that both married members be in a pay grade below E–6, have no dependents, and be simultaneously assigned to sea duty.

The Senate amendment contained no similar provision.

The Senate recedes.

Rates of basic allowance for housing for members performing active Guard and Reserve duty (sec. 604)

The House bill contained a provision (sec. 603) that would amend section 403(g) of title 37, United States Code, to prohibit the rate of basic allowance for housing (BAH) paid to a member of the Army National Guard or Air National Guard to be reduced upon the transition of the member between active duty and full-time National Guard duty when the transition occurs without a break in active service.

The Senate amendment contained a similar provision (sec. 601) that would require that BAH for Army and Air National Guard members on full-time duty be based on their permanent duty station and not modified upon the transition of the member between active duty and full-time National Guard duty so long as the transition occurs without a break in active service.

The House recedes with an amendment that would add a new subsection to section 403(g) of title 37, United States Code, to require that the BAH paid to a member of a reserve component performing active guard and reserve duty as defined in section 101(d)(6) of title 10, United States Code, be based on their permanent duty station in most cases, even when the member is mobilized for service on active duty. The amendment would further require that during such transitions between active duty and active guard and reserve duty, affected members continue to retain uninterrupted eligibility for BAH rate protection as provided for under sections (b)(6) and (c)(2) of the section, so long as the member remains on active duty without a break in service. Finally, the amendment would require that members receiving BAH at a rate higher than provided for under this provision, as of the date of enactment of this Act, continue to receive the higher rate until such time as they are reassigned for duty at their permanent duty station, when they shall begin to receive BAH at the prevailing rate in effect at that duty station. The Secretary concerned, with approval of the Secretary of Defense, may continue to pay the higher rate in certain cases to ensure fairness and equity or to serve the best interests of the United States.

Payment of benefit for nonparticipation of eligible members in Post-Deployment/Mobilization Respite Absence program due to Government error (sec. 605)

The House bill contained a provision (sec. 605) that would require the Secretary of Defense to pay eligible individuals $200 per day for days earned under the Post-Deployment/Mobilization Respite Absence (PDMRA) program, when the individuals were unable to use those days due to government error, as determined by a board for the correction of military records.

The Senate amendment contained a similar provision (sec. 602).

The House recedes with a technical amendment to allow the Secretary concerned to determine the required government error by processes other than through a board for the correction of military records.

Subtitle B—Bonuses and Special and Incentive Pays

One-year extension of certain bonus and special pay authorities for reserve forces (sec. 611)

The House bill contained a provision (sec. 611) that would extend for 1 year the authority to pay the Selected Reserve reenlistment bonus, the Selected Reserve affiliation or enlistment bonus, special pay for enlisted members assigned to certain high-priority units, the Ready Reserve enlistment bonus for persons without prior service, the Ready Reserve enlistment and reenlistment bonus for persons with prior service, the Selected Reserve enlistment and reenlistment bonus for persons with prior service, travel and transportation expenses for inactive-duty training outside normal commuting distance, and income replacement for reserve component members experiencing extended and frequent mobilization for active duty service.

The Senate amendment contained a similar provision (sec. 611).

The Senate recedes.

One-year extension of certain bonus and special pay authorities for health care professionals (sec. 612)

The House bill contained a provision (sec. 612) that would extend for 1 year the authority to pay the nurse officer candidate accession bonus, education loan repayment for certain health professionals who serve in the Selected Reserve, accession and retention bonuses for psychologists, the accession bonus for registered nurses, incentive special pay for nurse anesthetists, special pay for Selected Reserve health professionals in critically short wartime specialties, the accession bonus for dental officers, the accession bonus for pharmacy officers, the accession bonus for medical officers in critically short wartime specialties, and the accession bonus for dental specialist officers in critically short wartime specialties.

The Senate amendment contained an identical provision (sec. 612).

The conference agreement includes this provision.

One-year extension of special pay and bonus authorities for nuclear officers (sec. 613)

The House bill contained a provision (sec. 613) that would extend for 1 year the authority to pay the special pay for nuclear-qualified officers extending period of active service, the nuclear career accession bonus, and the nuclear career annual incentive bonus.

The Senate amendment contained an identical provision (sec. 613).

The conference agreement includes this provision.

One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities (sec. 614)

The House bill contained a provision (sec. 614) that would extend for 1 year the general bonus authority for enlisted members, the general bonus authority for officers, special bonus and incentive pay authorities for nuclear officers, special aviation incentive pay and bonus authorities for officers, and special bonus and incentive pay authorities for officers in health professions. The provision would also extend for 1 year the authority to pay hazardous duty pay, assignment or special duty pay, skill incentive pay or proficiency bonus, and retention incentives for members qualified in critical military skills or assigned to high priority units.

The Senate amendment contained an identical provision (sec. 614).

The conference agreement includes this provision.

One-year extension of authorities relating to payment of other title 37 bonuses and special pays (sec. 615)

The House bill contained a provision (sec. 615) that would extend for 1 year the authority to pay the aviation officer retention bonus, assignment incentive pay, the reenlistment bonus for active members, the enlistment bonus, the accession bonus for new officers in critical skills, the incentive bonus for conversion to military occupational specialty to ease personnel shortage, the incentive bonus for transfer between armed forces, and the accession bonus for officer candidates.

The Senate amendment contained an identical provision (sec. 615).

The conference agreement includes this provision.

Increase in maximum amount of officer affiliation bonus for officers in the Selected Reserve (sec. 616)

The House bill contained a provision (sec. 616) that would increase the maximum amount of the officer affiliation bonus for officers in the Selected Reserve from $10,000 to $20,000.

The Senate amendment contained a similar provision (sec. 616).

The Senate recedes.

Increase in maximum amount of incentive bonus for reserve component members who convert military occupational specialty to ease personnel shortages (sec. 617)

The House bill contained a provision (sec. 617) that would amend section 326 of title 37, United States Code, to increase the maximum amount of the incentive bonus to convert military occupational specialty to ease personnel shortages from $2,000 to $4,000 in the case of a member of a reserve component.

The Senate amendment contained a similar provision (sec. 617).

The Senate recedes.

Subtitle C—Travel and Transportation Allowances

Permanent change of station allowances for members of Selected Reserve units filling a vacancy in another unit after being involuntarily separated (sec. 621)

The Senate amendment contained a provision (sec. 631) that would amend sections 474 and 476 of title 37, United States Code, to authorize the payment of travel and transportation allowances for certain members of the Selected Reserve, their dependents, and household effects when the member is involuntarily separated due to force structure reductions between October 1, 2012, and December 31, 2018, and fills a critical vacancy in another unit of the Selected Reserve that is at least 150 miles from the member's residence.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Authority for comprehensive program for space-available travel on Department of Defense aircraft (sec. 622)

The Senate amendment contained a provision (sec. 632) that would add a new section 2641c to title 10, United States Code, that would codify the authority of the Secretary of Defense to establish a program to provide transportation to active and reserve component members, retirees, certain widows, and dependents on Department of Defense (DOD) aircraft on a space-available basis beginning January 1, 2014, or such earlier date as determined by the Secretary pursuant to regulation.

The House bill contained no similar provision.

The House recedes with an amendment that would incorporate the authority in section 2641b of title 10, United States Code, relating to space-available travel for retired members residing in Commonwealths or possessions of the United States for certain health care services, within the program authority provided by this provision. The amendment would also require the Secretary to submit to the congressional defense committees an initial implementation report describing the basis for the establishment of a travel program under this provision, categories of individuals who would be provided travel under the program, how the Secretary would ensure that the program was conducted in a budget-neutral manner, and the metrics by which the Secretary would monitor the efficiency and effective execution of the program.

The conferees emphasize that the purpose of no-cost, space-available travel on military aircraft is to assist military members and their families in responding to emergent personal circumstances and arduous duty conditions and to provide a means of respite from the rigors of active duty, for members of the active and reserve components. The option to seek space-available travel has also been offered, at a lower priority, to military retirees in recognition of their careers of service and to authorized members of the Selected Reserve. The conferees note that the authority given to the Secretary in this provision includes the discretion to limit travel under the program to one or more categories of traveler in order to control costs and ensure the safety, security, and efficient processing of travelers. The conferees expect the Secretary to exercise this discretion, when necessary, to ensure the program's efficiency and budget neutrality, and to maintain priority of travel for active duty members and their families, especially during peak travel times and at the busiest travel locations.

In executing a space-available travel program, DOD must provide accurate information about the hardships aspiring space-available travelers are likely to experience. As DOD noted in its December 2007 report to Congress on space-available travel, ''current eligible Space-A travelers often experience disillusionment because of the contrast between the perceived promises of Space-A travel . . . and the reality of arduous conditions often encountered when using the system.'' The conferees believe that DOD should do more to educate potential travelers on these realities.

Subtitle D—Benefits and Services for Members Being Separated or Recently Separated

Extension of authority to provide two years of commissary and exchange benefits after separation (sec. 631)

The House bill contained a provision (sec. 631) that would extend through December 31, 2018, the authority for service members involuntarily separated from military service to continue to use commissary and exchange stores during the 2 year period following separation.

The Senate amendment contained no similar provision.

The Senate recedes.

Transitional use of military family housing (sec. 632)

The House bill contained a provision (sec. 632) that would reinstate authority to permit service members who are involuntarily separated from military service to continue to reside, along with their families, in military family housing provided or leased by the Department of Defense for up to 180 days following the date of such separation. The provision would also clarify that such members would not be authorized to draw the basic allowance for housing during this period. The authority provided under this provision would expire December 31, 2018.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle E—Disability, Retired Pay, and Survivor Benefits

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. 641)

The House bill contained a provision (sec. 651) that would amend sections 1450 and 1452 of title 10, United States Code, to clarify that military retirees who have elected to participate in the Survivor Benefit Plan (SBP) and who subsequently elect to waive their military retired pay in favor of a survivor annuity under the Federal Employees Retirement System, do not have to continue paying premiums under SBP.

The Senate amendment contained a similar provision (sec. 641).

The Senate recedes.

Repeal of automatic enrollment in Family Servicemembers' Group Life Insurance for members of the Armed Forces married to other members (sec. 642)

The Senate amendment contained a provision (sec. 642) that would amend section 1967 of title 38, United States Code, to remove service members from automatic enrollment as a dependent under the Family Servicemembers' Group Life Insurance program when they are insured on their own behalf under the Servicemembers' Group Life Insurance program.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Clarification of computation of combat-related special compensation for chapter 61 disability retirees (sec. 643)

The Senate amendment contained a provision (sec. 643) that would amend section 1413a of title 10, United States Code, to clarify that the maximum award under the combat-related special compensation (CRSC) statute may not, when combined with the amount of retired pay payable to the retiree after mandatory reductions are taken pursuant to sections 5304 and 5305 of title 38, United States Code, cause the total of such combined payments to exceed the amount of retired pay the member would have been entitled to based solely on years of service. The provision would be effective on October 1, 2013.

The House bill contained no similar provision.

The House recedes with an amendment that would make the provision effective on January 1, 2013.

Subtitle F—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

Repeal of certain recordkeeping and reporting requirements applicable to commissary and exchange stores overseas (sec. 651)

The House bill contained a provision (sec. 642) that would eliminate the requirement that the Secretary of Defense report to Congress the changes in restrictions on the sale of merchandise by commissary and exchange stores overseas that are required to prevent the resale of such merchandise in violation of treaty obligations of the United States or host nation laws.

The Senate amendment contained no similar provision.

The Senate recedes.

Treatment of Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, as a Fisher House (sec. 652)

The House bill contained a provision (sec. 643) that would amend section 2493(a) of title 10, United States Code, to clarify that primary next of kin, other family members, and escorts of family members of service members who die while located or serving overseas are authorized users of the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware.

The Senate amendment contained a similar provision (sec. 583).

The Senate recedes with a technical amendment.

Subtitle G—Military Lending

Additional enhancements of protections on consumer credit for members of the Armed Forces and their dependents (sec. 661)

The Senate amendment contained a provision (sec. 652) that would amend section 987 of title 10, United States Code, to clarify that States may not waive the application of consumer protections enacted for the benefit of state residents on the basis of nonresident or military status of an individual covered under that section. The provision would also require the Secretary of Defense to consult with federal regulators at least once every 2 years in carrying out the duties required under section 987, and would remove the Office of Thrift Supervision from the list of federal regulators with whom the Secretary is required to consult. Finally, the provision would be effective no later than 1 year from the date of enactment of this Act, or such earlier date as determined by the Secretary of Defense in regulation.

The House bill contained no similar provision.

The House recedes with a technical amendment that would include the Bureau of Consumer Financial Protection on the list of federal regulators with whom the Secretary is required to consult.

Effect of violations of protections on consumer credit extended to members of the Armed Forces and their dependents (sec. 662)

The Senate amendment contained a provision (sec. 653) that would amend section 987 of title 10, United States Code, to provide for civil liability in United States district court for violations of consumer protections for service members and dependents under that section.

The Senate amendment also contained a provision (sec. 655) that would further amend section 987 of title 10, United States Code, to require that the protections afforded by that section 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 as set forth under any other applicable authorities available to such agencies by law.

The House bill contained no similar provisions.

The House recedes with a technical amendment.

The conferees expect that, for the purposes of the enforcement authority under this section, a violation of the Military Lending Act would be treated as though it were a violation of the Truth in Lending Act.

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 (sec. 663)

The House bill contained a provision (sec. 661) that would amend section 987(i) of title 10, United States Code, to conform the definition of dependent under that section with the definition of dependent contained in subparagraphs (A), (D), (E), and (I) of section 1072(2) of title 10, United States Code.

The Senate amendment contained a similar provision (sec. 654).

The Senate recedes.

Subtitle H—Military Compensation and Retirement Modernization Commission

Purpose, scope, and definitions (sec. 671)

The Senate amendment contained a provision (sec. 1601) that would establish a short title for this series of provisions creating the Military Compensation and Retirement Modernization Commission.

The Senate amendment contained a provision (sec. 1602) that would establish the purpose of the Military Compensation and Retirement Modernization Commission as: (1) ensuring the long-term viability of the All-Volunteer Force; (2) enabling a high quality of life for military families; and (3) modernizing and achieving fiscal sustainability of the compensation and retirement systems.

The Senate amendment also contained a provision (sec. 1603) that would establish definitions for common terms used in the Military Compensation and Retirement Modernization Commission Act of 2012.

The House bill contained no similar provisions.

The House recedes with an amendment that would remove the short title and amend the first purpose of the commission to 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. The House amendment would also require the Commission, prior to making recommendations for changes to the military compensation and retirement systems, to examine all laws and policies of the Federal Government concerning payment of government benefits to current and former service members, veterans, and family members, including survivors, as well as laws and policies affecting various programs and benefits under the Department of Veterans Affairs, including outlays from the various federal trust funds supporting those programs. The amendment would further require that the Commission consider the interrelationship between and among the various federal benefits affecting service members, veterans, survivors, and their families in developing recommendations on the military compensation and retirement systems.

Military Compensation and Retirement Modernization Commission (sec. 672)

The Senate amendment contained a provision (sec. 1604) that would establish in the executive branch an independent commission called the Military Compensation and Retirement Modernization Commission. The provision would provide that the Commission be composed of nine members appointed by the President, in consultation with the Chairman and Ranking Members of the Committees on Armed Services of the Senate and House of Representatives. The provision would provide that the President designate one member as the Commission's Chairman. The provision would require that Commission members have significant expertise in federal compensation and retirement systems, including the military compensation and retirement systems, private sector compensation, retirement, or human resource systems, actuarial science, and be selected based on their knowledge and experience with the uniformed services and the military compensation and retirement systems. The provision would require that at least five members of the Commission have active duty military experience, that at least one member have experience as an enlisted member of the armed forces, that at least one member have experience as a member of a reserve component, and that at least one member was a spouse of a military member, or be someone with significant experience in military family issues. Finally, the provision would prohibit the appointment of individuals as members of the Commission who are, or were within the year preceding appointment, employed by a veterans service organization or military-related advocacy group or association.

The Senate amendment also contained a provision (sec. 1608) that would establish the pay rate for members of the Military Compensation and Retirement Modernization Commission as the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code. The provision would set the pay rate for the Chairman of the Commission as the daily equivalent of the annual rate of pay for level III of the Executive Schedule under section 5314 of title 5, United States Code.

The House bill contained no similar provisions.

The House recedes with an amendment that would provide that the Commission be composed of nine members, with the President appointing one, the Majority Leader and Minority Leader of the Senate appointing two each in consultation with the Chairman and Ranking Member of the Committee on Armed Services of the Senate, respectively, and the Speaker and Minority Leader of the House of Representatives appointing two each in consultation with the Chairman and Ranking Member of the Committee on Armed Services of the House of Representatives, respectively. The amendment would also eliminate the requirements for individuals appointed to the Commission to have experience as a member of the uniformed services or as a spouse of a member.

Commission hearings and meetings (sec. 673)

The Senate amendment contained a provision (sec. 1605) that would require the Military Compensation and Retirement Modernization Commission to conduct hearings on recommendations for legislative changes under consideration, and that all hearings be open to the public, except those in which classified information might be considered. The provision would require that any hearing open to the public be advertised on a federal website no less than 14 days prior to the hearing. The provision would require the Commission to hold its initial meeting within 30 days of all members being appointed. The provision would establish that five members constitute a quorum of the Commission. Lastly, the provision would require the Commission to seek written public comment on recommendations under consideration.

The Senate amendment also contained a provision (sec. 1611) that would authorize the Military Compensation and Retirement Modernization Commission to lease space and acquire personal property to the extent funds are available.

The House bill contained no similar provisions.

The House recedes with an amendment that would require the Administrator of General Services, within 90 days after enactment of this Act and in consultation with the Secretary of Defense, to identify and make available suitable excess space within the Federal space inventory to house the operations of the Commission.

Principles and procedure for Commission recommendations (sec. 674)

The Senate amendment contained a provision (sec. 1606) that would require the Military Compensation and Retirement Modernization Commission to conduct a review

of the military retirement and compensation systems in the context of current compensation and retirement programs, force management objectives, and changes in life expectancy and the labor force. The provision would require the President, within 5 months of the establishment of the Commission, to establish and transmit to Congress and the Commission principles for modernizing the military compensation and retirement systems, including maintaining recruitment and retention of the best military personnel, modernizing the active and reserve military compensation and retirement systems, differentiating between active and reserve military service, differentiating between service in the armed forces and service in the other uniformed services, and ensuring the fiscal sustainability of the military compensation and retirement systems. The provision would require that recommendations of the Commission grandfather the benefits of service members who first became a member of a uniformed service before the date of enactment of a military compensation and retirement modernization act, except that such recommendations may include an opt-in mechanism for members who would choose to be covered by some or all of the provisions of a military compensation and retirement modernization act.

The provision would require the Secretary of Defense, within 9 months of the establishment of the Commission, to transmit to Congress and the Commission the Secretary's recommendations for military compensation and retirement modernization, and would require the Secretary to consult the Secretaries of Health and Human Services, Commerce, and Homeland Security on recommendations that affect the Public Health Service, the National Oceanic and Atmospheric Administration, and the U.S. Coast Guard, respectively. The provision would require the Commission to conduct public hearings on the Secretary's recommendations. The provision would require the Commission, within 15 months of its establishment, to transmit to the President and Congress a report containing its findings, conclusions, and recommendations for modernizing the military compensation and retirement systems, and legislative proposals necessary to implement those recommendations.

The House bill contained no similar provision.

The House recedes with an amendment that would require that the retired pay of currently serving members who joined a uniformed service prior to the date of enactment of an Act to modernize the military compensation and retirement systems could not be less than they would be eligible to receive under the current military compensation and retirement system, nor may the date at which they are eligible to receive such retired pay be adjusted to the financial detriment of the member. Further, the House amendment would prohibit the adjustment of retired pay of retired service members retired as of the date of enactment of an Act to modernize the military compensation and retirement systems by any change enacted pursuant to such an Act.

Consideration of Commission recommendations by the President (sec. 675)

The Senate amendment contained a provision (sec. 1607) that would require the President, within 60 days of receiving the report of the Military Compensation and Retirement Modernization Commission, to transmit to Congress and the Commission a report approving or disapproving the Commission's recommendations. The provision would also provide for a procedure for the Commission to revise its recommendations in response to disapproval by the President. Finally, the provision would provide for expedited and protected consideration of military compensation and retirement modernization legislation in the Senate and the House of Representatives, without amendment, and without being subject to points of order, other than budget points of order.

The House bill contained no similar provision.

The House recedes with an amendment that would remove the provisions concerning expedited and protected consideration of military compensation and retirement modernization legislation by the Congress.

Executive Director (sec. 676)

The Senate amendment contained a provision (sec. 1609) that would require the Military Compensation and Retirement Modernization Commission to appoint, and fix the rate of pay of, an Executive Director in accordance with section 3161 of title 5, United States Code. The provision would prohibit the appointment as Executive Director of any person having served on active duty in the armed forces, as a civilian employee of the Department of Defense, or as an employee of a veterans service organization or military-related advocacy group or association during the 1-year period preceding the date of appointment.

The House bill contained no similar provision.

The House recedes.

Staff (sec. 677)

The Senate amendment contained a provision (sec. 1610) that would authorize the Military Compensation and Retirement Modernization Commission Executive Director to appoint and fix the rate of pay of additional personnel to serve as staff for the Commission. The provision would limit the number of Department of Defense personnel detailed to the Commission to no more than one-third of the total personnel employed as staff, and would prohibit the employment of or detail to the Commission staff of anyone employed by the Department of Defense who was involved in the formation of recommendations for military compensation and retirement modernization. The provision would limit the number of personnel eligible for military retired pay to no more than one-fourth of the total personnel serving as Commission staff. The provision would prohibit a person from serving on the Commission staff if that person had been employed by a veterans service organization or military-related advocacy group or association within the 1-year period preceding employment on the Commission staff. Finally, the provision would prohibit the service of any staff member to the Commission employed by or detailed from the Department of Defense from being considered in that staff member's efficiency or fitness report.

The House bill contained no similar provision.

The House recedes with an amendment that would extend the limitations on detailees from the Department of Defense to any executive branch department, and would also extend the protections concerning performance reviews to staff members detailed or employed by any of the uniformed services.

Judicial review precluded (sec. 678)

The Senate amendment contained a provision (sec. 1612) that would preclude the actions of the President, the Secretary of Defense, and the Military Compensation and Retirement Modernization Commission from judicial review.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Termination (sec. 679)

The Senate amendment contained a provision (sec. 1613) that would provide for the termination of the Military Compensation and Retirement Modernization Commission no later than 26 months after the Commission's establishment date.

The House bill contained no similar provision.

The House recedes.

Funding (sec. 680)

The Senate amendment contained a provision (sec. 1613) that would require that of the amounts authorized to be appropriated for the Department of Defense for fiscal year 2013, up to $10.0 million shall be available to the Military Compensation and Retirement Modernization Commission to carry out its duties under this title.

The House bill contained no similar provision.

The House recedes with a technical amendment.

SUBTITLE I—OTHER MATTERS

Equal treatment for members of Coast Guard Reserve called to active duty under title 14, United States Code (sec. 681)

The House bill contained a provision (sec. 663) that would include mobilization under section 712 of title 14, United States Code, within the definition of ''contingency operation'' in section 101 of title 10, United States Code, and would make the application of the change retroactive to April 19, 2010, for the purpose of credit for certain benefits.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the retroactive date to December 31, 2011.

Report regarding Department of Veterans Affairs claims process transformation plan (sec. 682)

The Senate amendment contained a provision (sec. 1085) that would require the Secretary of Veterans Affairs to submit to Congress, not later than 60 days after the date of enactment of this Act, a plan to reduce the current backlog of pending claims for benefits under laws administered by the Secretary and more efficiently process claims for such benefits in the future, including a plan to partner with non-federal entities.

The House bill contained no similar provision.

The House recedes with an amendment that would require that the report include a detailed explanation of the Veterans Benefits Administration Claims Transformation Plan.

LEGISLATIVE PROVISIONS NOT ADOPTED

Modification of program guidance relating to the award of Post-Deployment/Mobilization Respite Absence administrative absence days to members of the reserve components under DOD Instruction 1327.06

The House bill contained a provision (sec. 604) that would grandfather certain members of the reserve components deployed in support of a contingency operation prior to October 1, 2011, who were adversely impacted by policy changes issued on that date affecting the Post-Deployment/Mobilization Respite Absence program.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the issue was addressed by Public Law 112–120, enacted into law on May 25, 2012.

Travel and transportation allowances for non-medical attendants for members receiving care in a residential treatment program

The House bill contained a provision (sec. 621) that would authorize travel and transportation allowances for qualified non-medical attendants for members receiving care

in a residential treatment program if the attending health care professional or hospital commander deems that participation in treatment by the non-medical attendant is essential to the treatment of the member.

The Senate amendment contained no similar provision.

The House recedes.

The conferees have been informed that the Department of Defense is revising its Military Health System policies and the TRICARE benefit for substance use disorder treatment in response to the findings of an internal review conducted last year and the recent Institute of Medicine (IOM) Study on ''Substance Use Disorders in the U.S. Armed Forces'' made publicly available on September 17, 2012. Changes to the TRICARE benefit with respect to intensive outpatient and office-based services are currently under internal review and coordination.

Regarding intensive outpatient services, the conferees have been informed that the TRICARE Management Activity (TMA) has issued a regulatory clarification to managed care support contractors on the scope of the partial hospitalization program (PHP) benefit, allowing for the reimbursement of PHP services, defined as a time-limited, ambulatory, active-treatment program that offers therapeutically intensive, coordinated, and structured clinical services within a stable therapeutic environment. Full-day, half-day, evening, and weekend programs may be included. The conferees have also been informed that TRICARE now allows for the reimbursement of half-day partial hospitalization, defined as treatment of a minimum of 3 hours per day but less than 6 hours per day. These two regulatory clarifications allow for PHP services to be provided less than 5 days per week or for 3 hours per day, which TRICARE refers to as half-day partial hospitalization, but may also be called ''intensive outpatient'' care at facilities providing such outpatient services.

Charitable organizations eligible for donations of unusable commissary store food and other food prepared for the armed forces

The House bill contained a provision (sec. 641) that would clarify that the Secretary of Defense may make donations of unusable food to charitable food banks, food pantries, and soup kitchens.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Secretary of Defense is currently authorized to donate unusable, unmarketable, and unsaleable food to certain entities and encourage the Secretary to utilize this authority to the maximum extent practicable.

Purchase of sustainable products, local food products, and recyclable materials for resale in commissary and exchange store systems

The House bill contained a provision (sec. 644) that would require the governing body providing oversight and management direction to the military exchange and commissary systems to establish guidelines for the identification of fresh meat, poultry, seafood, produce, and other products raised or produced through sustainable methods that are not harmful to the environment. The provision would also require the governing body to establish, not later than September 30, 2017, goals for all exchange and commissary stores to purchase sustainable products, local food products, and recyclable materials.

The Senate amendment contained no similar provision.

The House recedes.

The conferees understand that the Department of Defense is currently working to develop and implement policies to increase the availability of sustainable products and local food products in the commissary and exchange store systems, and encourage the Department to make every effort to provide consumers with sustainable and local product choices wherever feasible.

Enhancement of protections on consumer credit for members of the armed forces and their dependents

The Senate amendment contained a provision (sec. 651) that would amend section 987 of title 10, United States Code, to require that vehicle title loans and payday loans, regardless of duration or whether they are open- or closed-end, are included within the definition of ''consumer credit'' contained in regulations promulgated by the Secretary of Defense pursuant to that section. The provision would also require the Secretary to develop a policy on the predatory extension of credit through installment loans that target members of the armed forces and their dependents.

The House bill contained no similar provision.

The Senate recedes.

The conferees recognize the progress the Department of Defense has made since consumer protections for military members and their dependents against predatory lending were enacted in the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), codified in section 987 of title 10, United States Code. A recent report by the Consumer Federation of America, The Military Lending Act Five Years Later, found that ''the law has been largely effective in curbing predatory . . . lending to covered borrowers.'' Nevertheless, the report found that many predatory lenders have modified their products to avoid coverage by the Department's rules implementing section 987, and recommended that ''the Department of Defense . . . conduct an internal study of service members, financial counselors, and legal assistance/JAG officers to ascertain the impact of the current set of . . . rules on the use of defined products, problems caused by similar and emerging products, and the use of allotments to pay for commercial credit.''

The conferees are concerned that the Department must remain vigilant to eliminate continuing, evolving predatory lending practices targeting service members and their families, and believe the Department should review its regulations implementing section 987, to address changes in the industry and the evolution of lending products offered since 2007, continuing use of predatory marketing practices, and other abuses identified by consumer protection advocates, including the Consumer Financial Protection Bureau's Office of Servicemember Affairs.

The conferees direct the Secretary to conduct surveys of counselors, legal assistance attorneys, service members, and other appropriate personnel, and to consult with both consumer protection advocacy groups and representatives of the financial services industry to determine if changes to rules implementing section 987 are necessary to protect covered borrowers from continuing and evolving predatory lending practices, and to report to the Committees on Armed Services of the Senate and House of Representatives no later than 1 year after the date of enactment of this Act on the results of such review.

Mortgage protection for members of the armed forces, surviving spouses, and certain veterans

The House bill contained a provision (sec. 664) that would amend section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App 533) to expand certain mortgage protections for service members, surviving spouses, and veterans; to make knowing violations of these protections a criminal offense; and to increase civil penalties for violations of these protections.

The Senate amendment contained no similar provision.

The House recedes.

Study on issuing identification cards to certain members upon discharge

The House bill contained a provision (sec. 665) that would require the Secretary of Defense to conduct a study to assess the feasibility of issuing identification cards to certain service members upon discharge from the service.

The Senate amendment contained no similar provision.

The House recedes.

Report on issuance by Armed Forces Medical Examiner of death certificates for members of the armed forces who die on active duty abroad

The Senate amendment contained a provision (sec. 662) that would require the Secretary of Defense to submit a report to the congressional defense committees on the issuance by the Armed Forces Medical Examiner of death certificates for members of the armed forces who die on active duty abroad.

The House bill contained no similar provision.

The Senate recedes.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—TRICARE and Other Health Care Benefits

Extension of TRICARE Standard coverage and TRICARE dental program for members of the Selected Reserve who are involuntarily separated (sec. 701)

The House bill contained a provision (sec. 702) that would amend section 1076d(b) of title 10, United States Code, to authorize 180 days of extended coverage through December 31, 2018, under the program known as TRICARE Reserve Select for members of the Selected Reserve who are involuntarily separated without cause under other than adverse conditions. The provision would also amend section 1076a(a)(1) to authorize extended coverage through December 31, 2018, for members of the Selected Reserve enrolled in the TRICARE dental program.

The Senate amendment contained a provision (sec. 701) that would authorize similar periods of extended coverage under TRICARE Reserve Select and the TRICARE dental program for members of the Selected Reserve, on a permanent basis.

The Senate recedes with a technical amendment.

Inclusion of certain over-the-counter drugs in TRICARE uniform formulary (sec. 702)

The Senate amendment contained a provision (sec. 702) that would amend section 1074g of title 10, United States Code, to authorize the Department of Defense to place selected over-the-counter drugs on the uniform formulary and make such drugs available to eligible beneficiaries. An over-the-counter drug would only be included on the uniform formulary if the Pharmacy and Therapeutics Committee finds that the drug is cost-effective and clinically effective. The provision would also authorize the Secretary of Defense to establish a copayment amount for these drugs, if appropriate.

The House bill contained no similar provision.

The House recedes with an amendment clarifying that the Secretary is authorized to not charge any copayment for over-the-counter drugs under this provision.

The conferees note that the Department of Defense has been providing selected over-

the-counter drugs with no beneficiary copayment under demonstration authority for several years, and that the pilot program has resulted in significant savings to the Department. The conferees encourage the Department to continue to implement the authority provided by this section in a similar manner.

Modification of requirements on mental health assessments for members of the Armed Forces deployed in connection with a contingency operation (sec. 703)

The Senate amendment contained a provision (sec. 713) that would amend section 1074m(a) of title 10, United States Code, to align mandatory post-deployment person-to-person mental health assessments for certain service members with other existing health assessments. The provision would also limit the pre-deployment mental health assessments required under this section to those service members who will be subjected or exposed to operational risk factors during deployment in a contingency operation.

The House bill contained no similar provision.

The House recedes with an amendment that would amend section 1074m(a) of title 10, United States Code, to align mandatory post-deployment person-to-person mental health assessments for certain service members with other existing health assessments by changing the required assessment period from between 180 days after deployment to 1 year after deployment, to between 180 days after deployment to 18 months after deployment.

Use of Department of Defense funds for abortions in cases of rape and incest (sec. 704)

The Senate amendment contained a provision (sec. 711) that would authorize the use of Department of Defense funds for abortions in cases of rape or incest.

The House bill contained no similar provision.

The House recedes.

Pilot program on certain treatments of autism under the TRICARE program (sec. 705)

The House bill contained a provision (sec. 704) that would authorize behavioral health treatment, including applied behavior analysis therapy, for autism spectrum disorders when prescribed by a physician to be covered under the basic TRICARE program for certain beneficiaries.

The Senate amendment contained a provision (sec. 705) that would authorize behavioral health treatment, including applied behavior analysis therapy, for all developmental disabilities as defined by section 15002(8) of title 42, United States Code, including autism spectrum disorders, when prescribed by a physician to be covered under the basic TRICARE program for certain beneficiaries.

The Senate recedes with an amendment that would require the Secretary of Defense to conduct a 1-year pilot program to provide for the treatment of autism spectrum disorders, including applied behavior analysis, for all TRICARE beneficiaries covered under the basic program.

The conferees are aware that the Department of Defense (DOD) has been ordered by the District Court for the District of Columbia to provide coverage under the basic TRICARE benefit for applied behavior analysis. The conferees understand that the plaintiffs and DOD have each submitted motions to reconsider the court order. The conferees have provided DOD this 1-year authority in order to allow DOD to assess such coverage independent from litigation proceedings.

Pilot program on enhancements of Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships (sec. 706)

The House bill contained a provision (sec. 725) that would authorize the Secretary of Defense to carry out a pilot program to enhance the efforts of the Department of Defense (DOD) in research, treatment, education, and outreach on mental health, substance use disorders, and traumatic brain injury in members of the National Guard and reserves, their family members, and their caregivers through community partners. The provision would also authorize the Secretary to award grants to these community partners.

The Senate amendment contained a provision (sec. 722) that would authorize the Secretary of Defense to carry out a research program to assess the feasibility and advisability of enhancing the efforts of the DOD in research, treatment, education, and outreach on mental health, substance use disorders, and traumatic brain injury in reserve component members, their families, and their caregivers.

The Senate recedes with an amendment that would authorize the Secretary to carry out a pilot program to enhance the efforts of DOD in research, treatment, education, and outreach on mental health, substance use disorders, and traumatic brain injury in members of the National Guard and reserves, their family members, and their caregivers through agreements with community partners.

Sense of Congress on health care for retired members of the uniformed services (sec. 707)

The House bill contained a provision (sec. 701) that would express the sense of Congress that career members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of a 20–30 year military career, and that those decades of sacrifice constitute a pre-paid premium for health care during retirement.

The Senate amendment contained a provision (sec. 706) that would express the sense of Congress that career members of the uniformed services and those who are medically retired, and their families, endure unique and extraordinary demands and make extraordinary sacrifices in protecting freedom for all Americans, and that access to quality health care services is an earned benefit during retirement in acknowledgment of their contributions of service and sacrifice.

The House recedes.

Subtitle B—Health Care Administration

Authority for automatic enrollment in TRICARE Prime of dependents of members in pay grades above pay grade E–4 (sec. 711)

The House bill contained a provision (sec. 712) that would require all dependents of members in pay grade E–4 or below to be automatically enrolled in TRICARE Prime, and would authorize the Secretary of Defense to automatically enroll dependents of members in pay grade E–5 or higher in TRICARE Prime.

The Senate amendment contained no similar provision.

The Senate recedes.

Cost-sharing rates for the pharmacy benefits program of the TRICARE program (sec. 712)

The House bill contained a provision (sec. 718) that would establish cost-sharing rates under the TRICARE pharmacy benefits program for fiscal year 2013 in statute, and in fiscal years 2014 and beyond, would limit annual increases in pharmacy copayments to the amount equal to the cost of living adjustment percentage increase in retiree pay.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would establish cost-sharing rates under the TRICARE pharmacy benefits program for fiscal year 2013 in statute, and would in fiscal years 2014 through 2022 limit any annual increases in pharmacy copayments to increases in retiree cost of living adjustments. The provision would also enable the Department of Defense to delay increasing copayments until the aggregate increase amounts to at least 1 dollar. Beyond fiscal year 2022, the Secretary of Defense would be authorized to increase copayments as the Secretary considers appropriate.

Clarification of applicability of certain authority and requirements to subcontractors employed to provide health care services to the Department of Defense (sec. 713)

The House bill contained a provision (sec. 715) that would amend section 1089(a) of title 10, United States Code, to clarify that subcontractors providing health care under personal services contracts are covered for medical malpractice purposes under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2671–2680) in the same manner as government employees providing the same services, as requested by the Department of Defense.

The Senate amendment contained a similar provision (sec. 721).

The House recedes.

Expansion of evaluation of the effectiveness of the TRICARE program (sec. 714)

The Senate amendment contained a provision (sec. 703) that would amend section 717(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) to update the reporting requirements of the Department of Defense report, ''Evaluation of the TRICARE Program: Access, Cost, and Quality,'' to reflect the Department's practice of reporting on access, cost, and quality broadly for the military health care system, not solely for retirees as required by current law. The provision would also require the Department to evaluate access, cost, and quality for military dependent children under the age of 21 and for dependents of active-duty members with severe disabilities and special needs.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Requirement to ensure the effectiveness and efficiency of health engagements (sec. 715)

The House bill contained a provision (sec. 714) that would require the Secretary of Defense, in coordination with the Assistant Secretary of Defense for Health Affairs and the Uniformed Services University of the Health Sciences (USUHS) to develop a process to ensure that health engagements conducted by the Department of Defense (DOD) are effective and efficient in meeting the national security goals of the United States. The provision would also authorize the Secretary of Defense, in coordination with USUHS, to conduct pilot programs to assess the effectiveness of the processes developed to ensure the efficiency and effectiveness of health engagements.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense, in coordination with the Under Secretary of Defense for Policy and the Assistant Secretary of Defense for Health Affairs, to develop a process to ensure that health engagements conducted by DOD are effective and efficient in meeting the national security goals of the United States. The provision would also authorize the Assistant Secretary of Defense for Health Affairs to establish a measure of effectiveness learning tool to assess the effectiveness of processes developed

to ensure the efficiency and effectiveness of health engagements.

The conferees understand that the USUHS and its Center for Disaster and Humanitarian Assistance Medicine have focused efforts on the use of health as a means of ensuring security, stability, and enduring partnerships in specific areas of interest throughout the world; and are developing a process that will allow for identification of best practices, analyses, and policy assessment. The conferees encourage the Secretary of Defense to consult with USUHS with regard to its work in this area to ensure that global health engagements are effective and efficient means of engagement toward our national security goals.

Pilot program for refills of maintenance medications for TRICARE for Life beneficiaries through the TRICARE mail-order pharmacy program (sec. 716)

The House bill contained a provision (sec. 717) that would require the Secretary of Defense to conduct a 5-year pilot program to refill prescription maintenance medications for TRICARE for Life beneficiaries through TRICARE's national mail-order pharmacy program. The provision would allow beneficiaries to opt out of the mail-order program after 1 year, and would authorize the Secretary to waive the mail-order requirement on an individual basis if the Secretary deems it appropriate.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary to conduct the 5-year mail-order pilot program for TRICARE for Life beneficiaries, but would also authorize beneficiaries to fill both initial and refill prescriptions at military treatment facilities, and authorize the Secretary to promulgate regulations to address instances where a beneficiary attempts to refill prescriptions at a retail pharmacy rather than through the mail-order program or at a military treatment facility.

Subtitle C—Mental Health Care and Veterans Matters

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. 723)

The Senate amendment contained a provision (sec. 755) that would require the Secretary of Defense and the Secretary of Veterans Affairs to jointly enter into a memorandum of understanding providing for the sharing between departments 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.

The House bill contained no similar provision.

The House recedes.

Participation of members of the Armed Forces in peer support counseling programs of the Department of Veterans Affairs (sec. 724)

The Senate amendment contained a provision (sec. 756) that would require the Secretary of Defense and the Secretary of Veterans Affairs to jointly enter into a memorandum of understanding providing for certain members of the armed forces to volunteer or be considered for employment as peer counselors under certain peer support counseling programs carried out by the Secretary of Veterans Affairs.

The House bill contained no similar provision.

The House recedes.

Research and medical practice on mental health conditions (sec. 725)

The Senate amendment contained a provision (sec. 757) that would require the Secretary of Defense to establish an organization to carry out programs and activities designed to provide for the translation of research on the diagnosis and treatment of mental health conditions into policy on medical practices.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to provide for the translation of research on the diagnosis and treatment of mental health conditions into policy on medical practices.

Transparency in mental health care services provided by the Department of Veterans Affairs (sec. 726)

The Senate amendment contained a provision (sec. 759) that would require the Secretary of Veterans Affairs to develop and implement a comprehensive set of measures to assess mental health care services provided by the Department of Veterans Affairs.

The House bill contained no similar provision.

The House recedes with several technical amendments.

Expansion of Vet Center Program to include furnishing counseling to certain members of the Armed Forces and their family members (sec. 727)

The Senate amendment contained a provision (sec. 760) that would authorize the Secretary of Veterans Affairs to provide counseling and mental health services to certain members of the armed forces and their family members at vet centers.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Organization of the Readjustment Counseling Service in the Department of Veterans Affairs (sec. 728)

The Senate amendment contained a provision (sec. 762) that would organize within the Veterans Health Administration the Readjustment Counseling Service to provide readjustment counseling and services to certain veterans, members of the armed forces, and their family members.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Recruitment of mental health providers for furnishing mental health services on behalf of the Department of Veterans Affairs without compensation from the Department (sec. 729)

The Senate amendment contained a provision (sec. 763) that would require the Secretary of Veterans Affairs to carry out a national program of outreach to societies, community organizations, nonprofit organizations, and government entities in order to recruit mental health providers to provide mental health care services for the Department on a part-time, without-compensation basis.

The House bill contained no similar provision.

The House recedes with several technical amendments.

Peer support (sec. 730)

The Senate amendment contained a provision (sec. 764) that would amend section 1720F(j) of title 38, United States Code, to require the Secretary of Veterans Affairs to establish and carry out a peer support counseling program as a part of the existing comprehensive program designed to reduce the incidence of suicide among veterans.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Subtitle D—Reports and Other Matters

Plan for reform of the administration of the military health system (sec. 731)

The House bill contained a provision (sec. 719) that would amend section 716 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) to require the Secretary of Defense to implement and complete any recommendations included in the report on the review of the administration of the military health system submitted by the Comptroller General before restructuring or reorganizing the military health system.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to develop a detailed plan to implement reforms to the governance of the military health system described in the memorandum of the Deputy Secretary of Defense dated March 2012. The amendment would require the Secretary of Defense to submit the plan to the congressional defense committees on specified dates in 2013, and would limit the obligation of specified funds until the Secretary submits the contents of the plan to the congressional defense committees. The amendment would also require the Comptroller General of the United States to submit to the congressional defense committees a review of the contents of the plan.

The conferees expect appropriate officials of the Department to be responsive to requests from the Comptroller General of the United States and the Committees on Armed Services of the Senate and the House of Representatives for briefings and updates on the Department's progress in implementation of governance reform.

Future availability of TRICARE Prime throughout the United States (sec. 732)

The Senate amendment contained a provision (sec. 704) that would require the Secretary of Defense to 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 newly awarded TRICARE managed care contracts.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to 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 for eligible beneficiaries in all TRICARE regions throughout the United States, to include a description of a plan to provide assistance to affected individuals to identify health care providers in their transition from TRICARE Prime to TRICARE Standard.

Extension of Comptroller General report on contract health care staffing for military medical treatment facilities (sec. 733)

The House bill contained a provision (sec. 721) that would extend the deadline for the Comptroller General of the United States to submit the report required by section 726(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) on the contracting activities used by the military departments to provide health care professional services by civilian providers.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of Comptroller General report on women-specific health services and treatment for female members of the Armed Forces (sec. 734)

The House bill contained a provision (sec. 722) that would extend the deadline for the Comptroller General of the United States to submit the report required by section 725(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) on health care services for female service members.

The Senate amendment contained no similar provision.

The Senate recedes.

Study on health care and related support for children of members of the Armed Forces (sec. 735)

The House bill contained a provision (sec. 723) that would express the sense of Congress that TRICARE should be proactive in meeting children's health care needs and that a comprehensive review of TRICARE policies and programs is necessary, to include children with special needs and chronic health care conditions. The provision would also require the Secretary of Defense to establish a working group to review the TRICARE program with respect to providing pediatric health care, including special and chronic health care needs, and to make recommendations to ensure children of members of the armed forces have access to appropriate care.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to conduct a study on the health care and related support provided by the Secretary to military dependent children, and to submit to the congressional defense committees a report on the study, including a plan to improve and continuously monitor the access of dependent children to quality health care.

The conferees note that a requirement to expand the annual evaluation of TRICARE to include family members and children with special needs is included elsewhere in this Act.

Report on strategy to transition to use of human-based methods for certain medical training (sec. 736)

The House bill contained a provision (sec. 724) that would require the Secretary of Defense to submit to the congressional defense committees a report that outlines a strategy to refine and, when appropriate, transition to using human-based training methods for the purpose of training service members in the treatment of combat trauma injuries by October 1, 2017. The provision would also require an annual report on the development and implementation of human-based training methods for training service members in the treatment of combat trauma injuries.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to 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 service members in the treatment of combat trauma injuries.

Study on incidence of breast cancer among members of the Armed Forces serving on active duty (sec. 737)

The House bill contained a provision (sec. 726) that would require the Secretary of Defense and the Secretary of Veterans Affairs to jointly conduct a study on the incidence of breast cancer among active-duty members, reserve component members, and veterans.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to conduct a study on the incidence of breast cancer among members of the armed forces serving on active duty.

Performance metrics and reports on Warriors in Transition programs of the military departments (sec. 738)

The Senate amendment contained a provision (sec. 731) that would require the Secretary of Defense to submit to Congress not later than 180 days after the date of enactment of this Act and every 180 days thereafter until September 30, 2017, data on the longitudinal status of service members participating in a Warriors in Transition program. The data would document the performance of the Department of Defense in addressing the physical health, mental and behavioral health, educational and vocational aptitude and capabilities, and other appropriate matters, at specified periods during the service members' participation in the program.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to establish a policy containing uniform performance outcome measurements to be used by each service secretary in tracking and monitoring service members in the Warriors in Transition programs. The Secretary of Defense would be required to submit a report on this policy to the congressional defense committees no later than 180 days after enactment of this Act and annually thereafter until 2018.

Plan to eliminate gaps and redundancies in programs of the Department of Defense on psychological health and traumatic brain injury (sec. 739)

The Senate amendment contained a provision (sec. 733) that would require the Secretary of Defense to develop and report to the Committees on Armed Services of the Senate and the House of Representatives on a plan to streamline Department of Defense (DOD) programs that address psychological health and traumatic brain injury (TBI).

The House bill contained no similar provision.

The House recedes with an amendment that would express the sense of Congress in support of the efforts of the Secretary of Veterans Affairs and the Secretary of Defense to educate service members, veterans, their families, the medical community, and the public on the causes, symptoms, and treatment of post traumatic stress disorder. The amendment would also require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to improve the coordination and integration of DOD programs that address service member TBI and psychological health.

LEGISLATIVE PROVISIONS NOT ADOPTED

Medical and dental care contracts for certain members of the National Guard

The House bill contained a provision (sec. 703) that would require the Secretary of Defense to ensure that each individual who receives medical or dental care under a contract entered into by the National Guard of a State meets standards of medical and dental readiness upon mobilization of the individual.

The Senate amendment contained no similar provision.

The House recedes.

Mental health assessments for members of the armed forces

The House bill contained a provision (sec. 705) that would amend section 1074m(a) of title 10, United States Code, to require the Secretary of Defense to provide person-to-person mental health screenings once during each 180 day period during which a member is deployed.

The Senate amendment contained no similar provision.

The House recedes.

The conferees encourage the Secretary of Defense to develop a policy to provide mental health assessments to service members while they are deployed in a contingency operation, if personnel in deployed units whose responsibilities include providing unit health care services are available and the use of those services for this purpose would not impair their capacity to perform higher priority tasks.

Unified Medical Command

The House bill contained a provision (sec. 711) that would amend chapter 6 of title 10, United States Code, to require the President to establish a unified combatant medical command for medical operations.

The Senate amendment contained no similar provision.

The House recedes.

Availability of certain fertility preservation treatments for members of the armed forces on active duty

The Senate amendment contained a provision (sec. 712) that would provide fertility preservation treatments as a medical benefit for service members who have been diagnosed with a condition for which the recommended course of treatment could cause infertility.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the Assistant Secretary of Defense for Health Affairs issued policy guidance to the military departments and TRICARE Management Activity on April 3, 2012, to make assisted reproductive services available for seriously ill or severely injured active duty service members, and authorized the use of supplemental health care program funds for this purpose. The conferees have been informed that the Department of Defense is also reviewing fertility preservation for service members prior to deployment in support of contingency operations, and conducting an ongoing review of fertility options for service members who have sustained genitourinary injuries.

The conferees direct the Secretary of Defense to submit a report to the Committees on Armed Services of the Senate and the House of Representatives on implementation of the ''Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II and III) Active Duty Service Members'' no later than June 1, 2013. The report shall include data on experience since issuance of the policy, including an analysis of the types of injuries or illness of those who sought the procedures, the procedures that were sought, what procedures or services were provided by both military treatment facilities and civilian providers, and an assessment of issues concerning quality of life and costs. In addition, the report shall provide an assessment of the feasibility and advisability of providing fertility preservation treatment for service members both in relation to deployment in support of contingency operations and as a result of illness or injury. The conferees expect the report to include recommendations for changes in policy or legislation that may be necessary to provide such services to military service members who, as a consequence of illness or injury, require assistance for procreative ability.

Cooperative health care agreements between the military departments and non-military health care entities

The House bill contained a provision (sec. 713) that would authorize the secretary of each military department to establish cooperative health care agreements between military installations and local or regional health care entities.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Secretary of Defense was provided the authority to enter into cooperative health care agreements under section 713 of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 1073 note), and that the Secretary may delegate this authority.

Pilot program on increased third-party collection reimbursements in military medical treatment facilities

The House bill contained a provision (sec. 716) that would require the Secretary of Defense to conduct a pilot program to assess the feasibility of using revenue-cycle improvement processes to increase amounts collected by military treatment facilities from third party payers.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are encouraged by ongoing efforts of the Department of Defense to identify and analyze industry best practices to improve reimbursements from third-party payers for charges for health care services incurred by the United States at military treatment facilities. The conferees request that the Department examine revenue-cycle improvement processes as part of this effort.

Increased collaboration with NIH to combat triple negative breast cancer

The House bill contained a provision (sec. 727) that would require the Department of Defense to work in collaboration with the National Institutes of Health to identify specific genetic and molecular targets and biomarkers for triple negative breast cancer and to provide information that will enable triple negative breast cancer patients to be identified earlier and aid the development of therapies for the disease.

The Senate amendment contained no similar provision.

The House recedes.

Pilot program on payment for treatment of members of the armed forces and veterans for traumatic brain injury and post-traumatic stress disorder

The House bill contained a provision (sec. 728) that would require the Secretary of Defense and the Secretary of Veterans Affairs to each carry out a 5-year pilot program to establish a process to provide payment for treatments of traumatic brain injury or post-traumatic stress disorder received by service members and veterans in health care facilities other than military treatment facilities or Department of Veterans Affairs medical facilities.

The Senate amendment contained no similar provision.

The House recedes.

Congressional support for greater awareness of post-traumatic stress disorder

The House bill contained a provision (sec. 729) that would express congressional support for the efforts of the Secretary of Veterans Affairs and the Secretary of Defense to educate service members, veterans, their families, and the public about the causes, symptoms, and treatment of post-traumatic stress disorder (PTSD). The provision would also express support for the creation of an advisory committee on PTSD to coordinate Department of Defense, Department of Veterans Affairs, and other executive departments and agencies for the prevention, diagnosis, and treatment of PTSD.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that language expressing the sense of Congress in support of greater awareness for PTSD is included elsewhere in this Act.

Report on Department of Defense support of members of the armed forces who experience traumatic injury as a result of vaccinations required by the Department

The Senate amendment contained a provision (sec. 732) that would require the Secretary of Defense, in consultation with the secretaries of the military departments, to report on the adequacy and effectiveness of the policies, procedures, and systems of the Department of Defense in providing support to service members who experience traumatic injury as a result of a vaccination required by the Department.

The House bill contained no similar provision.

The Senate recedes.

Report on implementation of recommendations of the Comptroller General of the United States on prevention of hearing loss among members of the armed forces

The Senate amendment contained a provision (sec. 734) that would require the Secretary of Defense to report to the Committees on Armed Services of the Senate and the House of Representatives on the status of implementation of the recommendations of the Comptroller General of the United States in the report ''Hearing Loss Prevention: Improvements to DOD Hearing Conservation Programs Could Lead to Better Outcomes'' (GAO–11–114, January 2011).

The House bill contained no similar provision.

The Senate recedes.

The conferees request the Secretary of Defense to provide the Committees on Armed Services of the Senate and the House of Representatives with a briefing no later than March 1, 2013 on the status of implementation of the Comptroller General's recommendations to prevent hearing loss.

Sense of Senate on mental health counselors for members of the armed forces, veterans, and their families

The Senate amendment contained a provision (sec. 735) that would express the sense of the Senate that the Secretary of Defense and the Secretary of Veterans Affairs should develop a plan to ensure a sustainable flow of qualified counselors to meet the long-term needs of members of the armed forces, veterans, and their families.

The House bill contained no similar provision.

The Senate recedes.

Prescription drug take-back program for members of the armed forces and their dependents

The Senate amendment contained a provision (sec. 736) that would require the Secretary of Defense and the Attorney General to jointly carry out a program under which members of the armed forces and their dependents may deliver controlled substances to such facilities as may be jointly determined by the Secretary and Attorney General to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

The House bill contained no similar provision.

The Senate recedes.

The conferees have been informed that the Drug Enforcement Administration (DEA) has drafted a comprehensive Notice of Proposed Rulemaking to implement the Secure and Responsible Drug Disposal Act of 2010 (Public Law 111–273). The conferees urge the DEA to ensure the Department of Defense is provided the opportunity to review and provide comment on the rule, and expect that the Department of Justice will keep Congress informed of these efforts.

Assessment of adequacy of mental health care benefits under the TRICARE program

The Senate amendment contained a provision (sec. 754) that would require the Secretary of Defense, in consultation with the Secretary of Health and Human Services, to enter into a contract with an appropriate independent entity to assess whether the mental health care benefits available for members of the armed forces and other covered beneficiaries under the TRICARE program are adequate to meet the needs of such members and beneficiaries for mental health care.

The House bill contained no similar provision.

The Senate recedes.

Disposal of controlled substances

The Senate amendment contained a provision (sec. 758) that would require the Administrator of the Drug Enforcement Administration to enter into a memorandum of understanding with each of the Secretary of Defense and the Secretary of Veterans Affairs to establish procedures under which service members or veterans may deliver a controlled substance to an employee of the Department of Defense or the Department of Veterans Affairs in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

The House bill contained no similar provision.

The Senate recedes.

The conferees have been informed that the Drug Enforcement Administration (DEA) has drafted a comprehensive Notice of Proposed Rulemaking to implement the Secure and Responsible Drug Disposal Act of 2010 (Public Law 111–273). The conferees urge the DEA to ensure the Department of Defense and Department of Veterans Affairs are each provided the opportunity to review and provide comment on the rule, and expect that the Department of Justice will keep Congress informed of these efforts.

Authority for Secretary of Veterans Affairs to furnish mental health care through facilities other than vet centers to immediate family members of members of the armed forces deployed in connection with a contingency operation

The Senate amendment contained a provision (sec. 761) that would authorize the Secretary of Veterans Affairs to provide mental health care to family members of certain members of the armed forces through Department of Veterans Affairs medical facilities, telemental health modalities, and such community, nonprofit, private, and other third parties as the Secretary considers appropriate. This authority would expire 3 years after the date of the enactment of this Act.

The House bill contained no similar provision.

The Senate recedes.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Acquisition Policy and Management

Treatment of procurements on behalf of the Department of Defense through the Work for Others program of the Department of Energy (sec. 801)

The House bill contained a provision (sec. 801) that would exempt procurements

through the Department of Energy (DOE) Work for Others program from requirements applicable to interagency transactions of the Department of Defense (DOD) under section 801 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify procurement requirements applicable to DOD procurements through the DOE Work for Others program for the purposes of section 801. In general, the conferees understand that DOD officials are required to comply with the requirements of the Defense Supplement to the Federal Acquisition Regulation (DFARS), but that DFARS requirements are not applicable to officials of other federal agencies, except to the extent that they implement statutory requirements specific to interagency transactions.

Accordingly, DOD procurements of property and services through the DOE Work for Others program comply with the requirements of section 801 if they are consistent with the Federal Acquisition Regulation and other laws and regulations that apply to procurements of property and services by Federal agencies generally, and with the following laws and regulations specific to DOD transactions through the DOE Work for Others program:

(A) the Memorandum of Agreement Between the Department of Defense and the Department of Energy Governing Department of Defense Funded Work Performed at the Department of Energy Laboratories and Facilities (dated September 16, 2010), or a successor agreement;

(B) the Memorandum of the Director of Defense Procurement and Acquisition Policy on Department of Defense-Wide Policy for Using the Department of Energy's Work for Others Program to Access DOE-Owned Research, Development and Production Facilities through Interagency Agreements (dated September 30, 2011), or a successor policy;

(C) the Standard Interagency Agreement Part A for DOD Components and all DOE activities (dated December 16, 2010), or a successor agreement;

(D) the Department of Energy Acquisition Regulations; and

(E) Department of Energy Order 481.1C, Work for Others (Non-Department of Energy Funded Work (dated January 24, 2005) as amended, or a successor order.

Review and justification of pass-through contracts (sec. 802)

The Senate amendment contained a provision (sec. 822) that would prohibit the Department of Defense and other federal agencies from awarding a contract for the performance of services unless the contractor agrees that at least 50 percent of the direct labor on the contract will be performed by the contractor or by a subcontractor that is specifically identified in the contract.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development (USAID) to revise guidance applicable to contracts, task orders, and delivery orders awarded by such agencies for which the prime contractor is expected to subcontract more than 70 percent of the total cost of work to be performed and ensure that contracting officers consider alternative contracting structures and approaches and justify their decisions in writing.

The conferees note that Section 52.215–22 of the Federal Acquisition Regulation, which implements the requirements of section 866 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), requires offerors for certain contracts, task orders, and delivery orders, to notify the government in their proposals if they intend to subcontract more than 70 percent of the total cost of the work to be performed. In accordance with Defense Contract Audit Agency (DCAA) memorandum 11–PSP–003(R), DCAA is responsible for reviewing pass-through charges in connection with any such contract, task order, or delivery order to ensure that such charges are reasonable. In accordance with applicable DCAA standards, pass-through charges may be determined to be reasonable because they are in accordance with a prime contractor's established rates, even in a case where the prime contractor does little more than monitor the performance of a subcontractor. In such cases, the issue that should be addressed by contracting officials is not whether the charges are reasonable, but whether the contract structure and approach is in the best interest of the Department of Defense, the Department of State, or USAID.

The conferees direct the Comptroller General to report to the congressional defense committees not later than 2 years after the date of the enactment of this Act on the implementation of this provision by the Department of Defense, the Department of State, and USAID. The Comptroller General's review should assess existing statutes and regulations relating to pass-through contracts and pass-through charges and make any recommendations that the Comptroller General determines to be appropriate.

Availability of amounts in Defense Acquisition Workforce Development Fund (sec. 803)

The Senate amendment contained a provision (sec. 823) that would clarify the extent to which amounts in the Defense Acquisition Workforce Development Fund (DAWDF) may be used for training of temporary members of the acquisition workforce. The provision would also extend direct hiring authority for the Department of Defense acquisition workforce for an additional 2 years.

The House bill contained no similar provision.

The House recedes with an amendment that would update the amounts available in the DAWDF to reflect the Department's current plans for the acquisition workforce.

Department of Defense policy on contractor profits (sec. 804)

The Senate amendment contained a provision (sec. 824) that would require the Secretary of Defense to review the profit guidelines in the Department of Defense Supplement to the Federal Acquisition Regulation.

The House bill contained no similar provision.

The House recedes with an amendment requiring the Secretary to obtain the views of experts and interested parties before completing the review and clarifying that Congress does not intend the review to reach any pre-ordained conclusion.

The conferees direct the Secretary to provide periodic updates to the congressional defense committees on the conduct, progress, and results of the required review.

Modification of authorities on internal controls for procurements on behalf of the Department of Defense by certain nondefense agencies (sec. 805)

The Senate amendment contained a provision (sec. 825) that would repeal the requirement for the Department of Defense Inspector General to submit periodic follow-up reports on internal controls for procurements made by the Department through specified federal agencies.

The House bill contained no similar provision.

The House recedes.

The conferees expect the Inspector General to determine the need for follow-on reports on the basis of a risk assessment that weighs the vulnerability of inter-agency contracting against other contracting vulnerabilities.

Extension of authority relating to management of supply-chain risk (sec. 806)

The Senate amendment contained a provision (sec. 826) that would extend to January 1, 2016, the pilot authority under section 806 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383).

The House bill contained no similar provision.

The House recedes with an amendment that would extend the authority to September 30, 2018, and require the Department of Defense to develop criteria for evaluating the effectiveness of the program, assess the program on the basis of such criteria, and report to the congressional defense committees on the results.

Sense of Congress on the continuing progress of the Department of Defense in implementing its Item Unique Identification Initiative (sec. 807)

The Senate amendment contained a provision (sec. 827) that would express the sense of the Senate in support of efforts by the Department of Defense to implement its item unique identification initiative.

The House bill contained no similar provision.

The House recedes with a technical amendment that would make the provision a sense of Congress.

Subtitle B—Provisions Relating to Major Defense Acquisition Programs

Limitation on use of cost-type contracts (sec. 811)

The Senate amendment contained a provision (sec. 801) that would prohibit the use of cost-type contracts for the production of major defense acquisition programs unless the Under Secretary of Defense for Acquisition, Technology, and Logistics determines that a cost-type contract is needed to provide a required capability in a timely and cost-effective manner.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the applicability of the provision.

The conferees believe that the Department of Defense should select the contract type for a production program that is consistent with the level of risk for the program. Consistent with sound acquisition practice, however, very few major defense acquisition programs should be in production unless program risk has already been reduced to a manageable level. Therefore, the conferees expect the Under Secretary to be judicious in applying the authority to grant exceptions under this provision.

Estimates of potential termination liability of contracts for the development or production of major defense acquisition programs (sec. 812)

The Senate amendment contained a provision (sec. 804) that would require the Secretary of Defense to submit a report to the congressional defense committees on any case in which the potential termination liability under a contract for the development or production of major defense acquisition programs exceeds $100 million.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) direct the Government Accountability Office to report to the congressional defense committees on the extent to

which the Department of Defense (DOD) is considering potential termination liability as a factor in entering and in terminating contracts for major defense acquisition programs; and (2) require the Under Secretary of Defense for Acquisition, Technology, and Logistics to review relevant acquisition guidance and take such steps as are necessary to ensure that potential termination liability is so considered.

The conferees expect DOD to ensure that information regarding potential termination liability on contracts for the development or production of major defense acquisition programs, including estimates of potential termination liability and how such termination liability is likely to increase or decrease over the period of performance, is available to the congressional defense committees upon request.

Technical change regarding programs experiencing critical cost growth due to change in quantity purchased (sec. 813)

The Senate amendment contained a provision (sec. 805) that would clarify the actions to be taken by the Department of Defense in the case of programs that exceed thresholds for critical cost growth due only to a change in the quantity of items to be purchased.

The House bill contained no similar provision.

The House recedes.

Repeal of requirement to review ongoing programs initiated before enactment of Milestone B certification and approval process (sec. 814)

The Senate amendment contained a provision (sec. 806) that would repeal the requirement for the Department of Defense to conduct annual reviews of programs initiated before the enactment of the certification requirements in section 2366b of title 10, United States Code to determine whether or not they meet the requirements under that section.

The House bill contained no similar provision.

The House recedes.

Subtitle C—Amendments to General Contracting Authorities, Procedures, and Limitations

Modification of time period for congressional notification of the lease of certain vessels by the Department of Defense. (sec. 821)

The House bill contained a provision (sec. 811) that would amend section 2401 of title 10, United States Code, by modifying the time period for congressional notification of the lease of certain vessels from 30 days of continuous session to 60 days.

The Senate amendment contained a similar provision (sec. 886) that would change the notice period from 30 days of continuous session to 30 days.

The Senate recedes.

Extension of authority for use of simplified acquisition procedures for certain commercial items (sec. 822)

The House bill contained a provision (sec. 812) that would extend the authority for use of simplified acquisition procedures for certain commercial items to January 1, 2015.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees direct the Comptroller General to report to the congressional defense committees, the Senate Committee on Homeland Security and Governmental Affairs, and the House Committee on Oversight and Government Reform by October 1, 2013, on the use of this authority. The Comptroller General's report should address, at a minimum: (1) the extent of use of the authority; (2) the cited rationales for use of the authority; (3) the acquisition outcomes that have resulted; and (4) any waste, fraud, or abuse that have resulted from the use of the authority.

Codification and amendment relating to lifecycle management and product support requirements (sec. 823)

The House bill contained a provision (sec. 813) that would codify and amend the life cycle management and product support requirements for major weapon systems in section 805 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Codification of requirement relating to Government performance of critical acquisition functions (sec. 824)

The House bill contained a provision (sec. 814) that would codify section 820 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364), regarding government performance of critical acquisition functions.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment adding certain positions to the list of critical acquisition functions, as requested by the Department of Defense.

Competition in acquisition of major subsystems and subassemblies on major defense acquisition programs (sec. 825)

The House bill contained a provision (sec. 815) that would restrict Department of Defense obligations for operations and maintenance pending a certification that the Department of Defense is implementing the requirement in section 202 of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23) for competition throughout the life cycle of major weapon systems.

The Senate amendment contained a provision (sec. 802) that would strengthen the competition requirements in section 202.

The House recedes with a clarifying amendment.

The conferees agree that the full implementation of section 202, including the requirement to ensure competition throughout the life cycle of major weapon systems, can help reduce costs, improve contractor performance, and result in better products for the warfighter. The conferees direct the Secretary of Defense to revise the guidance on operation and support costs for major weapon systems required by section 832 of the National Defense Authorization Act for Fiscal Year 2012 an appropriate emphasis on the importance of competition in holding down such costs.

Compliance with Berry Amendment required for uniform components supplied to Afghan military or Afghan National Police (sec. 826)

The House bill contained a provision (sec. 819) that would require the Department of Defense to comply with section 2533a of title 10, United States Code, known as the Berry amendment, in purchases of textile components for the production and supply of uniforms to the Afghan National Army or the Afghan National Police.

The Senate amendment contained an identical provision (sec. 867).

The conference agreement includes this provision.

Enhancement of whistleblower protections for contractor employees (sec. 827)

The Senate amendment contained a provision (sec. 844) that would strengthen protections for contractor employees who blow the whistle on waste, fraud, and abuse on Department of Defense (DOD) contracts.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) revise the provision to ensure that it fully covers contractors of the National Aeronautics and Space Administration, as well as DOD; (2) clarify that whistleblower remedies may include only reasonable attorneys' fees; (3) modify the provision on arbitration agreements; and (4) exclude elements of the intelligence community from coverage.

The conferees agree that whistleblower complaints related to commercial aviation safety issues are uniquely within the expertise of the Federal Aviation Administration (FAA), and should be investigated through FAA whistleblower procedures set forth in section 106(t) of title 49, United States Code (section 341 of Public Law 112–95), to the maximum extent practicable. The conferees direct the DOD Inspector General to work with the FAA Office of Audit and Evaluation and the Occupational Safety and Health Administration to address commercial aviation safety issues. The conferees note that DOD remains responsible for the oversight and regulation of public use aircraft, as defined in section 40102(a)(41)(E) of title 49, United States Code.

Pilot program for enhancement of contractor employee whistleblower protections (sec. 828)

The Senate amendment contained a provision (sec. 844A) that would provide enhanced statutory protections for employees of civilian agency contractors who blow the whistle on waste, fraud, and abuse on federal contracts.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) clarify that whistleblower remedies may include only reasonable attorneys' fees; (2) modify the provision on arbitration agreements; (3) exclude elements of the intelligence community from coverage; and (4) sunset the provision after 4 years.

Extension of contractor conflict of interest limitations (sec. 829)

The Senate amendment contained a provision (sec. 845) that would require the Secretary of Defense to determine whether contractor conflict of interest limitations should be extended to additional categories of contractors.

The House bill contained no similar provision.

The House recedes with an amendment requiring the Secretary of Defense to document in writing the results of the review, including the findings and recommendations of the review and the basis for those findings and recommendations. The conferees direct the Secretary to provide a briefing to the congressional defense committees on these matters, upon request.

Repeal of sunset for certain protests of task and delivery order contracts (sec. 830)

The Senate amendment contained a provision (sec. 846) that would repeal the sunset date in section 2304c(e) of title 10, United States Code, regarding the authority to file bid protests for certain task and delivery order contracts.

The House bill contained no similar provision.

The House recedes.

Guidance and training related to evaluating reasonableness of price (sec. 831)

The Senate amendment contained a provision (sec. 841) that would authorize the Department of Defense (DOD) to require contractors to provide additional data, including certified cost or pricing data, when necessary to evaluate the price reasonableness

of certain commercial items that are procured for the support of a major system.

The House bill contained no similar provision.

The House recedes with an amendment that would require DOD to issue guidance on the use of the authority provided by sections 2379 and 2306a(d) of title 10, United States Code to evaluate the reasonableness of contractor prices.

The conferees have determined that sections 2379 and 2306a(d) provide the Department with the authority that it needs to obtain price information and uncertified cost information, when necessary to evaluate the price reasonableness of commercial items. The inconsistent use of this authority by the Department appears to have created uncertainty in the vendor community without assuring reasonable prices. The conferees expect the guidance required by this section to address these problems.

Department of Defense access to, use of, and safeguards and protections for contractor internal audit reports (sec. 832)

The Senate amendment contained a provision (sec. 843) that would clarify the access of the Defense Contract Audit Agency (DCAA) to contractor internal audit reports and supporting materials.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the limited purposes for which such audit access is provided and establish safeguards and protections to ensure that audit materials are not used for any other purposes. Subsection (b) of the provision would establish documentation requirements for DCAA requests of internal audit reports or supporting materials. The conferees direct the Director of DCAA to provide the required documentation to the congressional defense committees, upon request. The conferees understand that the documentation provided to the congressional defense committees would not include copies of any contractor internal audit reports or supporting materials.

Contractor responsibilities in regulations relating to detection and avoidance of counterfeit electronic parts (sec. 833)

The House bill contained a provision (sec. 816) that would provide that costs associated with the use of counterfeit parts are allowable costs on the defense contracts of a contractor that has a system to detect and avoid such parts that has been reviewed and approved by the Department of Defense and that gives timely notice to the Government of any discovery or suspicion of such parts in its supply chain if: (1) the parts were procured from a trusted supplier; or (2) the parts were provided to the contractor as government-furnished property in accordance with part 45 of the Federal Acquisition Regulation.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide that such costs are allowable costs only if the parts were provided to the contractor as government-furnished property.

Subtitle D—Provisions Relating to Contracts in Support of Contingency Operations

Extension and expansion of authority to acquire products and services produced in countries along a major route of supply to Afghanistan (sec. 841)

The House bill contained a provision (sec. 821) that would extend and expand authority for the Department of Defense to acquire supplies on a non-competitive basis in certain countries that are assisting the Department's efforts in Afghanistan.

The Senate amendment contained a provision (sec. 866) that would extend the same authority.

The Senate recedes with an amendment that would delete a limitation on the use of funds until the Government of Pakistan agrees to take certain steps, which have now taken place.

Limitation on authority to acquire products and services produced in Afghanistan (sec. 842)

The House bill contained a provision (sec. 822) that would update section 886 of the National Defense Authorization Act for Fiscal Year 2008 and prohibit the use of the authority provided by that section until such a time as the Secretary of Defense determines that the Government of Afghanistan is not taxing assistance provided by the United States to Afghanistan.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would update section 886, but exclude the new prohibition.

The conferees agree that actions taken by the Government of Afghanistan to tax assistance provided by the United States to Afghanistan are in violation of existing agreements between the United States and Afghanistan. The conferees direct the Secretary of Defense, in consultation with the Secretary of State, to report to the congressional defense committees not later than 180 days after the date of the enactment of this Act on steps that the U.S. government has taken or plans to take to address this problem.

Responsibility within Department of Defense for operational contract support (sec. 843)

The Senate amendment contained a provision (sec. 861) that would require the Secretary of Defense to prescribe in regulations the chain of authority and responsibility within the Department of Defense for policy planning and execution of contract support for overseas contingency operations.

The House bill contained no similar provision.

The House recedes with an amendment that would extend the provision to address operational contract support in overseas operations of all kinds.

Data collection on contract support for future overseas contingency operations involving combat operations (sec. 844)

The Senate amendment contained a provision (sec. 862) that would require annual reports on contract support for any future overseas contingency operation meeting specified criteria.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) require the Secretary of Defense (DOD), the Secretary of State, and the Administrator of the United States Agency for International Development to ensure that their agencies have the capability in place to collect and report relevant data on contract support for future overseas contingency operations; and (2) require the Government Accountability Office (GAO) to report to the appropriate congressional committees on the adequacy of data collection systems established for this purpose.

The ability of the DOD and other federal agencies to effectively manage and coordinate contractors depends on the timely availability of reliable data upon which to make informed decisions. If data is lacking or is unreliable, there may not be an appropriate basis for measuring or assessing the effectiveness of contracting, making policy decisions, and ensuring transparency of government operations.

In Iraq and Afghanistan, DOD and other federal agencies have been unable to accurately track data on contracts and contractors. In 2004, the U.S. Army Corps of Engineers and the Project and Contracting Office developed the Iraq Reconstruction Management System (IRMS) to serve as a single database for tracking, coordinating, and managing all U.S. Government agency projects receiving Iraq Relief and Reconstruction Funds. According to the Special Inspector General for Iraq Reconstruction, IRMS had a short design life and rapidly became operationally unreliable and unstable. DOD and other agencies frequently used internal systems to track and manage their own projects. In July 2008, DOD and the Department of State agreed to use the Synchronized Predeployment Operational Tracker (SPOT) as a common database and system of record for data on contracts and contractor personnel. However, GAO and others have raised serious questions about the reliability of the data contained in SPOT. The conferees conclude that improved contract data systems are critical to ensure sound decision-making and transparency in future overseas operations.

Inclusion of operational contract support in certain requirements for Department of Defense planning, joint professional military education, and management structure (sec. 845)

The Senate amendment contained a provision (sec. 863) that would require the Department of Defense to address issues arising out of contract support for overseas contingency operations in several military systems and processes.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify that the provision applies to all types of operational contract support and delete subsection (c) of the Senate provision relating to joint professional military education.

The conferees direct the Secretary of Defense to ensure that the curriculum established for each phase of joint professional military education pursuant to section 2154 of title 10, United States Code, includes content appropriate for such phase on requirements definition, program management for operational contract support, contracting for operational contract support, and the strategic impact of contracting on military missions.

Requirements for risk assessments related to contractor performance (sec. 846)

The Senate amendment contained a provision (sec. 864) that would require the Department of Defense, the Department of State, and the United States Agency for International Development to perform risk assessments and develop risk mitigation plans for risks associated with contractor performance of critical functions in support of any contingency operation that is expected to continue for more than 1 year and require the expenditure of more than $250.0 million for contract support.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the provision and add a requirement that operational plans developed by combatant commanders address potential risks associated with reliance on contractors to perform critical functions.

Extension and modification of reports on contracting in Iraq and Afghanistan (sec. 847)

The Senate amendment contained a provision (sec. 865) that would extend for 2 years the requirement for an annual report on contracting in Iraq and Afghanistan pursuant to section 863 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), as amended by section 835 of the Ike

Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383).

The House bill contained no similar provision.

The House recedes with a technical amendment.

Responsibilities of Inspectors General for overseas contingency operations (sec. 848)

The Senate amendment contained a provision (sec. 869) that would establish the oversight responsibilities of the Inspectors General of the Department of Defense, the Department of Defense, and the United States Agency for International Development for overseas contingency operations.

The House bill contained no similar provision.

The House recedes with an amendment streamlining the provision.

The conferees agree that establishing clear oversight responsibility is essential to minimize fraud, waste, and abuse in future overseas contingency operations.

Oversight of contracts and contracting activities for overseas contingency operations in responsibilities of Chief Acquisition Officers of Federal agencies (sec. 849)

The Senate amendment contained a provision (sec. 871) that would establish the responsibility of the Chief Acquisition Officers of federal agencies for providing oversight of contracts and contracting activities of their agencies in support of overseas contingency operations.

The House bill contained no similar provision.

The House recedes.

Reports on responsibility within Department of State and the United States Agency for International Development for contract support for overseas contingency operations (sec. 850)

The Senate amendment contained a provision (sec. 872) that would require the Secretary of State and the Administrator for the United States Agency for International Development (USAID) to submit a report to Congress on contract support for overseas contingency operations, including an assessment of the relevant agency chain of command, procedures and processes, and strategies for improvements.

The House bill contained no similar provision.

The House recedes.

The conferees agree on the importance of a clear chain of responsibility for policy, planning, execution, and management of contract support for overseas contingency operations. The need for further clarification on this issue is underscored by Government Accountability Office report GAO–12–854R, ''Agency Actions to Address Recommendations by the Commission on Wartime Contracting in Iraq and Afghanistan,'' which noted that the Department of State and USAID have no plans to implement approximately two-thirds of the recommendations of the Commission on Wartime Contracting in Iraq and Afghanistan.

Database on price trends of items and services under Federal contracts (sec. 851)

The Senate amendment contained a provision (sec. 874) that would require the Administrator for Federal Procurement Policy to establish a database of information on price trends for items and services under contracts with the Federal Government.

The House bill contained no similar provision.

The House recedes.

The conferees note that the Department of Defense (DOD) already maintains a database of price information pursuant to section 892 of the Ike Skelton National Defense Authorization for Fiscal Year 2011 (Public Law 111–383) and the ''Better Buying Power'' initiative of the Secretary of Defense. The conferees understand that the DOD database will serve as a model for the government-wide database and that the Department will not be required to establish a new database to comply with the requirements of this section.

Information on corporate contractor performance and integrity through the Federal Awardee Performance and Integrity Information System (sec. 852)

The Senate amendment contained a provision (sec. 875) that would require a modification to the Federal Awardee Performance and Integrity Information System to include information on parent, subsidiary, and successor entities.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Inclusion of data on contractor performance in past performance databases for executive agency source selection decisions (sec. 853)

The Senate amendment contained a provision (sec. 876) that would require the prompt inclusion of data on contractor performance in past performance databases and establish the timeline for contractor comments and responses.

The House bill contained no similar provision.

The House recedes.

The conferees note that this section would extend to civilian agencies requirements that are identical to the requirements already applicable to the Department of Defense pursuant to section 806 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81).

Subtitle E—Other Matters

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. 861)

The Senate amendment contained a provision (sec. 881) that would require the suspension and debarment officials of the military departments and the Defense Logistics Agency, and of the Department of State and the United States Agency for International Development, to be independent of acquisition officials and to develop written policies for the consideration and documentation of referrals and decisions.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify and streamline the provision. The conferees direct suspension and debarment officials to ensure that the documentation guidance required by this provision addresses, at a minimum, documentation requirements for decisions to suspend or debar, decisions not to suspend or debar, decisions to decline to pursue suspension or debarment, and administrative agreements entered into in lieu of suspension or debarment.

Uniform contract writing system requirements (sec. 862)

The Senate amendment contained a provision (sec. 882) that would require the Department of Defense, the Department of State, and the United States Agency for International Development to establish uniform standards and requirements for the processing of procurement requests, contracts, receipts, and invoices.

The House bill contained no similar provision.

The House recedes.

Extension of other transaction authority (sec. 863)

The Senate amendment contained a provision (sec. 887) that would extend for 5 years the authority for the Secretary of Defense to carry out a pilot program for the acquisition of certain prototypes pursuant to ''other transactions'' under section 845 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160).

The House bill contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to review the authority extended by this provision and make a recommendation as to whether the authority should be made permanent. The conferees expect the Secretary to ensure that applicable guidance provides appropriate safeguards against abuse before seeking permanent authority.

Report on allowable costs of compensation of contractor employees (sec. 864)

The Senate amendment contained a provision (sec. 842) that would reduce the limitation on allowable compensation for defense contractor employees from the median amount of compensation provided to senior executives in large United States corporations (currently $763,000) to the maximum level of compensation for federal employees, which is set at the annual salary of the Vice President of the United States (currently $230,700). The provision would also require a report by the Department of Defense Inspector General on allowable costs of employee compensation.

The House bill contained no similar provision.

The House recedes with an amendment that would require a report by the Comptroller General on allowable costs of employee compensation. The conferees conclude that Congress should have the benefit of this review before mandating a new or revised cap on such compensation.

Reports on use of indemnification agreements (sec. 865)

The Senate amendment contained a provision (sec. 847) that would require the Department of Defense to report to the congressional defense committees on the use of indemnification agreements in defense contracts.

The House bill contained no similar provision.

The House recedes.

Plan to increase number of contractors eligible for contracts under Air Force NETCENTS–2 contract (sec. 866)

The Senate amendment contained a provision (sec. 889C) that would require the Secretary of Defense to develop 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 contract. The Secretary would be required to submit that plan to the congressional defense committees within 180 days of enactment of this Act.

The House bill contained no similar provision.

The House recedes.

Inclusion of information on prevalent grounds for sustaining bid protests in annual protect report by Comptroller General to Congress (sec. 867)

The Senate amendment contained a provision (sec. 889D) that would require the Comptroller General to include information on common grounds for sustaining bid protests in annual reports to Congress.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

LEGISLATIVE PROVISIONS NOT ADOPTED

Management structure for developmental test and evaluation

The Senate amendment contained a provision (sec. 803) that would clarify the oversight and supervisory responsibilities of the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation over the chief developmental testers and lead developmental test and evaluation organizations of the military departments.

The House bill contained no similar provision.

The Senate recedes.

The conferees note the matters addressed in the Senate provision are addressed elsewhere in the conference agreement.

Prohibition on contracting with persons that have business operations with state sponsors of terrorism

The House bill contained a provision (sec. 803) that would prohibit the Department of Defense from entering contracts with persons that have business operations with state sponsors of terrorism.

The Senate amendment contained no similar provision.

The House recedes.

Additional definition relating to production of specialty metals within the United States

The House bill contained a provision (sec. 817) that would provide a statutory definition for the term ''produced'' as used in section 2533b of title 10, United States Code, requiring that specialty metals be produced in the United States.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that section 823 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) required the Secretary of Defense to review and revise the regulatory definition for the term ''produced,'' as necessary and appropriate. On July 24, 2012—almost a year after the statutory deadline—a proposed rule revising the definition was published for comment in the Federal Register. The conferees are disappointed by this delay and urge the Secretary to complete the regulatory process as quickly as possible.

Assessment of infrared technology sectors

The House bill contained a provision (sec. 818) that would direct the Department of Defense (DOD) to conduct an assessment and report on the health and status of various sectors of the national defense infrared technology industrial base.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Secretary of Defense to assess the health and status of the relevant industrial base sectors critical to the design, development, and manufacturing of infrared technologies of interest to the national defense community. The technologies of interest include, but are not limited to, focal plane arrays, as well as associated electronics, cooling technologies, and integrated imaging systems. The assessment shall leverage the on going DOD sector-by-sector, tier-by-tier industrial base assessment activities by the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy and the Department of Defense shall brief the congressional defense committees on the findings of the assessment within 120 days after the date of the enactment of this Act.

One-year extension of temporary limitation on aggregate annual amount available for contract services

The Senate amendment contained a provision (sec. 821) that would extend for 1 year the limitation on aggregate annual spending for contract services in section 808 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81).

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the level of authorized spending for contract services is addressed elsewhere in this conference report.

Enhancement of review of acquisition process for rapid fielding of capabilities in response to urgent operational needs

The House bill contained a provision (sec. 831) that would strike the requirement in section 804 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) that the streamlined acquisition process for rapid fielding of capabilities in response to urgent operational needs be used only for capabilities that can appropriately be acquired under fixed-price contracts.

The Senate amendment contained no similar provision.

The House recedes.

Location of contractor-operated call centers in the United States

The House bill contained a provision (sec. 832) that would require that any call center operated pursuant to a Department of Defense contract be located in the United States.

The Senate amendment contained no similar provision.

The House recedes.

Consideration and verification of information relating to effect on domestic employment of award of defense contracts

The House bill contained a provision (sec. 833) that would authorize Department of Defense officials to consider information relating to the effect on employment in the United States in making award decisions for competitive proposals.

The Senate amendment contained no similar provision.

The House recedes.

Requirement to include trafficking in persons in performance assessments of defense contractors

The House bill contained a provision (sec. 835) that would require the inclusion of trafficking in persons in any performance assessment of a defense contractor or subcontractor.

The Senate amendment contained no similar provision.

The House recedes.

The issue of trafficking in persons by defense contractors, subcontractors, and by labor recruiters, brokers, and agents for such contractors and subcontractors, is comprehensively addressed elsewhere in the conference report.

Short title

The Senate amendment contained a provision (sec. 860) that would provide a short title for the wartime subcontracting subtitle of the bill.

The House bill contained no similar provision.

The Senate recedes.

Sense of Senate on the contributions of Latvia and other North Atlantic Treaty Organization member nations to the success of the Northern Distribution Network

The Senate amendment contained a provision (sec. 868) that would express the sense of the Senate commending Latvia and other North Atlantic Treaty Organization (NATO) member states along the Northern Distribution Network (NDN) for their contributions in maintaining reliable lines of supply for U.S. and coalition forces in Afghanistan. The provision would also express support for efforts by the Department of Defense (DOD) to procure goods from Latvia and other NATO member states along the NDN when competitively-priced quality products are available.

The House bill contained no similar provision.

The Senate recedes.

The conferees note the mutually-beneficial relationship that the United States has with Latvia and other NATO member nations along the NDN for supplying U.S. and coalition forces in Afghanistan. The conferees encourage DOD to continue to cultivate this important relationship.

Agency reports and inspector general audits of certain information on overseas contingency operations

The Senate amendment contained a provision (sec. 870) that would require inspector general audits of certain information provided by the Department of Defense (DOD), the Department of State (State), and the United States Agency for International Development (USAID).

The House bill contained no similar provision.

The Senate recedes.

The conferees note that a separate provision of this Act would clarify the responsibility of the Inspectors General of DOD, State, and USAID for reviewing and ascertaining the accuracy of information provided by federal agencies relative 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 contingency operations.

Professional education for Department of State personnel on acquisition for Department of State support and participation in overseas contingency operations

The Senate amendment contained a provision (sec. 873) that would require the Secretary of State to develop and administer a course of professional education on acquisition for specified Department of State personnel.

The House bill contained no similar provision.

The Senate recedes.

The conferees agree on the importance of professional education on acquisition matters for key personnel responsible for contract support in overseas contingency operations and expect the Department of State to take appropriate steps to ensure the development and implementation of suitable training courses. The conferees intend to work with the committees of jurisdiction in the Senate and the House of Representatives to ensure proper oversight of these efforts.

Public availability of database of senior Department of Defense officials seeking employment with defense contractors

The Senate amendment contained a provision (sec. 877) that would require that information in the database established pursuant to section 847(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) be made available to the public.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the database established pursuant to section 847(b) consists of written legal opinions prepared by DOD ethics officials and provided to DOD personnel on an individual basis to help guide their conduct.

Additional bases for suspension or debarment

The Senate amendment contained a provision (sec. 881A) that would provide for mandatory consideration of suspension or debarment in certain circumstances.

The House bill contained no similar provision.

The Senate recedes.

Comptroller General of the United States review of use by the Department of Defense, the Department of State, and the United States Agency for International Development of urgent and compelling exception to competition

The Senate amendment contained a provision (sec. 883) that would require the Government Accountability Office (GAO) to review the use by the Department of Defense (DOD), the Department of State, and the United States Agency for International Development of the unusual and compelling urgency exception to full and open competition.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Comptroller General to report to the appropriate congressional committees by not later than 1 year after the date of the enactment of this Act on the use of the urgent and compelling exception by the DOD, the Department of State, and the United States Agency for International Development. The Comptroller General's report should address, at a minimum, the following: (1) the pattern of use of the exception by acquisition organizations; (2) the range of items or services acquired through the use of the exception; (3) the process for reviewing and approving justifications involving the exception; (4) whether the justifications meet the requirements of the Federal Acquisition Regulation; (5) the extent to which the exception is used as a basis for sole-source procurements, and whether such use is justified; and (6) agency compliance with the statutory requirement to limit the duration of contracts awarded pursuant the exception.

Authority to provide fee-for-service inspection and testing by Defense Contract Management Agency for certain critical equipment in the absence of a procurement contract

The Senate amendment contained a provision (sec. 884) that would authorize the Defense Contract Management Agency (DCMA) to accept reimbursement from a manufacturer or assembler for testing and inspection of an item when the nature of the item requires such inspection or testing as a precondition to government acceptance of the item under a future government contract.

The House bill contained no similar provision.

The Senate recedes.

The conferees understand that the Department of Defense (DOD) requested this authority to enable contractors who choose to proceed with the development of new defense products at their own risk to have those products tested and qualified in advance of the award of a contract, shortening the lead times necessary to meet military requirements. However, the conferees are concerned that the proposed legislation included no mechanisms to ensure that: (1) small businesses that cannot afford to pay for inspection or testing have equal access to the program; and (2) the program is used only for high priority military needs and not to advantage particular manufacturers or products in a competitive market. The conferees are also concerned that DCMA may not be the most appropriate, or the only, testing resource that should be made available for the purpose of pre-award testing. The conferees remain open to a future legislative proposal that addresses these issues.

Report by the suspension and debarment officials of the military departments and the Defense Logistics Agency

The Senate amendment contained a provision (sec. 889) that would require the suspension and debarment officials of the military departments and the Defense Logistics Agency (DLA) to report to the congressional defense committees on the timeliness of suspension and debarment processes and decisions.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the suspension and debarment officials of the military departments and DLA, in coordination with Department of Defense officials responsible for preparing suspension and debarment cases, to report to the congressional defense committees on: (1) target goals for preparing and processing suspension and debarment cases; (2) average times for preparing and processing suspension and debarment cases; and (3) if the military department or DLA is not meeting target goals, an explanation for the shortcoming and a description of actions that have been taken or will be taken to ensure that target goals for preparing and processing suspension and debarment cases are met in the future.

Annual report on defense contracting fraud

The Senate amendment contained a provision (sec. 889B) that would require the Department of Defense to report annually on contracts awarded to companies that have previously been indicted for, settled charges of, been fined for, or been convicted of fraud.

The House bill contained no similar provision.

The Senate recedes.

TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

Additional duties of Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy and amendments to Strategic Materials Protection Board (sec. 901)

The House bill contained a provision (sec. 901) that would amend section 139c of title 10, United States Code, to specify the duties of the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy. The provision would also amend section 187 of title 10, United States Code, to realign the membership of the Strategic Materials Protection Board.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The conferees are concerned that responsibility for the secure supply of materials critical to national security, which supports the defense industrial base, is decentralized throughout the Department of Defense. Therefore, the conferees believe that in order to support a more coherent, comprehensive strategy as it pertains to materials critical to national security, the office of the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy should provide relevant policy guidance and oversight of matters that pertain to ensuring reliable resource availability of materials critical to national security.

Requirement for focus on urgent operational needs and rapid acquisition (sec. 902)

The House bill contained a provision (sec. 902) that would require the Secretary of Defense to designate a senior official to be the focal point within the Department of Defense (DOD) to lead the Department's urgent operational needs and rapid acquisition efforts.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees note that this provision does not require the creation of a new position or a new office, but can be addressed by the designation of a senior official in an existing position. DOD Directive 5000.71, dated August 24, 2012, establishes the Warfighter Senior Integration Group as a standing DOD-wide forum to lead and facilitate rapid responses to urgent operational needs identified by combatant commanders and assigns key policy and implementation responsibilities to the Director of the Joint Rapid Acquisition Cell.

The conferees also note that Chairman of the Joint Chiefs of Staff Instruction 3170.01H, issued January 10, 2012, and the Manual for the Operation of the Joint Capabilities Integration and Development System, issued January 19, 2012, establish a new category of requirement, known as Joint Emergent Operational Needs (JEON). Under the Instruction and the Manual, JEONs may be acquired through rapid fielding processes developed for acquisitions to meet Joint Urgent Operational Needs (JUON). The Instruction and the Manual make little distinction between JUONs and JEONs: both go through the same rapid acquisition process, both are authorized to use the same expedited alternatives to Analyses of Alternatives, both are permitted to proceed directly to procurement ''without the need to develop and validate any of the other associated JCIDS [Joint Capabilities Integration Development System] documents''; and both are assessed for long-term operational utility only after they have been fielded. Unlike JUONs, however, JEONs are not subject to statutory requirements limiting them to capabilities that can be fielded within 2 years, do not require extensive development, are based on proven technologies, and can be appropriately acquired through fixed price contracts.

The conferees conclude that JEONs must be more than a process for avoiding the upfront planning requirements of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23) and the limitations established in section 804(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383). Accordingly, the conferees direct the Under Secretary of Defense for Acquisition, Technology, and Logistics, in coordination with the Vice Chairman of the Joint Chiefs of Staff, to develop additional guidance for JEONs, including:

criteria for assessing the urgency of requirements (including a determination of the likelihood of ''an anticipated or pending contingency operation'');

standards for ensuring that technologies are sufficiently mature to be suitable for rapid acquisition;

procedures for ensuring the appropriate consideration of alternative solutions; and

processes for ensuring appropriate cost-performance trade-offs, sound cost estimates, and robust testing and systems engineering.

In the absence of well-developed protections along these lines, the conferees do not believe that rapid acquisition processes are an appropriate mechanism to meet requirements identified as JEONs.

Finally, the conferees note that Section 804 required the Secretary of Defense to conduct a comprehensive review of the Department's urgent operational needs and rapid acquisition processes and report the findings to the congressional defense committees by January 2012. The conferees are disappointed that the Department has yet to transmit the required report.

Designation of Department of Defense senior official for enterprise resource planning system data conversion (sec. 903)

The House bill contained a provision (sec. 903) that would require the Secretary of Defense to designate a senior official in the Department of Defense with principal responsibility for coordination and management oversight of data conversion for enterprise resource planning systems and set forth the responsibilities of that senior official.

The Senate amendment contained no similar provision.

The Senate recedes.

Additional responsibilities and resources for Deputy Assistant Secretary of Defense for Developmental Test and Evaluation (sec. 904)

The House bill contained a provision (sec. 904) that would clarify the responsibilities and resources available to the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation (DASD(DT&E)).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) authorize the DASD(DT&E) to communicate directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) on matters within the statutory responsibilities of the office; (2) clarify the oversight and supervisory responsibilities of the DASD(DT&E) over the chief developmental testers and lead developmental test and evaluation organizations of the military departments; (3) ensure that the DASD(DT&E) is consulted on assessments of technical maturity and integration risk of critical technologies at key stages in the acquisition process; (4) provide for the DASD(DT&E) to serve concurrently as the Director of the Defense Test Resource Management Center (TRMC); (5) require that the DASD(DT&E) be provided sufficient professional staff and civilian personnel to carry out the statutory responsibilities of the office; (6) ensure that the DASD(DT&E) has prompt access to test records and data relating to major defense acquisition programs; (7) require that the DASD(DT&E) and the Deputy Assistant Secretary of Defense for Systems Engineering provide separate reports to Congress; (8) provide for separate sections in the DASD(DT&E)'s report addressing the activities of the TRMC and assessing the adequacy of resources available to the DASD(DT&E) and to matrixed organizations, including the lead developmental test and evaluation organizations of the military departments; (9) require the USD(AT&L) to report annually to the congressional defense committees on any decision by a major defense acquisition program to disregard the recommendations of the DASD(DT&E) regarding either elements to be included in the developmental test and evaluation plan for the program or the readiness of the program to proceed to initial operational testing and evaluation; and (10) require the USD(AT&L) to notify the congressional defense committees of any decision to conduct developmental testing on a major defense acquisition program without an approved test and evaluation plan in place.

The Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23) established the position of DASD(DT&E) because of a recognition that developmental testing and evaluation plays a critical role in identifying and correcting problems in major weapon systems early, before they lead to excessive cost overruns and schedule delays. For this reason, the conferees are disappointed that the Department of Defense has not yet fully resourced the office of DASD(DT&E) and has not always included DASD(DT&E) in key meetings regarding major defense acquisition programs. The conferees are also troubled that the military departments have not always provided test records and data in a timely manner and have not given adequate attention to shortcomings identified by DASD(DT&E) in developmental testing. The conferees expect the Department to take prompt and aggressive action to address these shortcomings.

The conferees note that the provision would require the Secretary of Defense to ensure that the DASD(DT&E) has sufficient professional staff of military and civilian personnel to enable the Deputy Assistant Secretary to carry out the duties and responsibilities prescribed by law. In this regard, the conferees are particularly concerned by the low number of members of the senior executive service who have been assigned to the Office of Developmental Test and Evaluation. The conferees direct the USD(AT&L), as he evaluates the organization and staffing of his office, to give careful consideration to the question whether the DASD(DT&E) is adequately resourced and appropriately placed within the office.

Definition and report on terms ''preparation of the environment'' and ''operational preparation of the environment'' for joint doctrine purposes (sec. 905)

The Senate amendment contained a provision (sec. 901) that would require the Secretary of Defense to formally define the terms ''preparation of the environment (PE)'' and ''operational preparation of the environment (OPE)'' for the purposes of Joint Doctrine and provide the Committees on Armed Services of the Senate and House of Representatives a report, including: the definitions of PE and OPE, examples of PE and OPE activities highlighting application of the concepts and drawing distinctions between the two types of activities, and an assessment of the respective roles of special operations and general purpose forces in conducting PE and OPE activities.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify the reporting format to include a classified annex.

The conferees are concerned that, despite frequent use, the terms PE and OPE are not accurately defined or clearly understood, and are often used interchangeably to describe various Title 10 activities by special operations and general purpose forces. Furthermore, the conferees believe the inadequate definition of these terms has resulted in confusion within the military, friction in the interagency coordination process, and reduced congressional oversight by the defense committees. In responding to subsections (b)(2), (b)(4), and (b)(5) of the required report, the conferees direct the Secretary of Defense to provide examples of activities meeting the definitions of operational preparation of the environment and preparation of the environment as well as an assessment of the appropriate roles of special operations forces and general purpose forces in carrying out such activities in all relevant domains, including land, sea, air, space, and cyber.

Information for Deputy Chief Management Officer of the Department of Defense from the military departments and Defense Agencies for defense business system investment reviews (sec. 906)

The Senate amendment contained a provision (sec. 904) that would ensure that the Deputy Chief Management Officer of the Department of Defense has access to information relevant to the performance of the functions of that office.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle B—Space Activities

Reports on Integration of Acquisition and Capability Delivery Schedules for Segments of Major Satellite Acquisition Programs and Funding for Such Programs (sec. 911)

The House bill contained a provision (sec. 911) that would direct the Under Secretary of Defense for Acquisition, Technology, and Logistics to submit an annual assessment for 5 years on the synchronization of satellite, ground, and user terminal segments of space major defense acquisition programs. For each such space program for which a primary capability of such program will be operable by one program segment at least 1 year after the date on which such capability is operable by another program segment, the Under Secretary would provide the cause of the delay, identify the steps the Department is taking to improve the alignment of when the program segments become operable, and outline the related challenges, costs, and risks. The assessment would also include a description of the impact to the mission of the space system from the delay.

The Senate amendment contained a provision (sec. 913) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to track concurrently the development of both the satellite and ground systems and to report to Congress corrective measures that will be taken when the satellite and ground systems are more than 1 year apart in synchronization.

The House recedes with an amendment that would require a report on each major satellite acquisition program assessing the integration of acquisition and delivery of capabilities of program segments and, if the program is determined to be non-integrated, what the impacts are on mission and what measures should be taken to ensure the program is integrated. The amendment requires the milestone decision authority to submit a similar report as part of the documentation used to approve the acquisition of a major satellite program and again at milestone B. The amendment requires, if after submission of the report, the Under Secretary of Defense for Acquisition, Technology, and Logistics determines the program is non-integrated, the Under Secretary shall submit to the congressional defense committees a report identifying its impact on mission, measures to improve acquisition, and any risks and challenges that impede the ability to integrate the program. The Under Secretary shall continue to update the report with the President's budget submission to Congress for 5 years unless the program becomes integrated before that time. If the program continues to be non-integrated at the end of 5 years, the Government Accountability Office shall review the program and submit the results of the review to the congressional defense committees.

Commercial space launch cooperation (sec. 912)

The House bill contained a provision (sec. 916) that would provide authorities for the Department of Defense to enter into contracts with private entities for cooperation on launch ranges and facilities.

The Senate amendment contained a similar provision (sec. 912).

The Senate recedes with a clarifying amendment.

The conferees note that this provision applies only to bases and launch facilities administered by the Department of Defense and is intended for those commercial entities who already operate at Department of Defense sites or will be required to operate there due to the nature of the mission they are conducting.

Limitations on international agreements concerning outer space activities (sec. 913)

The House bill contained a provision (sec. 913) that would prohibit funds authorized to be appropriated by this or any other Act for use by the Secretary of Defense or the Director of National Intelligence to limit the activities of the Department of Defense or the Intelligence Community in outer space to implement or comply with an international agreement concerning outer space activities unless such agreement is ratified by the Senate or authorized by statute. The provision would require a report not later than 90 days after the date of enactment of this Act by the Secretary of State and the Secretary of Defense on the negotiations on an international agreement concerning outer space activities. The provision would also require the Secretary of Defense to submit to Congress, including all committees with an interest in outer space activities, an unclassified annual report by January 1st of each year, detailing foreign countries, including the names of such countries, with counterspace programs that could be a threat to the national security or commercial space systems of the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a certification by the President that, 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 other similar agreement, the agreement has no legally binding effect for limiting activities by the United States in outer space. Furthermore, the provision would require the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and the Director of National Intelligence to certify that the agreement is equitable, enhances national security, and has no militarily significant impact on the United States' ability to conduct military or intelligence activities in outer space. The amendment would require regular briefings to Congress on the status of any negotiation leading to such a non-legally binding international agreement concerning an International Code of Conduct for Outer Space Activities or any other similar agreement. 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 other similar agreement, the amendment would require notification to Congress at least 60 days prior to signing such an agreement by the head of each agency or department of the Federal Government addressing the effects of such action.

The conferees do not intend the certification requirement in this provision to set any legislative precedent regarding non-legally binding international agreements, which shall each be evaluated on a case-by-case basis.

Operationally Responsive Space Program Office (sec. 914)

The Senate bill contained a provision (sec. 911) that would give acquisition authority for the Operationally Responsive Space (ORS) Program Office to the Program Executive Officer for Space and change the head of the office reporting structure from the Department of Defense Executive Agent for Space to the Commander of the Air Force Space and Missile Command. The provision would require an Executive Committee made up of the Commander of the Air Force Space Command; the Under Secretary of Defense for Acquisition, Technology, and Logistics; the Commander of U.S. Strategic Command; and the Executive Agent for Space, which would chair the board. The provision grants authority to transfer up to $60.0 million from the Weather Follow On Satellite Program, to the extent provided in appropriations acts to other higher priority programs.

The House bill contained no similar provision.

The House recedes with an amendment that would delete the Follow On Weather Satellite and add the Army and Navy space program commanders to the Executive Committee to ensure that decisions are made accounting for the joint nature of the ORS program office.

The conferees instruct the Commander of the Air Force Space and Missile Systems Center to which the Office now reports, to provide a plan to the congressional defense committees, not later than 90 days after the date of enactment of this Act, that discusses how the existing and future technologies and operational systems developed in the ORS program are to be integrated into service acquisition programs to meet combatant command requirements.

Report on overhead persistent infrared technology (sec. 915)

The House bill contained a provision (sec. 912) that would require the Secretary of Defense, in consultation with the Director of National Intelligence, to submit to the congressional defense committees, the Senate Select Committee on Intelligence, and the House Permanent Select Committee on Intelligence, within 270 days after the date of the enactment of this Act, a report on Overhead Persistent Infrared (OPIR) technology that specifically addresses the following: (1) 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; and (2) a recommendation as to how to better coordinate efforts between the Department and the intelligence community for exploitation of OPIR sensor data. The provision would also require that not later than 90 days after the Department delivers its report to the congressional defense committees, the Comptroller General of the United States assess the Department's report to ensure it is comprehensive, fully supported, and sufficiently detailed. Further, the Comptroller General shall identify any shortcomings, limitations, or other matters that affect the quality or findings of the Department's report on OPIR.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would expand the assessment to include elements of the Joint OPIR Integrated Space Trade (JOIST) study by the Department of Defense and intelligence community as it pertains to OPIR technology requirements, strategy, plan, and budget for the entire space layer of the Department of Defense and intelligence community with supporting ground architecture for current and next generation OPIR with respect to missile warning, missile defense, battlespace awareness, and technical intelligence. The amendment also shortens the reporting requirement from 270 days to 180 days.

Assessment of foreign components and the space launch capability of the United States (sec. 916)

The House bill contained a provision (sec. 914) that would require the Secretary of Defense to direct a federally funded research and development center to conduct an independent assessment on the national security implications of continuing to use foreign component and propulsion systems for launch vehicles under the evolved expendable launch program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics to conduct the independent study. It should be emphasized that given the cost to perform studies, the Under Secretary should use the most cost effective method possible. This provision is not directing the Under Secretary to contract outside the Department to perform the assessment, but to use the many federal advisory panels that advise the Under Secretary if at all possible.

Report on counter space technology (sec. 917)

The House bill contained a provision (sec. 915) that would require a report, to be submitted to the Armed Services Committees of the Senate and House of Representatives and Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives, not later than 1 year after enactment of this Act and annually thereafter for 2 years, which details 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.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add the Counter Space Technology List at the Department of State as part of the information the report is to be based on.

Subtitle C—Intelligence-Related Activities

Authority to provide geospatial intelligence support to certain security alliances and regional organizations (sec. 921)

The House bill contained a provision (sec. 921) that would amend section 443 of title 10, United States Code, to provide the Director of the National Geospatial-Intelligence Agency (NGA) the authority to provide regional organizations with defense or security components and security alliances of which the United States is a member with imagery intelligence and geospatial information support. The provision would also require, in each case of providing imagery intelligence or geospatial information support to a regional organization or security alliance, the Director of the NGA to: (1) ensure that such intelligence and such support are not provided by such regional organization or such security alliance to any other person or entity; (2) notify the congressional defense committees, Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate that the Director of the NGA has provided such intelligence or support; and (3) coordinate the provision of such intelligence and such support with the commander of the appropriate combatant command.

The Senate amendment contained a similar provision (sec. 921) that would allow the NGA Director to also share information with international organizations. The Senate provision did not include requirements described in (1), (2), and (3) of the House provision described above.

The Senate recedes with an amendment that would require, in lieu of the conditions described in (1), (2), and (3) of the House provision, the NGA director to submit a report by January 15, 2014 and 2015, on the information support provided during the preceding years, including an identification of each organization or alliance receiving such support, and the number of times such support was provided.

Technical amendments to reflect change in name of National Defense Intelligence College to National Intelligence University (sec. 922)

The House bill contained a provision (sec. 922) that would provide a technical correction to Section 2161 of title 10, United States Code, to account for the redesignation of the National Defense Intelligence College as the National Intelligence University.

The Senate amendment contained no similar provision.

The Senate recedes.

Review of Army Distributed Common Ground System (sec. 923)

The Senate amendment contained a provision (sec. 922) that would direct the Secretary of the Army to assign oversight of the Distributed Common Ground System-Army (DCGS–A) cloud acquisition effort to the Army's Chief Information Officer (CIO)/G–6. The provision would require the CIO to conduct an audit of the program and provide an assessment and recommendations to the Secretary of the Army and Chief of Staff of the Army by December 1, 2012.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of the Army to direct the Army Systems Acquisition Review Council to review the DCGS–A program and report to the congressional defense committees within 180 days of enactment of this Act. The review would include an assessment of: (1) the acquisition strategy; (2) current technical performance as compared to requirements; (3) competitive procedures for incorporating new capabilities, including through product fly-offs; (4) plans and mechanisms to incorporate industry best practices and to ensure compatibility with the Joint Information Environment; (5) the adequacy of investments to maximize ease of use; (6) the Army's preparations to ensure that enterprise knowledge management and training for DCGS is compatible with force structure planning; and (7) the need for changes in the DCGS–A program.

The conferees expect the Army to ensure that the DCGS–A acquisition process is open to the agile and competitive adoption or incorporation of advanced commercial tools and capabilities, whether they be licensed products or based on unlicensed open source technology or software. Where comparable in cost and performance, such commercial or commercial open source capabilities should have at least an equal status to government-funded development activities with contractors based on ''open source'' technology or software foundations.

Electro-optical imagery (sec. 924)

The Senate amendment contained a provision (sec. 930) that would require the Secretary of Defense and the Director of National Intelligence to sustain through fiscal year 2013 the commercial electro-optical (EO) imagery collection capacity planned under the Enhanced View program approved in the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81). The provision also would require the Vice Chairman of the Joint Chiefs of Staff to conduct a comprehensive analysis of imagery requirements for the Department of Defense (DOD). The provision would in addition require the Congressional Budget Office (CBO) to conduct a study, based on the DOD requirements, of the potential role of commercial-class imagery in meeting the needs of the government. The provision would require the completion of these studies in time to inform decisions on the fiscal year 2014 budget and the fiscal year 2015 budget request by Congress. Finally, the provision would require CBO to examine whether the administration's proposed actions on commercial imagery are consistent with Presidential policy directives, the Federal Acquisition Regulation (FAR), and statute.

The House bill contained no similar provision.

The House recedes with an amendment that would remove: (1) the requirement that the administration sustain through fiscal year 2013 the commercial imagery collection capacity planned under the Enhanced View program previously approved by Congress; and (2) the requirement that CBO assess whether the administration's decision to reduce purchases of commercial industry and procure from only one company is consistent with policy, FAR, and statute.

The conferees note that, in the wake of the government's budget decisions, the two commercial EO imagery companies decided to merge, which, if upheld by an ongoing Department of Justice review, would undermine the rationale for the Senate provision's requirement to sustain collection capacity at previously approved levels. If the corporate merger is rejected as anti-competitive, the conferees will consider the state of the industrial base in their assessment of the results of the requirements and capabilities studies mandated in this conference agreement.

Defense Clandestine Service (sec. 925)

The Senate amendment contained a provision (sec. 932) that would prohibit the obligation of appropriated Military Intelligence Program (MIP) funds in fiscal year 2013 to exceed the number of personnel conducting or supporting human intelligence (HUMINT) within the Department of Defense (DOD) as of April 20, 2012. This provision would also require the Office of Cost Assessment and Program Evaluation (CAPE) to provide an estimate of the total cost of the Defense Clandestine Service (DCS) to the congressional defense and intelligence committees.

The provision also would require the Under Secretary of Defense for Intelligence (USDI) to provide a report to the congressional defense and intelligence committees by February 1, 2013, that provides or explains: (1) where DOD case officers will be deployed or based and a schedule for those deployments; (2) certification that the prospective locations can and will accommodate these deployments; (3) the objectives established for each military service, U.S. Special Operations Command, and the Defense Intelligence Agency (DIA) to improve career management for case officers and the plans to achieve the objectives of the DCS; and (4) any Memoranda of Agreement or Understanding necessary to implement planned reforms with other departments and agencies and between DOD components.

The House bill contained no similar provision.

The House recedes with an amendment that would prohibit the use of funds authorized to be appropriated by this Act to increase the civilian manpower on hand, conducting or supporting HUMINT, in excess of the fill-rate of such personnel as of April 20, 2012. If, as of the date of enactment of this Act, the civilian fill-rate exceeds the fill-rate as of April 20, 2012, the Secretary of Defense must take appropriate action to promptly reduce the fill-rate, consistent with reduction in force procedures, to that as of April 20, 2012, unless the Secretary, within 30 days, provides a detailed justification for each of the additional civilians. If the Secretary chooses to submit justifications for the increased civilian fill-rates, the fill-rate during the remainder of fiscal year 2013 cannot exceed the fill-rate as of the date of enactment of this Act.

The justification provided by the Secretary shall address the questions contained in the classified annex to this report regarding any additional civilian personnel added to the DCS beyond the number employed in the Defense HUMINT enterprise as of April 20, 2012.

The amendment would also prohibit the use of funds authorized to be appropriated by this Act to increase the positions in the DOD served by members of the armed forces conducting or supporting HUMINT, in excess of the number of positions, or billets, as of April 20, 2012.

The amendment would also require that CAPE consult with the Office of the Director of National Intelligence in conducting the required cost estimate of DCS.

The conferees support the efforts of the USDI and the DIA Director to reform the Defense HUMINT enterprise and provide multi-intelligence support to the military. However, the conferees agree that the DCS initiative should be limited in scope until the Department of Defense can demonstrate that it can correct longstanding problems in the recruitment, management, and execution of the clandestine service; that the service provides a unique capability to the Department of Defense; that the return on investment from further expansion in this mission area will be greater than that from alternative investments in other priorities, in the context of overall personnel and budget reductions; and that the proposed growth of the clandestine service and deployments can be supported.

The conferees recommend that the Secretary of Defense consider, in future budget requests, proposing split funding between the National Intelligence Program and MIP budgets for the DCS, in light of the stated objective of focusing collection on the needs of the Department of Defense.

Subtitle D—Cyberspace-Related Matters

Implementation strategy for Joint Information Environment (sec. 931)

The Senate amendment contained a provision (sec. 923) that would require the Department of Defense (DOD) to undertake comprehensive network consolidation and redesign to improve performance and enhance cybersecurity, and to free up personnel to achieve an appropriate balance between U.S. Cyber Command's mission capabilities. In the event that the rate at which personnel freed up from network consolidation is insufficient, or if the personnel available are not able to meet the requirements for supporting U.S. Cyber Command's offensive missions, the provision would require the Secretary of Defense to take appropriate action to provide qualified personnel in the required timeframe.

The House bill contained no similar provision.

The House recedes with an amendment that would, in recognition of the activities already underway within DOD to rationalize the Department's networks under the Joint Information Environment (JIE) initiative, direct the Secretary of Defense to define the strategy for implementing the JIE. The required strategy would include: (1) the Secretary's vision for the JIE; (2) the key milestones, costs, metrics, and resources needed to achieve this vision; (3) the acquisition strategy and management plan for the JIE; (4) the key technical and policy challenges for implementation; (5) identification of dependencies and gaps with respect to other initiatives (such as data center consolidation and information technology efficiencies); and (6) plans for addressing the personnel challenges associated with manning, training, operating, and defending the JIE.

The amendment would also modify the Senate provision by requiring the Secretary

of Defense to submit a plan to provide personnel to meet validated requirements for the JIE and for the full spectrum of cyber operations to support the missions and plans of the combatant commands and the national cyber defense mission of the Department, including offensive cyber operations.

The conferees are concerned about shortfalls in the number and quality of cyber personnel available to support the on-net intelligence collection, preparation of the environment, defensive, and offensive missions of the Department. The conferees understand that U.S. Cyber Command is currently defining the required number and skills of such personnel, in conjunction with the military services, combatant commands, and the Office of the Secretary of Defense. The conferees believe the number of highly skilled cyber operators that could be required and the difficulty in recruiting, training, and retaining them, is daunting. The conferees note that the Secretary of Defense has committed to provide Congress with his initial planning to address this personnel issue early in the coming calendar year.

Finally, the conferees note that the report accompanying the House bill (H. Rept. 112–479) directs the Secretary of Defense to provide a briefing to the congressional defense committees within 180 days of the enactment of this Act that identifies the National Guard units that have a computer network defense role and describes that role. The conferees direct that the Secretary's cyber personnel planning and reporting to Congress include consideration of the National Guard.

Next-generation host-based cyber security system for the Department of Defense (sec. 932)

The Senate amendment contained a provision (sec. 924) that would require the Department of Defense (DOD) Chief Information officer (CIO) and the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) to develop a strategy to acquire next-generation host-based cybersecurity tools and capabilities, and provide that strategy to Congress in conjunction with the President's budget request for fiscal year 2015.

The House bill contained no similar provision.

The House recedes with an amendment that would require the CIO to consult with the USD(AT&L) and the Commander of U.S. Cyber Command in the development of the strategy and to ensure the consideration of commercial applications in acquiring security tools for integration into the next-generation host-based security system.

The conferees recognize that increased and improved threat intelligence is a critical component for the future cybersecurity posture of the military. Further, the conferees believe that the Department of Defense should do more to broaden the types and sources of cyber threat intelligence data to support the common operational picture, including data from host-based security systems, network flow data, and network hunting information.

Additionally, the conferees believe that U.S. Cyber Command, along with the military services and combat support agencies, should do more concept development and experimentation with these new sources of cyber intelligence information to understand how to better utilize these sources in day-to-day operations.

Improvements in assurance of computer software procured by the Department of Defense (sec. 933)

The Senate amendment contained a provision (sec. 925) that would mandate multiple actions to improve the security and quality of computer software code used by the Department of Defense (DOD), and enhance the ability of the DOD to compete software maintenance and upgrades.

The House bill contained no similar provision.

The House recedes with an amendment that would eliminate most of the specific required actions in the Senate provision, providing latitude to the DOD to develop or define methods and policies to improve software security and to measure their effectiveness. The amendment would not specifically require DOD to develop or update best practice software development and acquisition models to improve the security of software, or to measure contractor compliance with such models; to develop, and require proof of compliance with, secure software coding standards; to require program managers to develop and implement secure software coding plans; to make use of third-party software code assessment centers in government and the private sector; or to make use of software repositories.

Instead, the provision would mandate that the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) develop a baseline software assurance policy for the lifecycle of covered systems. The elements of the policy must include the mandated use of automated vulnerability analysis tools throughout the lifecycle of covered systems; the identification and prioritization of software security vulnerabilities and remediation strategies, and to reflect them in contract requirements; and the ''promotion'' of best practices and standards for achieving software security and quality. The USD(AT&L) also would be required collect data on the implementation of the policy and measure the effectiveness of the policy.

The conferees agree that DOD can and must make major improvements in the base level of security of the software it procures, including both custom-developed and commercial products modified or adapted specifically for DOD requirements. The conferees believe that improved software security need not be more costly or take more time to develop. Security must be designed, engineered, and tested into product development.

Leading commercial companies now understand the importance of secure software and have adopted disciplined, repeatable processes and techniques to achieve it. Industry associations and individual companies, as well as the National Security Agency (NSA) and the National Institute of Standards and Technology, claim that the National Information Assurance Partnership is truly transforming the Common Criteria process to ensure that security is built into commercial software products and objectively verified. The conferees are concerned that the DOD acquisition process and policies do not appear to have a defined role for Common Criteria. As the Department looks at how to translate remediation strategies into contract requirements and source selection criteria, the conferees direct that USD(AT&L) examine the potential role for Common Criteria product certifications in acquisitions of commercial software for covered systems, including commercial software packages that are integrated by or with custom code developed by DOD contractors.

The conferees also note that DOD officials from USD(AT&L) and the Office of the Chief Information Officer have expressed the need for a focused research and development effort to improve automated tools for discovering vulnerabilities in software, and to look at opportunities to push the state-of-the-art in emerging areas such as research into the use of formal methods. The conferees expect that this commitment will be reflected in the Department's software security policy and future budget requests. Similarly, consistent with the direction in the Senate report (S. Rept. 112–173) accompanying the National Defense Authorization Act for Fiscal Year 2013 (S. 3254), the conferees expect USD(AT&L) to make maximum use of software code analysis tools in development and use by NSA to support the acquisition of secure software.

Competition in connection with Department of Defense tactical data link systems (sec. 934)

The Senate amendment contained a provision (sec. 926) that would require the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)):

(1) To develop an inventory of all data links in use and in development in the Department of Defense;

(2) To conduct a business case analysis of each data link program and make a determination whether there is adequate competition in development, maintenance, upgrade, and new procurement, and if not, whether the program should be opened up to competition;

(3) For each data link program that is identified for increased competition, to develop a plan that addresses how any policy, legal, programmatic, or technical barriers to competition will be overcome; and

(4) For each program where competition is determined to be inadvisable, to prepare a justification for that conclusion.

The Senate provision would also require the USD(AT&L) to provide a report to Congress in conjunction with the submission of the fiscal year 2015 budget request, and the Comptroller General to conduct a separate evaluation.

The House bill contained no similar provision.

The House recedes with an amendment that would drop the requirement for a formal ''business case'' analysis, as well as the requirement for a separate evaluation by the Comptroller General.

Collection and analysis of network flow data (sec. 935)

The Senate amendment contained a provision (sec. 928) that would allow the Department of Defense (DOD) Chief Information Officer (CIO), in coordination with the Under Secretary of Defense for Intelligence (USDI), and the Under Secretary of Defense for Policy to take advantage of the research and development activities and capabilities of the Community Data Center (CDC) managed by the Defense Information Systems Agency (DISA) to enhance DOD's capabilities to collect, analyze, and store so-called network flow data records. The purpose of the provision would be to improve DOD's capabilities to handle its own voluminous flow data records, and to potentially make this technology available for the defense of the country voluntarily through the Tier 1 Internet Service Providers (ISPs).

The House bill contained no similar provision.

The House recedes with an amendment that would include companies that are not Tier 1 Internet Service Providers but are managed security service providers in the requirement to coordinate DOD research and development activities.

The conferees recognize that increased and improved threat intelligence is a critical component for the future cybersecurity posture of the military. Further, the conferees believe that the DOD should do more to broaden the types and sources of cyber threat intelligence data to support the common operational picture, including data from host-based security systems, network flow data, and network hunting information.

Additionally, the conferees believe that United States Cyber Command, along with the military services and combat support

agencies, should do more concept development and experimentation with these new sources of cyber intelligence information to understand how to better utilize these sources in day-to-day operations.

Competition for large-scale software database and data analysis tools (sec. 936)

The Senate amendment contained a provision (sec. 929) that would prohibit the use of the National Security Agency's (NSA) Accumulo cloud computing database by other Department of Defense (DOD) components after September 30, 2013, unless the Chief Information Officer (CIO) certifies that there are no viable commercial open source databases that have the security features of Accumulo, or that Accumulo itself has become a successful open source database project. The provision also would require that DOD and intelligence community officials coordinate fully on the use by DOD components of cloud computing infrastructure and services offered by the intelligence community for purposes other than intelligence analysis to ensure consistency with the DOD information technology efficiencies initiative, data center and server consolidation plans, and cybersecurity plans and policies.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the Senate provision: (1) to require DOD to conduct an analysis of large-scale software database and analysis tools, including technical requirements and available commercial, open source, and government solutions, and to report to Congress the results within 180 days of the enactment of this Act; and (2) to require competitive procedures for acquisitions of large-scale software database and analysis tools. In the event that a component decides not to use competitive procedures under the Federal Acquisition Regulations, the CIO and the Under Secretary of Defense for Acquisition, Technology, and Logistics would be required to provide notification to Congress of such decisions and the rationale for such decisions on a quarterly basis. This approval requirement would have a sunset limitation of 5 years.

The conferees note that the marketplace for commercial and commercially-supported open source ''big data'' analytics is vibrant, booming, and constantly innovating. These capabilities are becoming increasingly important for DOD as it strives for information technology efficiencies and superior performance across multiple mission areas and support functions. The conferees believe that DOD must have an especially strong reason for rejecting competitive acquisition approaches for such capabilities.

The conferees note that DOD has already determined that the Accumulo database that NSA developed using government and contract engineers is a successful open-source project that is supported by commercial companies. The conferees expect that future acquisitions of Accumulo would be executed through such commercial vendors.

Federal Acquisition Regulations and government policy favors acquisition of commercial products over government-developed solutions when such commercial products can meet the government's needs. Recently, because of market trends and opportunities, DOD organizations are more reluctant to buy licensed commercial software products using traditional licensing models, in part due to the availability and attractiveness of open-source software. This trend overall is positive in that it puts pressure on industry to make better products more economically.

However, the conferees believe it is also possible for government-funded, essentially in-house development programs that unjustifiably compete with the private sector to spring up under the ''open source'' banner. While the conferees are fully supportive of open-source initiatives, government-off-the-shelf (GOTS) programs are GOTS programs by any name, and should be avoided whenever and wherever there are competitive commercial alternatives, regardless of whether the GOTS software is government-owned or even ''open-sourced'' while it is being developed or after the fact.

Software licenses of the Department of Defense (sec. 937)

The Senate amendment contained a provision (sec. 931) that would direct the Chief Information Officer of the Department of Defense (DOD) to conduct an inventory within 180 days of existing software licenses owned by DOD, including those in use and not in use.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees look forward to working with the DOD to ensure the committees are briefed annually on progress being made to implement the plan. The conferees expect DOD to effectively and efficiently manage its resources, including the number of software licenses it procures, to eliminate waste and unnecessary duplication to the maximum extent practicable.

Sense of Congress on potential security risks to Department of Defense networks (sec. 938)

The Senate amendment contained a provision (sec. 934) that would express the sense of the Senate regarding potential risks to the security of Department of Defense (DOD) networks from the incorporation of equipment and software from foreign sources, and the need for DOD authority and processes to mitigate such risks beyond those that already exist for covered National Security Systems acquired by DOD. The provision would also acknowledge the difficulty involved in blocking sales of information technology systems and services due to concerns about cybersecurity while maintaining our commitment to free trade and fair and transparent competition.

The House bill contained no similar provision.

The House recedes with an amendment that would change the provision from a sense of the Senate to a sense of the Congress, and to drop the ''Findings'' section.

The conferees are aware that cybersecurity threats are pervasive and serious, including through the supply chain of information technology equipment and software. Semiconductor manufacturing is already dominated by foreign producers, presenting supply chain risk management challenges. In a number of instances, foreign manufacturers of telecommunications equipment, including advanced wireless technology, are gaining global market share due to high quality and low prices. Competitive market forces ensure that commercial providers of consumer, business, and government systems and services will choose equipment and associated software from these manufacturers. In some cases, like Huawei Industries and ZTE Corporation, this competitive position stems in part from inappropriate government subsidies and other forms of assistance.

The conferees are concerned that some of these companies also present clear cybersecurity supply chain risks that the U.S. Government must address. For instance, the conferees are aware that the Committee on Foreign Investment in the United States has blocked the attempt by Huawei to acquire United States technology firms on two occasions and the National Security Agency and the Secretary of Commerce have advised two major United States telecommunications carriers against selecting Huawei as a supplier. Such supply chain threats require increased attention, as well as additional and varied tools for dealing with such supply chain challenges. For that reason, the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) provided authority and mechanisms for the Secretary of Defense to control these supply chain risks. That legislation only addressed National Security Systems, leaving many information technology systems and missions exposed to these kinds of supply chain risks. The conferees recognize that blocking sales from providers of information technology systems and services due to concerns about cybersecurity risks, while maintaining our commitment to free trade and fair and transparent competition, poses difficult policy challenges.

Quarterly cyber operations briefings (sec. 939)

The House bill contained a provision (sec. 942) that would require the Secretary of Defense to provide a quarterly briefing to the Committees on Armed Services of the Senate and the House of Representatives on significant military cyberspace operations that were carried out by the Department of Defense in the preceding quarter.

The Senate amendment contained no similar provision.

The Senate recedes.

Sense of Congress on the United States Cyber Command (sec. 940)

The Senate amendment contained a provision (sec. 935) that includes a number of findings and would express the sense of Congress and the Secretary of Defense should brief and consult with Congress before any decision is made to recommend to the President to elevate United States Cyber Command from a sub-unified command to a unified command.

The House bill contained no similar provision.

The House recedes with an amendment that would express the sense of Congress the Secretary of Defense should brief and consult with Congress when the Secretary makes any such proposal to the President. The amendment also would drop the findings section from the provision.

Reports to Department of Defense on penetrations of networks and information systems of certain contractors (sec. 941)

The Senate amendment contained a provision (sec. 936) that would require: (1) the Under Secretary of Defense for Intelligence (USDI) to establish a process and criteria for designating what companies among those that conduct classified activities with the Department of Defense (DOD), and which of their networks and information systems, must report cyber intrusions to DOD; (2) designating companies to report cyber intrusions of these networks and information systems, including a description of the penetration technique, and a sample of the malicious software, if available; and (3) designating companies, upon the request of DOD, to provide access by DOD to those networks and information systems, so that DOD can study the penetration and ascertain what DOD information might have been stolen.

The provision would also require the USDI to establish this reporting process in coordination with the Under Secretary of Defense for Policy, the Under Secretary of Defense for Acquisition, Technology, and Logistics, the DOD Chief Information Officer, and the Commander of U.S. Cyber Command.

Finally, the provision would prohibit dissemination outside of DOD of information obtained or derived through the process that

is not created by or for DOD without the approval of the contractor.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) place the Secretary of Defense in charge of creating the breach reporting process; (2) require that the Secretary of Defense designate a senior official to establish criteria for designating which contractors and which networks and information systems that process or contain information created by or for DOD that is subject to enhanced protection would be subject to the reporting requirement; (3) add to the reporting requirement a summary of information that has been potentially compromised; (4) establish procedures to allow access by DOD personnel for forensic analysis that are limited to determining whether DOD information was successfully exfiltrated and provide for reasonable protection of trade secrets, commercial or financial information, and information that can be used to identify a specific person; and (5) limit the application of this section until the date on which the Secretary establishes the procedures and criteria required by this legislation. The amendment also would provide technical changes to the definition of cleared defense contractors.

The conferees emphasize that the procedures developed pursuant to this provision, in general, should exclude access to information that is not essential to understanding and preventing penetrations potentially resulting in the loss of DOD information and should protect the privacy of private-sector communications.

The conferees are aware that DOD is working on a Defense Federal Acquisition Regulation (DFAR) rulemaking that would mandate cyber breach reporting from a potential pool of contractors much wider than the cleared defense contractors designated in this provision, as well as standards for the protection of DOD information across the entire defense industrial base (DIB). The conferees note that this provision is intended to be compatible with, and provide support for, that eventual DFAR rule. As such, the conferees also expect DOD to consult with industry as it develops the reporting process pursuant to this provision.

The conferees also encourage DOD to build on the existing voluntary DIB information sharing program, where practical and sensible to do so, including such areas as the definition of reportable events, and the forensics damage assessment process allowing contractors to remove proprietary or other types of information before DOD forensics teams copy information or ''image'' systems.

The conferees recognize that as the lead federal agency designated by the President for coordinating with the DIB, DOD has a critical role in supporting cyber security matters involving the DIB. To fulfill DOD's obligations as the sector-specific agency for the national DIB critical infrastructure sector, as outlined in DOD Directive 3020.40 ''DOD Policy and Responsibilities for Critical Infrastructure,'' DOD must work cooperatively with industry to create a successful public-private partnership that can provide timely and effective defenses for the nation's cyber infrastructure. The conferees also emphasize that this provision is not intended to apply to telecommunications and Internet service provider networks that merely transmit DOD information between DIB companies, within DIB companies, between DOD elements, or to and from DOD, unless such services are provided under requirements for the enhanced protection of DOD information.

Subtitle E—Other Matters

Advice on military requirements by Chairman of Joint Chiefs of Staff and Joint Requirements Oversight Council (sec. 951)

The House bill contained a provision (sec. 951) that would amend section 153 of title 10, United States Code, to clarify the role of the Chairman of the Joint Chiefs of Staff and the Joint Requirements Oversight Council in identifying, assessing, and approving military requirements and related functions.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Enhancement of responsibilities of the Chairman of the Joint Chiefs of Staff regarding the national military strategy (sec. 952)

The Senate amendment contained a provision (sec. 1041) that would consolidate and clarify the requirements for the Chairman of the Joint Chiefs of Staff's submission or update, if any, of the National Military Strategy, and the annual submission of the Chairman's Risk Assessment.

The House bill contained no similar provision.

The House recedes with technical and clarifying amendments.

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. 953)

The House bill contained a provision (sec. 954) that would extend for 1 year the current authority under section 941(b) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), as amended by section 941 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383), for the five Regional Centers for Security Studies of the Department of Defense to waive the reimbursement costs required under section 184(f) of title 10, United States Code, for personnel of nongovernmental organizations and international organizations to participate in activities of the centers.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delete the requirement for the Comptroller General of the United States to assess the effectiveness of the Regional Centers for Security Studies.

The conferees remain concerned about the activities of five Regional Centers for Security Studies of the Department of Defense, particularly as they relate to their support to the geographic combatant commanders. Therefore, the conferees direct the Comptroller General of the United States to assess: (1) the effectiveness of the Regional Centers for Security Studies in meeting the centers' objectives and advancing the priorities of the Department of Defense; (2) the extent to which the centers perform a unique function within the interagency community; (3) measures of effectiveness and impact indicators each center uses to internally evaluate its programs; (4) oversight mechanisms within the Department of Defense; (5) the depth and extent of support the centers provide to the geographic combatant commanders; (6) whether the centers' activities are duplicated by other entities in the Department of Defense or United States Government; (7) the benefits, if any, of waiving reimbursement costs for personnel of nongovernmental organizations and international organizations to participate in activities of the centers on an ongoing basis; and (8) other matters the Comptroller General may deem appropriate. The Comptroller General would be required to submit a report of such assessment by June 30, 2013, to the Committees on Armed Services of the Senate and House of Representatives.

National Language Service Corps (sec. 954)

The House bill contained a provision (sec. 955) that would require the Secretary of Defense to establish and maintain within the Department of Defense a National Language Service Corps.

The Senate amendment contained a similar provision (sec. 941).

The Senate recedes with a clarifying amendment that would authorize the Secretary of Defense to establish and maintain within the Department of Defense a National Language Service Corps.

Savings to be achieved in civilian personnel workforce and service contractor workforce of the Department of Defense (sec. 955)

The Senate amendment contained a provision (sec. 341) that would require the Secretary of Defense to develop and begin implementation of a plan to achieve savings in funding for the civilian workforce and the service contractor workforce of the Department of Defense (DOD) from fiscal year 2012 through fiscal year 2017 that are not less, as a percentage of such funding, than the savings in funding for military personnel achieved by the planned reduction in military end strength contained in the budget request for fiscal year 2013.

The House bill contained no similar provision.

The House recedes with an amendment that would require DOD to achieve savings in the total funding for each covered workforce 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. The conferees understand that current DOD plans call for a 5 percent reduction in military end strength through fiscal year 2017.

The conference amendment would also: (1) require the Secretary to ensure that the efficiencies plan is developed in a manner that is consistent with statutory force planning requirements and ensures that the DOD civilian and contract services workforces are appropriately sized to support defense needs; (2) require the Secretary to consider statutorily required workload analyses and risk assessments in determining core or critical functions to be excluded from the savings requirements; and (3) require the Government Accountability Office to report on the extent to which savings are being achieved and the provision is being implemented in a manner consistent with statutory sourcing and workforce management requirements.

Expansion of persons eligible for expedited Federal hiring following completion of National Security Education Program scholarship (sec. 956)

The House bill contained a provision (sec. 952) that would amend section 1902(k) of title 50, United States Code, to authorize 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 as having national security responsibilities to appoint to positions in the excepted service eligible individuals who have successfully completed the requirements of the National Security Education Program.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize 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 as having national security

responsibilities to appoint to positions in the excepted service eligible individuals who have successfully completed the requirements of the National Security Education Program, provided they have not received such an appointment previously.

LEGISLATIVE PROVISIONS NOT ADOPTED

Redesignation of the Department of the Navy as the Department of the Navy and Marine Corps

The House bill contained a provision (sec. 905) that would redesignate the Department of the Navy as the Department of the Navy and the Marine Corps and redesignate the position of the Secretary of the Navy as the Secretary of the Navy and Marine Corps.

The Senate amendment contained no similar provision.

The House recedes.

Department of Defense representation in dispute resolution regarding surrender of Department of Defense bands of electromagnetic frequencies

The Senate amendment contained a provision (sec. 914) that would amend section 1062(b)(1) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65, 47 U.S.C. 921 note) to require that the Department of Defense (DOD) be adequately represented in the inter-agency spectrum reallocation process.

The House bill contained no similar provision.

The Senate recedes.

The conferees recognize the criticality of the radio frequency spectrum to national economic growth and our national security capabilities. As the importance of spectrum to the national economy increases, it is essential that the needs and concerns of the DOD be adequately considered during reallocation, sharing, or auction of spectrum impacting national security capabilities.

The conferees are concerned that by not including specific national security representation, the Technical Panel and the Dispute Resolutions Board, established under section 6701 of The Middle Class Tax Relief Act of 2012 (Public Law 112–96), may make decisions that could result in arbitrary determinations regarding the ''sufficiency'' of spectrum reallocation or sharing transition plans addressing national security capabilities and any dispute that may arise thereafter, without adequate input from the DOD. To ensure these equities are considered, the conferees direct the Secretary of Defense to determine whether the needs and concerns of the DOD have been adequately considered and addressed during the processes of identifying frequencies to be surrendered and transition planning, including review of transition plans by the Technical Panel and any dispute resolution by the Dispute Resolution Board, impacting national security capabilities.

Further, the conferees expect the National Telecommunications and Information Administration ensure that the rules and procedures implementing the Technical Panel and Dispute Resolution Board as required by Public Law 112–96 incorporate methods that enable the Secretary of Defense to make the necessary determination on the needs and concerns of the DOD with respect to consideration of transition plans impacting national security capabilities.

Integration of critical signals intelligence capabilities

The Senate amendment contained a provision (sec. 927) that would require the Director of the Intelligence, Surveillance, and Reconnaissance (ISR) Task Force to develop a plan to integrate multiple technical signals intelligence (SIGINT) capabilities together to satisfy requirements to detect, identify, track, and precisely locate communications equipment from airborne platforms.

The House bill contained no similar provision.

The Senate recedes.

Limitation on certain funding until certification that inventory of contracts for services has begun

The House bill contained a provision (sec. 931) that would fence certain funds until the Department of Defense is in full compliance with the requirements of section 2330a of title 10, United States Code, to develop an inventory of contract services.

The Senate amendment contained no similar provision.

The House recedes.

The conferees remain convinced that the required inventory is an important tool to provide transparency in government contracting and to assist decision-makers in planning, programming, and budgeting defense funds. The conferees are disappointed with the long delays in the Department's implementation of the inventory required by section 2330a. The conferees note that the Department has recently developed a plan to comply with the requirements of section 2330a and expect the Department to implement this plan in a timely manner.

Requirement to ensure sufficient levels of government management, control, and oversight of functions closely associated with inherently governmental functions

The House bill contained a provision (sec. 932) that would require the military departments to ensure that their staffing levels are sufficient to provide appropriate management, control, and oversight of functions closely associated with inherently governmental functions.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that section 129a(f)(3) of title 10, United States Code, already requires the Secretary of Defense to ensure that the Department of Defense maintains sufficient capabilities within the Department to manage, control, and oversee functions performed by contractors. The conferees expect the Department to comply with these requirements.

Special management attention required for certain functions identified in inventory of contracts for services

The House bill contained a provision (sec. 933) that would require the Department of Defense to give special management attention to functions identified in the inventory of contract services required by section 2330a of title 10, United States Code, as being closely associated with inherently governmental functions.

The Senate amendment contained no similar provision.

The House recedes.

The conferees expect the Department of Defense to ensure that the Department maintains the capabilities required by section 129a(f)(3) of title 10, United States Code, in connection with any functions closely associated with inherently governmental functions that are performed by contractors.

Military activities in cyberspace

The House bill contained a provision (sec. 941) that would clarify that the Secretary of Defense has the authority to conduct clandestine cyberspace activities in support of military operations pursuant to a congressionally authorized use of force outside of the United States, or to defend against a cyber attack on an asset of the Department of Defense.

The Senate amendment contained no similar provision.

The House recedes.

Annual briefing to congressional defense committees on certain written policy guidance

The House bill contained a provision (sec. 953) that would require the Secretary of Defense to brief the congressional defense committees annually on the defense planning guidance and policy guidance developed pursuant to section 113 of title 10, United States Code.

The Senate amendment contained no similar provision.

The House recedes.

The conferees agree that the Secretary of Defense, or his designee, should, upon request and subsequent to submission of the annual defense budget request, provide the congressional defense committees with a briefing, classified or unclassified, that describes the defense planning guidance as required by section 113(g) of title 10, United States Code, and from which the budget request submitted was developed. The conferees agree that the Secretary of Defense, when developing this briefing shall exclude descriptions of strategic contingency planning or plans.

TITLE X—GENERAL PROVISIONS

Subtitle A—Financial Matters

General transfer authority (sec. 1001)

The House bill contained a provision (sec. 1001) that would provide the Department of Defense with $3.5 billion of general transfer authority in fiscal year 2013.

The Senate amendment contained a similar provision (sec. 1001) that would provide the Department of Defense with $5.0 billion general transfer authority in fiscal year 2013.

The House recedes with an amendment providing the Department of Defense with $4.0 billion of general transfer authority in fiscal year 2013.

Budgetary effects of this Act (sec. 1002)

The House bill contained a provision (sec. 1002) that would determine the budgetary effects of this Act.

The Senate amendment contained a similar provision (sec. 4).

The Senate recedes with a technical amendment.

Sense of Congress on notice to Congress on unfunded priorities (sec. 1003)

The House bill contained a provision (sec. 1003) that would require members of the Joint Chiefs of Staff and the Commander, U.S. Special Operations Command, to submit to the congressional defense committees, within 30 days of the Department's annual budget request, a report containing a list of unfunded priorities.

The Senate amendment contained a similar provision (sec. 1047) that would express the sense of the Senate that the service chiefs and the Commander, U.S. Special Operations Command, should provide unfunded priorities lists to the congressional defense committees.

The House recedes with an amendment that would express the sense of Congress.

Authority to transfer funds to the National Nuclear Security Administration to sustain nuclear weapons modernization (sec. 1004)

The Senate amendment contained a provision (sec. 1002) that would give the Secretary of Defense transfer authority of up to $150.0 million to the nuclear weapons program in the National Nuclear Security Administration if the amount appropriated for that program is less than $7.9 billion—the amount specified for fiscal year 2013 in the report required by section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

The House bill contained no similar provision.

The House recedes.

Audit readiness of Department of Defense statements of budgetary resources (sec. 1005)

The Senate amendment contained a provision (sec. 1003) that would codify the goal established by the Secretary of Defense of validating the statement of budgetary resources of the Department of Defense as audit ready by the end of fiscal year 2014, provided that the achievement of this goal is affordable, does not result in excessive one-time fixes and manual work-arounds, and will not delay full auditability for the Department's financial statements.

The House bill contained no similar provision.

The House recedes.

Report on balances carried forward by the Department of Defense at the end of fiscal year 2012 (sec. 1006)

The Senate amendment contained a provision (sec. 1005) that would require the Secretary of Defense to submit to the Congress the dollar amount of obligated and unobligated balances carried forward by the Department of Defense at the end of fiscal year 2012.

The House bill contained no similar provision.

The House recedes.

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 (sec. 1007)

The Senate amendment contained a provision (sec. 903) that would, in the event that the Department of Defense (DOD) fails to achieve an unqualified audit opinion by the end of fiscal year 2017, transfer the Defense Finance and Audit Service from DOD to the Department of the Treasury and establish a new Chief Management Officer position within DOD.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Under Secretary of Defense (Comptroller) to report to Congress on elimination and streamlining of reporting requirements, thresholds, and statutory and regulatory requirements that may be made possible when DOD achieves an unqualified audit opinion.

The conferees remain concerned about the ability of the DOD to meet the 2014 objective for the audit readiness of its Statement of Budget Readiness and the 2017 objective for full audit readiness. For example, according to the most recent Financial Improvement and Audit Readiness Plan Status Report submitted to Congress, the Air Force missed 7 out of 15 near-term audit readiness deadlines. Concerns raised by these missed deadlines are exacerbated by management failures on the Expeditionary Combat Support System program and the recent decision to terminate this program.

The conferees agree that a continued legislative focus on this issue is necessary to ensure that the DOD meets established objectives and that if DOD shows a lack of progress further legislation—which could include possible incentives identified pursuant to the report required by this section and penalties for failure to achieve meaningful progress—is likely to be required.

Subtitle B—Counter-Drug Activities

Extension of the authority to establish and operate National Guard counterdrug schools (sec. 1008)

The House bill contained a provision (sec. 1011) that would authorize the Secretary of Defense to continue to operate the five National Guard Counterdrug Schools currently in existence for an additional period of 5 years.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would incorporate a new reporting requirement and establish an annual limitation on funding.

Biannual reports on use of funds in the Drug Interdiction and Counter-Drug Activities, Defense-wide account (sec. 1009)

The House bill contained a provision (sec. 1012) that would extend by 1 year the reporting requirement on expenditures to support foreign counter-drug activities under section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), as most recently amended by section 1008 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81).

The Senate amendment contained a similar provision (sec. 1014) that would require the Secretary of Defense to submit on a quarterly basis reports to the congressional defense committees setting forth, by project code, a description of all expenditures of funds to support foreign counterdrug activities from the Drug Interdiction and Counterdrug Activities Defense-wide account. Further, the provision would repeal section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398), as most recently amended by section 1008 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81).

The House recedes with an amendment that would modify the requirement under the Senate amendment to require semi-annual reports.

Extension of authority to support unified counter-drug and counterterrorism campaign in Colombia (sec. 1010)

The House bill contained a provision (sec. 1013) that would extend by 1 year the unified counterdrug and counterterrorism campaign in the Republic of Colombia under section 1021 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375), as most recently amended by section 1007 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81).

The Senate amendment contained a provision (sec. 1013) that would permit, for 1 fiscal year, the Secretary of Defense to expend not more than $50.0 million to continue to support the unified counterdrug and counterterrorism campaign of the Government of Colombia. The provision would permit the Secretary to provide: (1) logistics support, services, and supplies; (2) the types of support authorized under section 1004(b) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510), as amended; and (3) the types of support authorized under 1033(c) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85), as amended. The provision would prohibit U.S. personnel from participating in any combat operation in connection with assistance provided under this authority. The provision would require the Secretary of Defense to submit an annual report on any assistance provided pursuant to this provision to the congressional defense committees.

The Senate recedes.

Extension of Authority for joint task forces to provide support to law enforcement agencies conducting counter-terrorism activities (sec. 1011)

The House bill contained a provision (sec. 1014) that would extend by 1 year the support for joint task forces under section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136), as most recently amended by section 1004 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81).

The Senate amendment contained an identical provision (sec. 1011).

The conference agreement includes this provision.

The conferees note that the Department of Defense (DOD) is currently using this authority in a limited number of locations. While the conferees are pleased to learn of DOD's judicious use of this authority, the conferees also believe there are additional activities that could potentially be conducted in additional regions, particularly against illicit smuggling networks in Northwest Africa.

Requirement for biennial certification on provision of support for counter-drug activities to certain foreign governments (sec. 1012)

The Senate amendment contained a provision (sec. 1012) that would amend section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85), as most recently amended by section 1006 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81), to require biennial certification following the first year certification, rather than annual certification for the Department of Defense to provide additional support for counterdrug activities to certain foreign governments.

The House bill contained no similar provision.

The House recedes.

Subtitle C—Naval Vessels and Shipyards

Policy relating to major combatant vessels of the strike forces of the United States Navy (sec. 1013)

The House bill contained a provision (sec. 1021) that would amend section 1012 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181). Section 1012 requires that all combatant vessels of the strike forces of the Navy, including all new classes of such vessel, be designed with integrated nuclear power systems. The provision would amend section 1012 to require the Secretary of the Navy to notify the congressional defense committees if, after a cost benefit analysis, the Secretary decides it would not be practical for the new class of ships to be nuclear powered.

The Senate amendment contained no similar provision.

The Senate recedes.

Limitation on availability of funds for delayed annual naval vessel construction plan (sec. 1014)

The House bill contained a provision (sec. 1022) that would fence some funds available to the Secretary of the Navy until the annual shipbuilding plan required under section 231 of title 10, United States Code, has been submitted to Congress.

The Senate amendment contained no similar provision.

The Senate recedes.

Retirement of naval vessels (sec. 1015)

The Senate amendment contained a provision (sec. 1021) that would require the Chief of Naval Operations (CNO) to produce a report that would set forth a comprehensive description of the current requirements of the Navy for combatant vessels of the Navy, including submarines. The provision would also require that, if the number of these vessels is less than 313 ships, the report would have to include the justification of the CNO for that smaller number, and an explanation of how that smaller number is consistent with the recently revised strategic guidance issued by the President and the Secretary of Defense in 2012.

The House bill contained no similar provision.

The House recedes.

Termination of a Maritime Prepositioning Ship squadron (sec. 1016)

The Senate amendment contained a provision (sec. 1022) that would limit funding to terminate a Maritime Prepositioning Ship Squadron (MPSRON) until a report is received on the impact of the termination.

The House bill contained no similar provision.

The House recedes with an amendment that would add to the report a description of any increased risk or operational plan impacts associated with using Norway to fulfill the MPSRON requirement.

Sense of Congress on recapitalization for the Navy and Coast Guard (sec. 1017)

The Senate amendment contained a provision (sec. 1023) that would state that it is the sense of Congress that, among other things: (1) 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 (2) the Secretary of Homeland Security should maintain the recapitalization plans for the Coast Guard as a priority in all future force structure decisions.

The House bill contained no similar provision.

The House recedes.

Notice to Congress for the review of proposals to name naval vessels (sec. 1018)

The Senate amendment contained a provision (sec. 1024) that would identify appropriate and necessary standards for the naming of vessels of the Navy, and would amend section 7292 of title 10, United States Code, by adding a new subsection that would prevent the Secretary of the Navy from announcing or implementing 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 that justifies how such a naming proposal follows the appropriate and necessary standards for the naming of vessels of the Navy set forth in this Act.

The House bill contained no similar provision.

The House recedes.

The conferees agree that: (1) the ship naming process must not be politicized; (2) setting forth objective criteria can help in this goal; and (3) establishing a notify-and-wait period will aid the Armed Service Committees' oversight of the process.

Subtitle D—Counterterrorism

Extension of authority to make rewards for combating terrorism (sec. 1021)

The House bill contained a provision (sec. 1034) that would extend the section 127(b) of title 10, United States Code, which allows the Secretary of Defense to offer and make rewards to a person providing information or nonlethal assistance to U.S. Government personnel or government personnel of Allied Forces participating in a combined operation with U.S. Armed Forces through fiscal year 2014 and require a report that outlines future requirements of the authority.

The Senate amendment contained no similar provision.

The Senate recedes.

The conferees note that the Department has used this authority in Afghanistan, but not in other ongoing contingency operations such as Operation Observant Compass, the U.S. military's operation to advise and assist the Ugandan People's Defense Force (UDPF) and other regional militaries in their ongoing efforts to apprehend or remove Joseph Kony and his top lieutenants from the battlefield. Enhancing U.S. Africa Command's (AFRICOM) effectiveness in helping regional partners end one of the most enduring and destructive scourges on the continent would go a great distance in convincing the people and governments of Africa that the United States can offer a sincere and valuable contribution to the continent's security. The conferees believe that U.S. forces have not made effective use of the Department of Defense's (DOD) counterterrorism rewards program, despite Joseph Kony's designation as a Specially Designated Global Terrorist in 2008. This authority allows deployed forces to incentivize the local populace to provide information in support of operations conducted against international terrorism and to improve force protection. The conferees believe delegating appropriate approvals for the use of this authority to forces on the ground and targeting outreach efforts at defecting LRA members would enhance the use and effectiveness of this authority.

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 (sec. 1022)

The House bill contained a provision (sec. 1038) that would prohibit the use of fiscal year 2013 Department of Defense (DOD) funds or funds otherwise made available to the DOD to construct or modify any facility in the United States to house Guantanamo detainees.

The Senate amendment contained a provision (sec. 1031(a)) that would extend through fiscal year 2013 the prohibition under section 1026 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1566) on the construction or modification of facilities in the United States to house Guantanamo detainees.

The Senate recedes.

The conferees note that the language of the House provision and the conference agreement is identical to that contained in section 1026 of Public Law 112–81 except that the prohibition is extended from fiscal year 2012 to fiscal year 2013.

Report on recidivism of individuals detained at United States Naval Station, Guantanamo Bay, Cuba, who have been transferred to foreign countries (sec. 1023)

The House bill contained a provision (sec. 1039) that would require two reports relating to transfers of individuals detained at the U.S. Naval Station, Guantanamo Bay, Cuba. The first report would require the Director of the Defense Intelligence Agency (DIA), in consultation with the heads of the other elements of the intelligence community, as appropriate, to assess the factors causing or contributing to the recidivism of Guantanamo detainees that are released or transferred. The second report would require the Secretary of State to assess the effectiveness of the agreements with other countries relating to the transfer or release of Guantanamo detainees.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would consolidate the two reports into one report submitted by the DIA Director, in consultation with the heads of each of the other elements of the intelligence community.

Notice and report on use of naval vessels for detention of individuals captured outside Afghanistan pursuant to the Authorization for Use of Military Force (sec. 1024)

The House bill contained a provision (sec. 1040) that would require the Secretary of Defense to submit a notification to the Committees on Armed Services of the Senate and the House of Representatives not later than 5 days after detaining an individual on a naval vessel outside the United States pursuant to the Authorization for Use of Military Force (Public Law 107–40). The House provision would also require the Secretary to submit to those Committees a detailed report on the use of naval vessels for detention purposes.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the period for submitting the notification of detention from not later than 5 days to not later than 30 days after the individual is first detained. The amendment would also require that if the detained individual is transferred or released before the notice of the individual's detention is submitted, the Secretary must submit to the Committees on Armed Services of the Senate and the House of Representatives notice of the transfer or release. The amendment would retain the reporting requirement in the House bill on the use of naval vessels for detention purposes.

Notice required prior to transfer of certain individuals detained at the Detention Facility at Parwan, Afghanistan (sec. 1025)

The House bill contained a provision (sec. 1041) that would require the Secretary of Defense to notify the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives, not later than 10 days prior to the transfer of any third country national detainee held at the Detention Facility at Parwan, Afghanistan, to the custody of the Government of Afghanistan or any other country. As part of the notification required by this provision, the Secretary of Defense would be required to provide certain assessments and certifications.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to ensure that the specified assessments are conducted prior to the transfer of any third country national subject to this provision, but would eliminate the requirement that the assessments or certifications relating to those assessments be submitted to Congress as part of the transfer notification.

Report on recidivism of individuals formerly detained at the Detention Facility at Parwan, Afghanistan (sec. 1026)

The House bill contained a provision (sec. 1042) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee of Foreign Affairs of the House of Representatives a report relating to the recidivism of individuals formerly detained at the detention facility at Parwan, Afghanistan.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Prohibition on the use of funds for the transfer or release of individuals detained at United States Naval Station, Guantanamo Bay, Cuba (sec. 1027)

The House bill contained a provision (sec. 1036) that would prohibit the use of Department of Defense (DOD) funds for fiscal year 2013 to transfer or release detainees at U.S. Naval Station, Guantanamo Bay, Cuba, to or within the United States, its territories, or possessions.

The Senate amendment contained a provision (sec. 1032) that would establish a permanent prohibition on the use of any appropriated funds to transfer or release Guantanamo detainees to or within the United States, its territories, or possessions.

The Senate recedes.

Requirements for certifications relating to the transfer of detainees at United States Naval Station, Guantanamo Bay, Cuba, to foreign countries and other foreign entities (sec. 1028)

The House bill contained two provisions (sec. 1037 and sec. 1043) that would extend for 1 year the certification requirements applicable to the transfer or release of detainees at the United States Naval Station, Guantanamo Bay, Cuba and revise those requirements.

The Senate amendment contained a provision (sec. 1031(b)) that would extend the certification requirements for 1 year without change.

The Senate recedes with an amendment that would extend the certification requirement for 1 year and modify the requirement in two ways.

First, the amendment would provide that in assessing the risk that a detainee will engage in terrorist activity if released, as required by the certification requirements or the national security waiver with regard to certain certification requirements, the Secretary of Defense may give favorable consideration to any detainee who has cooperated with U.S. intelligence and law enforcement authorities pursuant to a pre-trial agreement while in Department of Defense custody, and for whom appropriate agreements and mechanisms are in place to provide for continued cooperation with U.S. intelligence and law enforcement authorities following transfer.

Second, the amendment would add that, if the Secretary of Defense invokes the national security waiver, the Secretary must also provide as part of the report accompanying the waiver classified information on the detainee's record of cooperation with the Department while in DOD custody and any agreements in place to provide for the detainee's continuing cooperation after transfer.

Rights Unaffected (sec. 1029)

The House bill contained a provision (sec. 1033) that would state that nothing in the Authorization for Use of Military Force (Public Law 107–40) (AUMF) or the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) (FY 2012 NDAA) shall be construed to deny the availability of the writ of *habeas corpus* or to deny any Constitutional rights in an Article III court for any person who is lawfully in the United States when detained and who is otherwise entitled to the availability of such writ or such rights.

The Senate amendment contained a provision (sec. 1033) that would state that an authorization for the use of military force shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States, unless an Act of Congress expressly authorizes such detention.

The Senate recedes with an amendment that would state that nothing in the AUMF or the FY 2012 NDAA 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.

The conferees note that Under Article 1, section 9 of the Constitution, *habeas corpus* rights ''shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.'' The Supreme Court has stated that Congress may not be presumed to have limited *habeas corpus* rights absent ''an unmistakably clear statement'' to that effect. (*Hamdan* v. *Rumsfeld*, 548 U.S. 557, 575 (2006); *Boumedienne* v. *Bush*, 553 U.S. 723, 738 (2008)).

The conferees note that no provision of the AUMF or the FY 2012 NDAA addresses the availability of the writ of *habeas corpus*. On the contrary, section 1021(e) of the FY 2012 NDAA expressly states: ''Nothing in this section shall be construed to affect existing law or authorities relating to the detention of United States citizens, lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States.'' Further, the conferees acknowledge that constitutional rights may not be restricted or denied by statute. Consequently, nothing in the AUMF or the FY 2012 NDAA restricts or denies existing *habeas corpus* rights or any other existing constitutional rights.

Subtitle E—Nuclear Forces

Nuclear weapons employment strategy of the United States (sec. 1031)

The House bill contained a provision (sec. 1051) that would require annual briefings to the congressional defense committees, specifically the Chairmen and Ranking Members and such professional staff as they designate, on the nuclear weapons employment strategy, plans and options of the United States.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require notification to the congressional defense committees when there is an anomaly of the nuclear command, control and communications system that rises to the level of notification to Secretary of Defense or the Nuclear Weapons Council. This requirement is intended to involve those anomalies that are beyond the de minimis issues.

Progress of modernization (sec. 1032)

The House bill contained a provision (sec. 1054) that would prohibit the expenditure of any funds made available for fiscal year 2013 or any fiscal year thereafter to implement a new nuclear weapons employment strategy until a period of 1 year after a report detailing such strategy has been submitted to Congress. The section would also provide that for fiscal years 2013 through 2021, no funds made available for each such fiscal year may be used to carry out the decisions of the 2010 Nuclear Posture Review Implementation study that would alter the nuclear weapons employment strategy, guidance, plans or options of the United States until the President certifies that the resources projected in the February 2011 update to the report required under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) have been requested from the Congress, have been provided in appropriations acts passed by the Congress and signed by the President, and the sequestration mechanism of the Balanced Budget and Emergency Deficit Control Act of 1985, (Public Law 99–177), have been repealed or otherwise terminated.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require notice 60 days before the 2010 Nuclear Posture Review Implementation Study from the 2010 Nuclear Posture Review is issued or implemented, and that the President shall transmit to congressional defense committees a report providing the high, medium and low confidence assessments of intelligence community as to whether the United States will have significant warning of a strategic surprise or breakout caused by foreign nuclear weapons development.

Report in the event of insufficient funding for modernization of nuclear weapons stockpile (sec. 1033)

The House bill contained a provision (sec. 1053) that would amend section 1045(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) to require a report in any year in which funding is appropriated for nuclear modernization activities that is less than projected in the November 2010 update of the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) within 60 days of the determination of insufficient funding. The section would prohibit the reduction of U.S. deployed nuclear warheads until the President certifies that the resource shortfall identified in the report has been addressed and 120 days have elapsed following such certification. The limitation on reductions would not apply regarding reductions made to ensure the safety, security, reliability and credibility of the U.S. nuclear weapons stockpile and delivery systems.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require notification to the appropriate congressional committees 60 days before a reduction in the number of deployed nuclear warheads.

Prevention of asymmetry of nuclear weapon stockpile reductions (sec. 1034)

The House bill contained a provision (sec. 1056) that would require the President to certify whether reductions in the U.S. nuclear weapons stockpile would result in the stockpile being smaller than that of the Russian Federation. The section would provide that if the President certifies that the U.S. nuclear weapons stockpile is smaller than the Russian stockpile, he may not make any reductions to the U.S. stockpile until the Commander of U.S. Strategic Command reports on a potential strategic imbalance created by the reductions and a period of 180 days has elapsed following the submission of the report to the congressional defense committees. The section would except from the limitation reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would replace the limitation on reductions with a report by the Commander of the U.S. Strategic Command, transmitted by the President 60 days before the reduction, covering whether it would create a strategic inbalance or degrade deterrence and extended deterrence between the total number of the nuclear weapons of the United States and the total number of the Russian Federation.

Strategic delivery systems (sec. 1035)

The Senate amendment contained a provision (sec. 1071) that would require the President to certify to the congressional defense committees whether plans to modernize strategic delivery systems are funded at a level equal to or more than that outlined in the November 2010 update to the plan found in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84). If the level of funding is less than that referred to in the November 2010 update, then the President must submit as part of the reporting requirements under section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81),

his assessment of whether a lack of full funding will result in a loss of military capability. If the President determines that the lack of full funding will result in a loss of military capability, he must submit with the section 1043 report a plan to preserve or retain the capability that would be lost, and a report that assesses the impact of the lack of full funding and a description of the funding required to restore the capability.

The House bill contained a similar provision (sec. 1055) that would require the President to certify annually whether plans to modernize or replace strategic delivery systems are fully resourced and being executed at a level equal to or more than the levels set forth in the November 2010 update to the plan referred to in section 1251 of Public Law 111–84. The section would further prohibit the use of funds to reduce, convert, or eliminate strategic delivery systems as a result of the New START treaty or otherwise unless the President is able to issue the required certification.

The House recedes with an amendment that would require the President to certify annually to the congressional defense committees whether plans to replace or modernize strategic delivery systems are funded at levels equal that under the November 2010 update to section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84). If before fiscal year 2020, the President reports that the plan to modernize the strategic delivery systems is not fully funded according to the November 2010 update, the President shall include with the report to Congress under section 1043 of Public Law 112–81 a determination whether the lack of funding will result in a loss of military capability as compared to the November 2010 update. If the determination is made that a lack of full funding will result in a loss of military capability, the President shall include with the report under section 1043 of Public Law 112–81, a plan to preserve the military capability that would be lost, an assessment of the impact of the lack of full funding on the strategic delivery systems, and a description of the funding required to restore military capability. The President must certify a commitment to accomplishing the modernization and replacement of strategic delivery systems and the political obligations concerning nuclear modernization as set forth in declaration 12 of the Resolution of Advice and Consent to Ratification of the New START treaty.

The amendment also requires that the President make the certification regarding full funding for the strategic delivery systems under the November 2010 update to the section 1251 plan not less than 60 days before the date on which the President carries out any proposed reduction to the strategic delivery systems along with any additional reporting matters described in this section. In addition, the President must certify to the congressional defense committees that the Russian Federation is in compliance with its arms control obligations with the United States.

Consideration of expansion of nuclear forces of other countries (sec. 1036)

The House bill contained a provision (sec. 1057) that would require that in any year in which the President recommends reductions in the nuclear forces of the United States that no funds made available for fiscal year 2012 or any fiscal year thereafter may be used for such reduction until the President transmits to the appropriate congressional committees a report regarding foreign nuclear weapons programs and a certification by the Commander of U.S. Strategic Command as to whether the recommended reductions in U.S. nuclear forces could have specific implications for U.S. national security.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that requires the President to transmit a report to Congress 60 days before any such reduction with a high, medium and low confidence intelligence community assessment regarding a country's number and type of nuclear weapons, its modernization plans, warhead and strategic delivery vehicle production capacity, nuclear doctrine and the impact of the reductions on deterrence and extended deterrence of the United States. In addition, the Commander of the United States Strategic Command shall certify to congressional defense committees whether such reductions impair the ability of the United States to respond to unplanned strategic or geopolitical events, technical challenges or whether such reductions degrade United States deterrence or the extended deterrence it provides to its friends and allies. With regard to extended deterrence, the conferees expect the Commander will consult with the Secretary of State.

Nonstrategic nuclear weapon reductions and extended deterrence policy (sec. 1037)

The House bill contained a provision (sec. 1060) that would state the policy of the United States regarding nonstrategic nuclear weapons reductions as well as the United States policy on the extended deterrence commitment to Europe. The section would also limit any funds made available for fiscal year 2013 or any fiscal year thereafter to reduce, consolidate or withdraw U.S. nuclear weapons that are based in Europe until certain specific conditions are met, as established by a certification from the President submitted to the appropriate congressional committees, and a period of 180 days has elapsed.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a notification to the congressional defense committees 60 days before the reduction, consolidation, or withdrawal of nuclear forces based in Europe.

Unilateral change in nuclear weapons stockpile of the United States (sec. 1038)

The House bill contained a provision (sec. 1065B) that would prohibit the President from retiring, dismantling, or eliminating any nuclear weapon if the action results in a level lower than that described by the New Strategic Arms Reduction Treaty.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the President, prior to considering a change to the size of the total stockpile of deployed and non-deployed hedge weapons by more than 25 percent, other than through a treaty even if over several years, to submit to the congressional defense committees the terms of reference of a nuclear posture review. The 25 percent change would include either a reduction or an increase in nuclear stockpile size.

Under the provision, the President would be allowed to change the nuclear stockpile by more than 25 percent upon completing the nuclear posture review and submitting it to the congressional defense committees.

This provision would not apply to changes in the nuclear weapons stockpile resulting from treaty obligations, but would apply to any other changes. This provision would be a recurring requirement.

The Nuclear Posture Review would be submitted in an unclassified form but may include a classified annex.

Expansion of duties and responsibilities of the Nuclear Weapons Council (sec. 1039)

The House bill contained a provision (sec. 1061) that would amend section 179 of title 10, United States Code, (10 U.S.C. 179) authorizing the Nuclear Weapons Council (NWC) to require circulation of materials to the Chairman of the NWC not later than 7 days before a Council meeting and to coordinate and approve the annual budget proposals of the National Nuclear Security Administration (NNSA).

The Senate amendment contained a similar provision (sec. 902) that would amend the statute authorizing the NWC (10 U.S.C. 179) to require that concurrent with the President's budget submission, that the Council certify in writing that the budget for the NNSA meets both the nuclear stockpile and the stockpile stewardship requirements as well as provide programmatic oversight of the nuclear command and control system. The provision also requires the Council to notify the congressional defense committees on the impacts of any authorization or appropriation bill adopted by either the Senate or the House of Representatives that in the view of the Council fails to adequately fund the nuclear stockpile and nuclear stockpile stewardship requirements.

The Senate recedes with an amendment that would require certification by the NWC of the NNSA budget with dissenting opinions at the time of budget submission to the Congress, provide oversight of the nuclear command and control system and provide that the NWC notify the congressional defense committees on the impacts of any authorization or appropriation bill adopted by either the Senate or House that fails to fund the nuclear stockpile stewardship requirements.

The conferees understand there will be circumstances which could preclude meeting the 7-day advance document requirement before a meeting of the NWC. The conferees intend the 7-day requirement apply to the extent possible.

The conferees expect that the NWC not only certify (as required by statute) the NNSA budget as it is submitted to the Congress but that the NWC also take an active role in shaping and reviewing the NNSA budget as it is prepared for submission to Congress and negotiated with the Office of Management and Budget during the budget review process.

Interagency Council on the Strategic Capability of the National Laboratories (sec. 1040)

The House bill contained a provision (sec. 1062) that would establish an Interagency Council on the Strategic Capability of the National Laboratories. The membership of the Council would include the Secretary of Defense, the Secretary of Energy, the Secretary of Homeland Security, the Director of National Intelligence, the Administrator for Nuclear Security, and other officials as designated by the President. The Council would be responsible for a variety of matters related to identifying, assessing, and ensuring adequate support for strategic capabilities at the national laboratories that could be used by the participating agencies to accomplish national security missions. This section would also require each member of the Council to create streamlined consideration and approval processes for their agency to procure the services of the national laboratories on appropriate matters. Finally, this provision would require the Council to submit a report to appropriate congressional committees on the functions and effectiveness of the Council.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would add a requirement that the Council, in its report to Congress, assess the strategic capabilities and core competencies of laboratories and engineering centers operated by the Department of Defense, including mission areas and functions that should

be carried out by these laboratories and engineering centers.

Cost estimates for nuclear weapons (sec. 1041)

The House bill contained a provision (sec. 1065A) that would amend section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) and would require cost estimates for sustaining and modernizing the U.S. nuclear deterrent and the nuclear stockpile over the 10 year period including training, basing, security, testing, research, development, deployment, transportation, personnel, overhead, and other appropriate matters as well as budget estimates listed by location for the Department of Defense. The Comptroller General would be required to review the cost estimates prepared by the Department of Defense within 180 days.

The Senate amendment contained a similar provision (sec. 1073) that would require the Congressional Budget Office to obtain a 10 year cost estimate of nuclear weapons enterprise in the Departments of Defense and Energy.

The Senate recedes with an amendment that would amend section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) and require cost estimates for sustaining and modernizing the U.S. nuclear deterrent and the nuclear stockpile over the 10 year period including for procurement, military construction, operation and maintenance, research, development, test, and evaluation for the Department of Defense, with a review of the costs by the Comptroller General. The amendment would also require a 10 year cost estimate by the Congressional Budget Office of the nuclear enterprise in the Departments of Defense and Energy.

Prior notification with regard to retirement of strategic delivery systems (sec. 1042)

The House bill contained a provision (sec. 1065C) that would limit any funds authorized to be appropriated for fiscal year 2013 or any fiscal year thereafter for the Department of Defense to reduce, convert, or decommission any strategic delivery system pursuant to the levels set forth under the New START Treaty unless the President certifies to Congress that the Russian Federation makes a commensurate reduction, conversion or decommissioning under the Treaty and that the Russian Federation is not developing or deploying a strategic delivery system that is not covered under the treaty limits and capable of reaching the United States. The provision limits any funds authorized to be appropriated for fiscal year 2013 or any fiscal year thereafter if such funds would eliminate a leg of the nuclear triad.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the President submit the report required under section 1042(a) of the National Defense Authorization Act of Fiscal Year 2012 (Public Law 112–81), 60 days before any such reduction, conversion or decommissioning of any strategic delivery systems under the New START Treaty.

Report on nuclear warheads on intercontinental ballistic missiles of the United States (sec. 1043)

The House bill contained a provision (sec. 1059) that would prohibit reductions in the number of warheads loaded on U.S. intercontinental ballistic missiles unless the President certifies that the Russian Federation and the People's Republic of China are carrying out similar reductions with an exception for reductions made to ensure the safety, security, reliability and credibility of the U.S. nuclear weapons stockpile and delivery systems

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a report on the requirements necessary to ensure the United States retains the ability to upload multiple warheads on intercontinental ballistic missiles if circumstances dictate that such actions are needed.

Requirements for combined or interoperable warhead for certain missile systems (sec. 1044)

The Senate amendment contained a provision (sec. 1072) that would require the Nuclear Weapons Council to provide Congress with the definition of a combined warhead so that the 6.1 and 6.2 process will have clarity in the out-years.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretaries of the Navy and Air Force to submit to the Nuclear Weapons Council their plans and views with respect to a combined or interoperable warhead for the W78 Minuteman III missile system and the W88 Trident II system. The amendment would also require that these views be combined unedited with the report from the Nuclear Weapons Council setting forth the requirements for the combined or interoperable warhead and provided to Congress.

To better understand the requirements associated with this interoperable warhead, the conferees direct the Under Secretary of Defense for Acquisition, Technology, and Logistics to submit to the congressional defense committees by February 1, 2013, any briefing materials that pertain to the interoperable warhead that were provided to the Nuclear Weapons Council by the Commander of U.S. Strategic Command during the Council's July 2012 meetings. In addition to the original materials, the Under Secretary and the Commander of U.S. Strategic Command may also submit any update to the information contained in the materials.

Reports on capability of conventional and nuclear forces against certain tunnel sites and on nuclear weapons program of the People's Republic of China (sec. 1045)

The House bill contained a provision (sec. 1063) that would require a report within 1 year after the date of enactment of this Act on the implications of the underground tunneling network of the People's Republic of China and the capacity of the conventional and nuclear forces of the United States to hold those tunnels (and assets contained within) at risk, including any implications for U.S. force structure and program requirements. Such report would be unclassified, with a classified annex if necessary. Information controlled under special access programs and alternate or compensatory control measures are limited to the congressional defense committees.

The Senate amendment contained no similar provision.

The Senate recedes.

Report on conventional and nuclear forces in the Western Pacific region (sec. 1046)

The House bill contained a provision (sec. 1064) that requires a report on the deployment of additional conventional and nuclear forces to the Western Pacific, detailing specific issues with such deployments including an evaluation of any bilateral agreements, basing arrangements and costs required for such deployments.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to consider the feasibility and strategic value of such deployments as part of the report.

Subtitle F—Miscellaneous Authorities and Limitations

Expansion of authority of the Secretary of the Army to loan or donate excess non-automatic service rifles for funeral and other ceremonial purposes (sec. 1051)

The House bill contained a provision (sec. 1072) that would amend section 4683(a) of title 10, United States Code, to change the statutory limitation on the number of excess small arms that the Secretary of the Army can donate to certain eligible organizations for funeral and other ceremonial purposes. This section would also establish a rotational small arms loan program should the demand for ceremonial small arms exceed currently available excess supply.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Secretary of the Army to loan or donate excess non-automatic service rifles to meet the needs of authorized eligible organizations with respect to performing funeral and other ceremonies.

Interagency collaboration on unmanned aircraft systems (sec. 1052)

The House bill contained a provision (sec. 1074) that would: (1) amend section 1036(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417) to encourage technical collaboration and sharing of personnel, resources, and information among the Department of Defense (DOD), the Federal Aviation Administration (FAA), and the National Aeronautics and Space Administration (NASA); (2) direct the Secretary of Defense to collaborate with the FAA and NASA Administrators on solutions to the challenges of unmanned aerial system (UAS) integration into the National Airspace System (NAS); and (3) require the Secretary of Defense to provide an annual report for a period of 5 years on the progress of research and development for UAS NAS integration and future funding requirements.

The Senate amendment contained a nearly identical provision (sec. 1046).

The Senate recedes with an amendment that would clarify that congressional intent is for the collaboration effort to result in all public agencies gaining better access to the NAS, and that the Secretary's annual report should include information on progress in sharing with the FAA safety operational and performance data as it relates to unmanned aircraft system operation and the impact on the NAS.

Authority to transfer surplus Mine-Resistant Ambush-Protected vehicles and spare parts (sec. 1053)

The House bill contained a provision (sec. 1075) that would authorize the Secretary of Defense to transfer surplus Mine-Resistant Ambush-Protected vehicles to non-profit United States humanitarian demining organizations for purposes of demining activities and training of such organizations. This section would specify that any transfer of such a vehicle shall be made on a loan basis; require the cost of operation and maintenance of the vehicles to be borne by the recipient organization; and include any other appropriate conditions as determined by the Secretary. This section would require the Secretary to notify the congressional defense committees in writing 60 days prior to making any transfer of vehicles or spare parts.

The Senate amendment contained no similar provision.

The Senate recedes.

Notice to Congress of certain Department of Defense nondisclosure agreements (sec. 1054)

The House bill contained a provision (sec. 1077) that would prohibit the Department of

Defense (DOD) from the use of nondisclosure agreements to prevent members of the armed forces and DOD civilian employees from communicating with Members of Congress.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to notify the congressional defense committees of any nondisclosure agreements that members of the armed forces or DOD civilian employees are asked to sign that could restrict communications with Congress, and provide the text of the agreements and a description of the category of employees who will be asked to sign, along with an explanation of the need and the legal basis for such agreements.

The conferees note that all nominees for senior civilian and military positions in the Department of Defense make a commitment in the confirmation process to ensure that testimony, briefings, and other communications of information are provided to the congressional defense committees in a timely manner and to protect witnesses and briefers from reprisal for their testimony or briefings.

The conferees strongly discourage DOD from the use of nondisclosure agreements that could restrict communications with Congress, except in cases where such agreements are necessary to protect classified information, contractor proprietary information, or source selection sensitive information.

Extension of authority to provide assured business guarantees to carriers participating in Civil Reserve Air Fleet (sec. 1055)

The House bill contained a provision (sec. 332) that would amend section 9515 of title 10, United States Code. Section 9515 provides authority for the Secretary of Defense to guarantee higher minimum levels of business than would otherwise be authorized by law to United States passenger carrying air carriers participating in the Civil Reserve Air Fleet. This authority will expire on December 31, 2015. The House bill provision would: (1) extend the sunset date to 2020; and (2) permit the Secretary to expand the possible uses of these assured business guarantees to cargo carrying air carriers.

The Senate amendment contained an identical provision (sec. 1043).

The conference agreement includes the provision.

Authority for short-term extension of lease for aircraft supporting the Blue Devil intelligence, surveillance, and reconnaissance program (sec. 1056)

The Senate amendment contained a provision (sec. 933) that would allow the Secretary of the Air Force to extend or renew, on a temporary basis, the current lease of aircraft to support the Blue Devil intelligence, surveillance, and reconnaissance program.

The House bill contained no similar provision.

The House recedes.

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. 1057)

The House bill contained a provision (sec. 1071) that would amend section 1062(c) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) to allow the Secretary of Defense to authorize a military or Department of Defense (DOD) civilian mental health professional or commanding officer to inquire if a service member plans to acquire or already possesses a weapon if the mental health professional or commanding officer has reasonable grounds to believe that the service member is at high risk for suicide or causing harm to others.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would amend section 1062(c) to allow the Secretary of Defense to authorize a military or DOD civilian health professional or commanding officer to inquire if a service member plans to acquire or already possesses a weapon if the health professional or commanding officer has reasonable grounds to believe that the service member is at risk for suicide or causing harm to others.

The conferees note that members of a service member's chain of command or others who come into contact with a service member who they reasonably believe may be at risk for suicide or causing harm to others, may inform the service member's commanding officer of their concerns. The conferees expect that in implementing this provision the Secretary of Defense will ensure that DOD policy clearly outlines the authority to inquire about legally owned private weapons. By amending section 1062(c), the conferees do not intend to modify or eliminate any existing statutory authority of the Department.

Sense of Congress on the Joint Warfighting Analysis Center (sec. 1058)

The Senate amendment contained a provision (sec. 1051) that would express the sense of Congress that the Joint Warfighting Analysis Center should have adequate resources to meet the continuing requirements of the combatant commands.

The House bill contained no similar provision.

The House recedes.

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 (sec. 1059)

The House bill contained a provision (sec. 1076) that would prohibit the Department of Defense from divesting, retiring, or transferring, or preparing to divest, retire, or transfer, any: (1) C-23 aircraft of the Army assigned to the Army as of May 31, 2012; or (2) aircraft of the Air Force assigned to the Air Force as of May 31, 2012.

The Senate amendment contained a similar provision (sec. 1708) that would apply that prohibition to any aircraft of the Air Force assigned to units of the Air National Guard or Air Force Reserve as of May 31, 2012.

The Senate recedes with an amendment.

On November 2, 2012, the Air Force provided Congress with a revised plan for fiscal year 2013 force structure that made substantial changes to the original fiscal year 2013 force structure proposal that led to these actions by Congress. The Air Force has indicated that the Secretary of the Air Force intends to implement that proposal in lieu of the force structure proposal submitted with the President's budget request.

The conference agreement includes a provision that would require the Secretary of the Air Force to 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. These 32 aircraft would be kept to support the Army's fixed-wing direct support/time sensitive airlift mission requirements of 40 dedicated aircraft. The Air Force's revised proposal already incorporated an extra eight C–130 aircraft that could be used to support the Army's mission requirements. The conferees also agree that, in retaining an additional 32 aircraft, the Secretary of the Air Force should have the discretion to choose C–130s, C–27s, or a combination of both.

The conferees are concerned with the Air Force's capability to meet the Army's time sensitive/mission critical direct support airlift mission requirement, given the quantity of fixed-wing, intra-theater airlift aircraft that the Secretary of Defense currently proposes to retire, even under the revised proposal. The conferees expect this restriction will apply only during fiscal year 2013, by which time Congress should have received the report on intra-theater requirements for both Title 10, Title 32, and Army direct support intra-theater airlift missions. This report was required by section 112 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81).

The conferees note that the Vice Chiefs of Staff of the Air Force and the Army signed a memorandum of agreement (MOA), dated September 13, 2009, that defined the concept of employment for the Department of the Air Force in providing direct support of Department of the Army time sensitive or mission critical intra-theater airlift missions.

The conference agreement would require that, not later than June 1, 2013, the Secretary of the Air Force shall ensure that this MOA is 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.

The conferees further agree that the Air Force should proceed with force structure divestments, retirements, and transfers approved in requests prior to the fiscal year 2013 budget request.

However, the conferees direct the Secretary of the Air Force to: (1) develop a strategy to ensure that personnel readiness, training, and retention for units transitioning to new or different missions would remain at the highest level practicable during ongoing force structure retirements, divestments, and transfers; and (2) minimize, to the maximum extent practical, time-related gaps for units transitioning to new or different missions.

The conferees note that additional resources in individual authorization accounts to sustain the Air Force force structure are provided for elsewhere in this Act.

Subtitle G—Studies and Reports

Electronic warfare strategy of the Department of Defense (sec. 1061)

The House bill contained a provision (sec.1067) that would require the Secretary of Defense to review and update Department of Defense guidance related to electronic warfare not later than January 1, 2013, to ensure that oversight roles and responsibilities within the Department are clearly defined. This section would also require the Commander, U.S. Strategic Command, to update and issue guidance regarding the responsibilities of the combatant command with regard to joint electronic warfare capabilities. Finally, this section would include additional reporting requirements in the annual report on electronic warfare required by section 1053 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the date by which the Commander, U.S. Strategic Command, would be required to issue updated guidance from January 1, 2013, to October 1, 2013.

The conferees expect that the review and update of electronic warfare guidance will include an examination of the relationship

between cyber warfare and electronic warfare, and that the Commander, U.S. Strategic Command, will highlight for the leadership of the Department of Defense issues relating to oversight, management, and integration that need to be resolved across these two warfare missions.

Report on counterproliferation capabilities and limitations (sec. 1062)

The House bill contained a provision (sec. 1068) that would require the Secretary of Defense to provide a report to the congressional defense committees by March 1, 2013, 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.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Secretary of Defense to provide the required report to the congressional defense committees no later than 180 days after enactment of this Act. The amendment also modifies the elements of the required report.

Report on strategic airlift aircraft (sec. 1063)

The Senate amendment contained a provision (sec. 1061) that would direct the Secretary of Defense to submit to the congressional defense committees a report that sets forth various assessments related to: (1) possible Federal Aviation Administration certification for commercial use of a commercial variant of the C–17 aircraft, a retired C–17A aircraft, and a retired C–5A aircraft; and (2) the Civil Reserve Air Fleet (CRAF) and the potential for using these aircraft to augment capability in participating CRAF air carriers. The Secretary would be required to submit that report not later than 90 days after the date of the enactment of this Act.

The House bill contained no similar provision.

The House recedes with an amendment that would expand the congressional recipients of the report to include the Commerce Committee of the Senate and the Transportation and Infrastructure Committee of the House of Representatives.

Repeal of biennial report on the Global Positioning System (sec. 1064)

The Senate bill contained a provision (sec. 1062) that would repeal the biennial report on global positioning systems prepared by the Department of Defense in response to 10 U.S.C. 2281d. This information can readily be obtained from the biennial Federal Radionavigation Plan.

The House bill contained no similar provision.

The House recedes.

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. 1065)

The Senate amendment contained a provision (sec. 1063) that would repeal section 234 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) titled, ''Annual Report on Threat Posed to the United States by Weapons of Mass Destruction, Ballistic Missiles, and Cruise Missiles''.

The House bill contained no similar provision.

The House recedes with an amendment that would amend the report required by section 234 of Public Law 105–85 with additional requirements for the Secretary of Defense, in consultation with the Director of National Intelligence, to carry out an annual report due not later than January 30 of each year similar to what was proposed to be repealed by the Senate. The conferees were informed that a report, ''Acquisition of Technology Relating to Weapons of Mass Destruction'' required by section 721 of the Intelligence Authorization Act for Fiscal Year 1997 (Public Law 104–293) was repealed by both the Senate Select Committee on Intelligence in its version of the Intelligence Authorization Act for Fiscal Year 2013 (S. 3454), reported out of that committee on July 30, 2012, as well as the House Permanent Select Committee on Intelligence in its version of the Intelligence Authorization Act for Fiscal Year 2013 (H.R. 5743), which was passed by the House of Representatives on May 31, 2012.

The result of the proposed Senate repeal and the actions of the intelligence committees of the Senate and the House of Representatives would be no meaningful unclassified data reported to the Congress and the American public in a comprehensive way on these serious threats.

The conferees are cognizant of the cost of preparing these reports, but note that this reporting consolidation should permit efficiency and cost-savings. The conferees believe this new report should be prepared in as thorough a fashion as possible taking advantage of the venue of this more comprehensive unclassified report.

The conferees expect that for the first report submission, the existing work done to prepare for the respective Secretary of Defense and Director of National Intelligence reports, which are now consolidated, should be utilized to ensure a thorough and cost-effective report, submitted on time.

Report on force structure of the United States Army (sec. 1066)

The House bill contained a provision (sec. 1081) that would establish a bipartisan independent strategic review panel to conduct a regular review of the national defense strategic environment, an assessment of the quadrennial defense review required under section 118 of title 10, United States Code, and a review of the future of the U.S. Army.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of the Army to provide Congress with a report on the Army's future force structure.

The conferees direct the National Defense Panel, established by section 118(f) of title 10, United States Code, to include an assessment of the national security defense strategic environment of the next 20 years in the next report of the Panel, as required by paragraph (7) of subsection (f) of section 118 of title 10, United States Code.

Report on planned efficiency initiatives at Space and Naval Warfare Systems Command (sec. 1067)

The Senate amendment contained a provision (sec. 1068) that would require the Secretary of the Navy to submit to the congressional defense committees a report on plans to implement efficiency initiatives to reduce overhead costs 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.

The House bill contained no similar provision.

The House recedes with an amendment that would clarify that the plans evaluated by the Secretary should be for all echelons of SPAWAR.

Report on military resources necessary to execute United States Force Posture Strategy in the Asia Pacific Region (sec. 1068)

The Senate amendment contained a provision (sec. 1067) that would require the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, to review the strategy, force structure, and resource requirements for the Asia Pacific region and to report to the congressional defense committees on the results within 1 year of enactment.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees note that the Center for Strategic and International Studies issued an independent assessment in August 2012 on U.S. Force Posture Strategy in the Asia-Pacific Region. That assessment, conducted in accordance with Section 346 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81), recommends a better alignment of engagement strategies between U.S. Pacific Command and the Department of Defense (DOD) in order to improve capabilities to respond to a range of contingencies. The assessment also noted that the DOD ''has not adequately articulated the strategy behind its force posture planning, nor aligned the strategy with resources in a way that reflects current budget realities.''

The conferees note that the DOD has requested hundreds of millions of dollars for infrastructure and facility requirements on Guam, yet there is not a clear, specific plan in the current budget request for the military resources and equipment needed in the Pacific theater to lift and maneuver our military forces. The conferees expect that the report required by this provision will address the plan for ensuring that any proposed force realignments in the Pacific region, to include moving U.S. Marines from Japan to Australia, Guam, and Hawaii, are supported by resources that will allow our forces to meet operational requirements. Military commanders in the region must have adequate ground, naval, and air assets to meet the operational and logistical challenges in the Pacific theater, including strategic airlift and sealift to move forces quickly around an extremely large and diverse area of responsibility. These resources should be in place before the forces are realigned, so as not to incur additional operational risk in this critical region.

Rialto-Colton Basin, California, water resources study (sec. 1069)

The House bill contained a provision (sec. 1089) that would require the Secretary of the Interior to conduct a study of water resources in the Rialto-Colton Basin in California.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Reports on the potential security threat posed by Boko Haram (sec. 1070)

The House bill contained a provision (sec. 1090) that would direct the Secretary of State to submit a report on whether the Nigerian organization known as ''Boko Haram'' meets the criteria for designation as a Foreign Terrorist Organization (FTO) under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

The Senate amendment contained a provision (sec. 1089) that would require the Director of National Intelligence (DNI) to submit an intelligence assessment on the threat posed by Boko Haram. Following submission of the DNI's assessment, the Secretary of State would be required to submit a report to Congress on the current U.S. strategy to counter the threat posed by Boko Haram.

The House recedes with an amendment that would require the reports under this provision to be classified, and require the report under subsection (b) of the provision to be a joint report prepared by the Secretary of State and the Secretary of Defense.

The conferees understand that the State Department has conducted an assessment of whether to designate Boko Haram as an FTO. The conferees expect that a discussion of the findings of the Department's assessment on whether Boko Haram should be designated as an FTO be included in the report required under this subsection.

Study on the ability of national test and evaluation capabilities to support the maturation of hypersonic technologies for future defense systems development (sec. 1071)

The Senate amendment contained a provision (sec. 1069) that would require an interagency study on the ability of the national test and evaluation infrastructure, including the Department of Defense (DOD), the National Aeronautics and Space Administration (NASA), and the private sector, to help mature hypersonic technologies for defense systems development.

The House bill contained no similar provision.

The House recedes with technical and clarifying amendments. The conferees direct that DOD and NASA provide resources to support this study and report, as well as to provide all information and data on capabilities, funding, requirements, and other matters required for the study and report.

The conferees believe that maintaining the capabilities to conduct hypersonic ground testing is a national security priority and are not confident the Federal Government is taking all necessary actions to maintain relevant capabilities. The conferees are aware that as part of the fiscal year 2013 budget certification, the Test Resource Management Center opposed planned Air Force reductions that would have mothballed a number of important wind tunnels without assessing the impact on other agencies' programs or the cost to recover that mothballed capability in the future.

Lastly, the conferees note that this study requirement supersedes the hypersonic test and evaluation infrastructure study requirement outlined in the Senate report (S. Rept. 112–173) accompanying the National Defense Authorization Act for Fiscal Year 2013 (S. 3254).

Subtitle H—Other Matters

Technical and clerical amendments (sec. 1076)

The House bill contained a provision (sec. 1083) that would make technical and clerical amendments.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment making additional technical and clerical amendments.

Sense of Congress on recognizing Air Mobility Command on its 20th anniversary (sec. 1077)

The House bill contained a provision (sec. 1091) that would express 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.

The Senate amendment contained no similar provision.

The Senate recedes.

Dissemination abroad of information about the United States (sec. 1078)

The House bill contained a provision (sec. 1097) that would amend section 501 of the United States Information and Educational Exchange Act of 1948 (also known as the Smith-Mundt Act; 22 U.S.C. 1461) to authorize, with certain exceptions, the Secretary of State and the Broadcasting Board of Governors (BBG) 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. The provision would also amend the Foreign Relations Authorization Act of Fiscal Years 1986 and 1987 (22 U.S.C. 1461–1a) to remove existing statutory limits on the Department of State's and BBG's ability to provide information about their activities to the Congress, media or public.

The Senate amendment contained no similar provision.

The Senate recedes with a technical and clarifying amendment.

The conferees maintain that the Secretary of State and BBG are authorized to utilize funds for public diplomacy programs to provide for the preparation, dissemination, and use of information intended for foreign audiences. Further, the conferees maintain that no funds authorized for the Department of State or BBG shall be used to influence public opinion in the United States. The conferees recognize that the ban on domestic dissemination of BBG or Department of State public diplomacy products contained in the Smith-Mundt Act did not envision the development of new technologies, including the Internet or satellite broadcasting, which do not honor national boundaries. The conferees note the modification on the prohibition on domestic dissemination does not apply to other agencies of the U.S. Government, as the initial ban was also not applicable to them. In addition, this amendment in no way broadens or otherwise changes the current missions of the Department of State and BBG.

In addition, the conferees believe the provision would allow BBG to respond to domestic requests for BBG material, but not to seek to syndicate such material through domestic media outlets with the intent to develop audiences within the United States. Further, the conferees expect that reimbursements and fees should not exceed the actual costs incurred to make materials available pursuant to the statute. The conferees also believe that the fees charged pursuant to this provision should be assessed according to a standardized, publicly-available fee schedule; and that the Secretary of State, BBG, and the National Archivist should maintain and provide to Congress a regular accounting of the funds collected pursuant to the reimbursement authority of section 501(b)(1) and the fee-collection authority of section 501(b)(4).

Coordination for computer network operations (sec. 1079)

The House bill contained a provision (sec. 1098) that would require the President to submit to the congressional defense committees a charter for an interagency body to coordinate and deconflict full-spectrum military cyber operations for the Federal Government. The provision would require the report to include: (1) business rules and processes governing the interagency body's activities; (2) interagency guidance on roles and responsibilities for military cyber operations; (3) the membership of the coordination body; and (4) plans for documenting the body's activities. Finally, the provision would require the Secretary of Defense to submit to the congressional defense committees for fiscal year 2015 and all years thereafter, Department of Defense-wide budget materials for military cyber operations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the reporting requirement from the President to the Secretary of Defense and the form of the reporting to a briefing. The amendment would also alter the contents of the briefing to include: (1) business processes and rules governing interagency coordination processes; (2) membership and responsibilities relating to the interagency process; (3) interagency guidance on roles and responsibilities for military cyber operations; and (4) plans to implement the interagency guidance.

Sense of Congress regarding unauthorized disclosures of classified information (sec. 1080)

The House bill contained a provision (sec. 1099C) that would require the Attorney General to investigate possible violations of federal law related to alleged leaks of certain classified information.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would express the sense of Congress that the Department of Defense, the Department of Justice, and other federal agencies should take positive steps to address the unauthorized disclosure of classified information.

Technical amendments to repeal statutory references to United States Joint Forces Command (sec. 1081)

The Senate amendment contained a provision (sec. 1082), as requested by the Department of Defense, that would amend title 10, United States Code, to remove references to the United States Joint Forces Command (USJFCOM) in order to reflect the disestablishment of USJFCOM effective August 4, 2011.

The House bill contained no similar provision.

The House recedes.

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. 1082)

The Senate amendment contained a provision (sec. 1083) that would express the sense of Congress on the importance of science, technology, engineering, and mathematics (STEM) to the Department of Defense.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees recognize that in order to maintain and advance the military technological superiority of the armed forces, the United States requires the best and brightest scientists, mathematicians, and engineers to discover, develop, and field the next generation of weapon systems and defense technologies. The capabilities of the armed forces are highly reliant upon advanced technologies that provide our forces with a technological edge on the battlefield. Furthermore, the conferees are concerned that more than half of all graduates with advanced scientific and technical degrees from United States institutions of higher education are non-United States citizens who have very limited opportunities upon graduation to contribute to the science and technology activities of the Department of Defense and the United States defense industrial base. Of those graduates that are left that are able to support the Department of Defense and the defense industrial base, competition with other sectors is exacerbated by salary discrepancies and significant administrative obstacles. The conferees note that while there

is an overarching national priority to increase the numbers of United States citizens who have appropriate advanced degrees in science, technology, engineering and mathematics, it would also be beneficial if the Department of Defense and the defense industrial base were able to access the pool of talent consisting of non-United States citizens with advanced scientific and technical degrees from United States institutions of higher education, many of whom are otherwise returning to their home countries.

Scientific framework for recalcitrant cancers (sec. 1083)

The Senate amendment contained a provision (sec. 5022) that would amend subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) to direct the National Cancer Institute to develop scientific frameworks for the conduct or support of research efforts on recalcitrant cancers.

The House bill contained no similar provision.

The House recedes.

Protection of veterans' memorials (sec. 1084)

The Senate amendment contained a provision (sec. 1096) that would amend sections 2314 and 2315 of title 18, United States Code, to make it a criminal offense to transport stolen veterans' memorials of any value in interstate or foreign commerce, or to sell or receive stolen veterans' memorials of any value that have crossed a state or United States boundary after being stolen, punishable by a fine and imprisonment for not more than 10 years.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the maximum penalty to a fine and imprisonment for not more than 1 year when the value of the veterans' memorial object is less than $1000. The amendment would also define ''veterans' memorial object'' as 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.

Sense of Congress regarding spectrum (sec. 1085)

The Senate amendment contained a provision (sec. 5317) that states a sense of Congress on sharing and making available federal spectrum without harming federal users.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees are concerned that by not including specific national security representation, the Technical Panel and the Dispute Resolutions Board, established under section 6701 of The Middle Class Tax Relief Act of 2012 (Public Law 112–96), may make decisions that could result in arbitrary determinations regarding the ''sufficiency'' of spectrum relocation or sharing transition plans addressing national security capabilities and any dispute that may arise thereafter, without adequate input from the Department of Defense (DOD). To ensure these equities are considered under the amendment, the Secretary of Defense would determine whether the needs and concerns of the DOD have been adequately considered and addressed during the processes of identifying frequencies to be surrendered and transition planning, including review of transition plans by the Technical Panel and any dispute resolution by the Dispute Resolution Board, impacting national security capabilities.

Further, the conferees expect the National Telecommunications and Information Administration ensure that the rules and procedures implementing the Technical Panel and Dispute Resolution Board as required by Public Law 112–96 incorporate methods that enable the Secretary of Defense to make the necessary determination on the needs and concerns of the DOD with respect to consideration of transition plans impacting national security capabilities.

Public Safety Officers' Benefits Program (sec. 1086)

The Senate amendment contained a provision (sec. 5021) that would revise and enhance the Dale Long Public Safety Officer Benefits Program.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Removal of action (sec. 1087)

The Senate amendment contained a provision (sec. 5024) that would address the removal of certain actions to federal court under section 1442 of title 28, United States Code.

The House bill contained no similar provision.

The House recedes.

Transport for female genital mutilation (sec. 1088)

The Senate amendment contained a provision (sec. 1092) that would amend title 18, United States Code, to provide penalties for transporting minors in foreign commerce for purposes of female genital mutilation.

The House bill contained no similar provision.

The House recedes.

Amendments to law enforcement officer safety provisions of title 18 (sec. 1089)

The Senate amendment contained a provision (sec. 1099C) that would amend the law enforcement officer safety provisions in title 18, United States Code.

The House bill contained no similar provision.

The House recedes.

Reauthorization of sale of aircraft and parts for wildfire suppression purposes (sec. 1090)

The Senate amendment contained a provision (sec. 1095) that would reinstate the Wildfire Suppression Aircraft Transfer Act of 1996 (Public Law 104–307), making its provisions effective until the end of fiscal year 2017. The Act, which had expired at the end of fiscal year 2005, allowed the Department of Defense to sell excess aircraft and aircraft parts to private operators for wildfire suppression purposes.

The House bill contained no similar provision.

The House recedes.

Transfer of excess aircraft to other departments of the Federal Government (sec. 1091)

The Senate amendment contained a provision (sec. 1094) that would direct the Secretary of Defense to transfer, from excess aircraft inventory, up to 12 aircraft each to the Secretary of Agriculture and the Secretary of Homeland Security for use by the Forest Service and the United States Coast Guard, respectively. The provision would require that the Secretary of Defense afford equal priority for transferring any excess aircraft to the Forest Service and the Coast Guard before any other department or agency of the Federal Government. Finally, the authority to transfer excess aircraft under the provision would expire on December 31, 2013.

The House bill contained no similar provision.

The House recedes with an amendment that would make the authority for the Secretary of Defense permissive, and would limit the Secretary's authority under the provision to transfer up to seven aircraft to each organization. The provision would provide that the seven-aircraft limitation would cease upon formal notification of the Secretary of Agriculture and the Secretary of Homeland Security that the Secretary's respective department will decline or accept seven aircraft.

The conferees understand that this provision may help resolve pressing concerns regarding aviation forces within the Forest Service and the Coast Guard. The Forest Service has an urgent need to replace its fleet of large air tankers to more effectively combat increasingly severe and frequent forest fires, and the Coast Guard has a severely aging aircraft fleet serving important homeland defense missions, with only scarce resources to modernize that fleet.

ITEMS OF SPECIAL INTEREST

Below threshold fund transfers between Department of Defense accounts

The Senate report contained an item of special interest directing the Secretary of Defense to submit a report to the congressional defense committees providing suggestions to increase the transparency and accountability of funds transfers that do not require the prior approval of Congress.

The House report contained no similar language.

The conferees note that the defense authorization and appropriations acts regularly authorize the Secretary of Defense to transfer limited amounts of funding among departmental accounts to facilitate unforeseen priorities. As these transfers fall outside the normal congressional authorization and appropriations process, Congress and the Department of Defense restrict these transfers, as a matter of policy, to ensure that they are performed in a manner consistent with congressional intent. These restrictions include a congressional review process for transfers that exceed specific dollar thresholds specified in appropriations acts. Despite these limits, the conferees note that Department of Defense transfers in fiscal year 2011 totaled more than $27.0 billion and more than half of these were below threshold and thus not subject to congressional review.

Congress grants a certain degree of flexibility to the Department of Defense to manage federal taxpayer funds efficiently and effectively in response to changing conditions and emerging requirements. The conferees are concerned that significant realignments of funding are transacted without congressional approval or notification. Therefore, the conferees direct the Secretary of Defense to provide a summary of below threshold reprogrammings to the congressional defense committees 30 days after the end of each fiscal quarter. This summary should include a narrative describing each defense priority to which funding was transferred. These narratives should be categorized according to justification, such as emergent operational needs, program modifications, changes of mission, fact-of-life adjustments, or adjustments to meet Congressional intent. In addition, the summary should also include a narrative describing each program from which funding was transferred. These narratives should also be categorized according to justification, such as delay, deferral, or inability to execute.

Comptroller General of the United States Review of Geographic Combatant Commands

The House Report contained an item of special interest directing the Comptroller General of the United States to conduct a review of the personnel and resources of the geographic combatant commands (GCC), their supporting military service component commands, and other assigned task forces,

and to submit a report on a variety of matters.

The conferees note that as the challenges to national security continue to evolve, the Department of Defense faces missions of increasing scope, variety, and complexity around the world. To perform these missions, the GCCs conduct activities within assigned areas of responsibility, to include military-to-military relations, stability operations, security assistance engagements, post-conflict operations, disaster relief, humanitarian assistance, and other tasks, as assigned. Each GCC also has dedicated military service component sub-unified commands, theater special operations commands, and task forces operating in support of these missions.

At a time of growing economic and fiscal constraints and evolving security requirements, the conferees believe that the Department must ensure the GCCs and their supporting elements have the appropriate levels and types of personnel and resources to execute theater security campaign plans and to respond to emerging contingencies while avoiding duplication of effort and excessive headquarters structure. The conferees note that in a March 2012 report, the Comptroller General concluded that there may be additional opportunities to consolidate organizations and centralize functions across the Department, to include the GCCs.

The conferees direct the Comptroller General of the United States to conduct a review of the personnel and resources of the combatant commands, their supporting military service component commands, theater special operations commands, and assigned task forces, and to submit a report on the findings to the Committees on Armed Services of the Senate and House of Representatives by June 30, 2013. The review should cover the following: (1) the level of resources, in terms of personnel and overall support costs, associated with the commands for fiscal years 2001 through 2011 and an assessment of their adequacy to meet the commands' assigned missions and responsibilities; (2) how the commands, their supporting military service component commands, theater special operations commands, and assigned task forces are currently organized and structured to ensure efficiency and avoid duplication within and among the various organizations; (3) what steps, if any, the Department has taken to reexamine the size and structure of its GCCs and their subordinate organizations in light of the new strategic guidance issued in 2012; (4) how the Department maximizes efficiencies across the GCCs and the associated sub-unified numeric coded organizations and the associated commander support organizations; and (5) other matters the Comptroller General may deem appropriate.

LEGISLATIVE PROVISIONS NOT ADOPTED

Sense of Congress regarding the counterdrug tethered aerostat radar system program

The House bill contained a provision (sec. 1015) that would express the sense of Congress regarding the counterdrug tethered aerostat radar system (TARS) program.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note the importance of TARS to the ongoing efforts of the United States Government to combat illicit trafficking in the U.S. Southern Command area of responsibility.

Findings on detention pursuant to the Authorization for Use of Military Force enacted in 2001

The House bill contained a provision (sec. 1031) that would state congressional findings regarding principles of law underlying detention pursuant to the Authorization for Use of Military Force enacted in 2001.

The Senate amendment contained no similar provision.

The House recedes.

Findings regarding habeas corpus rights

The House bill contained a provision (sec. 1032) that would state congressional findings regarding the writ of habeas corpus and the constitutional limitation on the suspension of the writ of habeas corpus.

The Senate amendment contained no similar provision.

The House recedes.

Prohibition on travel to the United States for certain detainees repatriated to the Federated States of Micronesia, the Republic of Palau, and the Republic of the Marshall Islands

The House bill contained a provision (sec. 1035) that would prohibit any individual detained at the U.S. detention facility at U.S. Naval Station, Guantanamo Bay, Cuba, and who has been repatriated to the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau, from being afforded the rights and benefits provided under section 141 of the applicable Compact of Free Association (Public Law 99–658; 108–188).

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that no Guantanamo detainees are or would be eligible for the immigration benefits of section 141 of the Compacts of Free Association relating to the Republic of Palau, the Federated States of Micronesia, and the Republic of the Marshall Islands. These benefits are only afforded to citizens, or their relatives, of Palau, Micronesia, or the Marshall Islands, and Guantanamo detainees are not legally eligible to attain naturalized citizenship.

Commitments for nuclear weapons stockpile modernization

The House bill contained a provision (sec. 1052) that consists of a series of congressional findings on U.S. nuclear weapons stockpile modernization.

The Senate amendment contained no similar provision.

The House recedes.

Chemistry and Metallurgy Research Replacement Nuclear Facility and Uranium Processing Facility

The House bill contained a provision (sec. 1058) that would require an annual certification by the President whether the construction of the Chemistry and Metallurgy Research Replacement Nuclear Facility and the Uranium Processing Facility will be completed not later than 2021 and whether both facilities will be fully operational by not later than 2024. The section would further require that if the President is not able to so certify, then no funds made available for fiscal year 2012 or any year thereafter may be available to reduce the non-deployed nuclear warheads of the United States until 120 days after the President is able to make the certification. The section would include an exception for reductions necessary to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile.

The Senate amendment contained no similar provision.

The House recedes.

Sense of Congress on nuclear arsenal

The House bill contained a provision (sec. 1065) that expressed the sense of Congress on nuclear force structure, employment strategy, and posture.

The Senate amendment contained no similar provision.

The House recedes.

Assessment of Department of Defense use of electromagnetic spectrum

The House bill contained a provision (sec. 1066) that requires a report to the congressional defense committees, the Energy and Commerce Committee of the House of Representatives, and the Commerce, Science, and Transportation Committee of the Senate, not later than 270 days after the date of the enactment of this Act assessing the Department of Defense's use of electromagnetic spectrum.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize that Department of Defense planning for spectrum should be informed by the July 2012 report by the President's Council of Advisors on Science and Technology (PCAST) titled: ''Realizing the Full Potential of Government-Held Spectrum to Spur Economic Growth.'' Therefore, the conferees direct the Secretary of Defense, in consultation with the Director of National Intelligence, to submit a report to the congressional defense committees, not later than 270 days after the date of enactment of this Act assessing the implications of and the potential implementation challenges posed by the recommendations made in the PCAST report. Specific issues to be addressed should include sharing in the 1755–1850 MHz band, impacts associated with the report's recommendations on general access in 3500–3650 MHz band, feasibility of dynamic sharing, as well as examples of major modifications to transmitter and receiver systems to permit such sharing. The report should also recommend how field trials with non-federal users to test spectrum sharing would be conducted and any issues associated with such field trials.

Report on communications from Congress on status of military construction projects

The House bill contained a provision (sec. 1069) that would require the Secretary of Defense to submit a report to Congress describing any letters from Congress that refer to or request information on the status of a military construction project in the future-years defense program.

The Senate amendment contained no similar provision.

The House recedes.

Report on manufacturing industry

The House bill contained a provision (sec. 1070) requiring a report assessing the manufacturing industry of the United States.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize the importance of the production capacity of the United States as it relates to the defense industrial base and to national security. The conferees also recognize the importance of assessing the strengths and vulnerabilities of the defense industrial base and the defense supply chain and the need for a prioritized capability strategy for the defense industrial base. The conferees note that these issues are addressed elsewhere in this Act.

Report on long-term costs of Operation New Dawn, Operation Enduring Freedom, and other contingency operations

The House bill contained a provision (sec. 1070B) that would require the President, with contributions from the Secretary of Defense, the Secretary of State, and the Secretary of Veterans Affairs, to submit a report on the long-term costs of Operation New Dawn and Operation Enduring Freedom.

The Senate amendment contained no similar provision.

The House recedes.

Prohibition on the use of funds for manufacturing beyond low-rate initial production at certain prototype integration facilities

The House bill contained a provision (sec. 1073) that would put a cap on the maximum number of units that could be produced by an Army prototype integration facility.

The Senate amendment contained no similar provision.

The House recedes.

Authority of Corps of Engineers to construct projects critical to navigation safety

The House bill contained a provision (sec. 1078) that would authorize the Army Corps of Engineers to accept non-Federal funds to construct certain navigation projects that have not been specifically authorized by law.

The Senate amendment contained no similar provision.

The House recedes.

Review of Air National Guard Component Numbered Air Force Augmentation Force

The House bill contained a provision (sec. 1079) that would require the Secretary of the Air Force to review the decision of the Secretary to cancel or consolidate the Air National Guard Component Numbered Air Force Augmentation Force.

The Senate amendment contained no similar provision.

The House recedes.

The conferees recognize that the Air Force has taken action to restore these missions in its most recent force structure proposal for fiscal year 2013.

Notification of delayed reports

The House bill contained a provision (sec. 1082) that would require the Department of Defense to formally notify the congressional defense committees of any statutorily-required report that will not be submitted by the date required under law, and to provide an explanation for the delay.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that it is the practice of the Department of Defense (DOD) to send an interim response to appropriate congressional committees whenever it misses a statutory deadline for a reporting requirement. The conferees direct DOD to include in such interim responses an explanation for the delay and an estimate of the date on which the report will be submitted.

Prohibition on use of information against a United States citizen gathered by unmanned aerial vehicle without a warrant

The House bill contained a provision (sec. 1084) that would make information gathered by an unmanned aerial vehicle of the Department of Defense (DOD) inadmissible against a citizen of the United States in any U.S. court, unless the information was obtained pursuant to a court order.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that information obtained by DOD unmanned aerial vehicles is not exempt from existing constitutional and statutory warrant requirements, where such requirements are applicable.

The House of Representatives honors

The House bill contained a provision (sec. 1085) that would encourage surviving Air Raid Wardens and other volunteers of the United States Office of Civilian Defense during World War II to record and permanently preserve stories of their service for future generations.

The Senate amendment contained no similar provision.

The House recedes.

Cost of wars

The House bill contained a provision (sec. 1086) that would direct the Secretary of Defense to post on the public Web site of the Department of Defense the costs of the wars in Afghanistan and Iraq.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Congressional Budget Office (CBO) and the Congressional Research Service (CRS) have published reports concerning the costs of the wars in Afghanistan and Iraq. The conferees further note that CBO reports are available to the public and CRS reports are available to Members of Congress.

Trial of foreign terrorists

The House bill contained a provision (sec. 1088) that would prohibit the trial of any foreign terrorist who is subject to trial by military commission by any court or tribunal other than a military commission.

The Senate amendment contained no similar provision.

The House recedes.

White Sands Missile Range and Fort Bliss

The Senate amendment contained a provision (sec. 1091) that would provide for national security benefits for White Sands Missile Range and Fort Bliss.

The House bill contained no similar provision.

The Senate recedes.

Consolidation of data centers

The House bill contained a provision (sec. 1092) that would amend section 2867 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) to require annual performance plans, that the performance plans be consistent with a Government Accountability Office (GAO) report to Congress on data center consolidation, and an annual report on progress in achieving consolidation goals consistent with the GAO report.

The Senate amendment contained no similar provision.

The House recedes.

Sense of Congress regarding preservation of Second Amendment rights of active duty military personnel stationed or residing in the District of Columbia

The House bill contained a provision (sec. 1093) that would express the sense of Congress that active duty military personnel who are stationed in or residing in the District of Columbia should be exempt from the District of Columbia's restrictions on the possession of firearms.

The Senate amendment contained no similar provision.

The House recedes.

Conditional replacement for Fiscal Year 2013 sequester

The House bill contained a provision (sec. 1094) that would conditionally eliminate sequestration of defense spending in fiscal year 2013.

The Senate amendment contained no similar provision.

The House recedes.

Report on defense forensic data

The House bill contained a provision (sec. 1095) that would authorize the Director of the Defense Forensic Office within the Office of the Undersecretary of Defense for Acquisition, Technology, and Logistics to evaluate opportunities to increase the matching success rate when forensic data is collected during site exploitation to match forensic data stored in DNA databases.

The Senate amendment contained no similar provision.

The House recedes.

The conferees encourage the Secretary of Defense to examine the legal, policy, social and technical implications of improving DNA database matching capabilities with other U.S. agencies, allies and key partner nations.

Improving United States foreign police assistance activities

The House bill contained a provision (sec. 1099) that would require the President to submit to Congress the final report of the National Security Council's Interagency Policy Committee. The provision would also require the Secretary of State and the Secretary of Defense to submit, within 180 days of the date of enactment of this Act, a plan for instituting mechanisms to improve coordination and information sharing regarding U.S. foreign police assistance activities.

The Senate amendment contained no similar provision.

The House recedes. The conferees note that in June 2012, the Secretary of State submitted to Congress the report required by section 1235(c) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) on U.S. Government foreign police training and equipping programs. As that report indicates, foreign police assistance activities are being conducted across the U.S. Government, including the Department of State, the Department of Defense, the U.S. Agency for International Development, the Department of Justice, the Department of Homeland Security, and the Department of the Treasury. The conferees encourage the various departments and agencies of the U.S. Government involved in foreign police assistance activities to develop mechanisms for improving the interagency coordination of these programs.

Sense of Congress regarding United States Northern Command preparedness

The House bill contained a provision (sec. 1099A) that would state the sense of Congress regarding the preparedness of the United States Northern Command.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that United States Northern Command plays a vital role in providing defense support to civil authorities, including support and capabilities to State and local governments, for domestic disaster relief and consequence management. The conferees urge United States Northern Command to continue strengthening its relationships, planning, and coordination with other federal, State, and local agencies to enhance domestic response capabilities.

Limitation on military musical units

The House bill contained a provision (sec. 1099B) that would limit appropriations for military musical units to $200,000,000.

The Senate amendment contained no similar provision.

The House recedes.

Report on effects of budget sequestration on Department of Defense

The Senate amendment contained a provision (sec. 1004) that would require the Secretary of Defense to submit to the Committees on Armed Services of the Senate and the House of Representatives a detailed report on the impact on the Department of Defense of the sequestration of funds for fiscal year 2013, if triggered on January 2, 2013, under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (Public Law 99–177).

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the Sequestration Transparency Act of 2012 (Public Law 112–155) required the President to submit to the Congress a report on the sequestration that is scheduled to be ordered on January 2, 2013.

Pursuant to Public Law 112–155, the Office of Management and Budget issued the report on September 14, 2012.

Transfer of certain fiscal year 2012 and 2013 funds

The Senate amendment contained a provision (sec. 1006) that would authorize the transfer, subject to action in an appropriations Act, of $46.0 million from fiscal year 2012 or 2013 procurement or research, development, test and evaluation accounts.

The House bill contained no similar provision.

The Senate recedes.

Modification of authority on training of special operations forces with friendly foreign forces

The Senate amendment contained a provision (sec. 1042) that would modify section 2011 of title 10, United States Code, to state that the purposes of the Joint Combined Exchange Training (JCET) authority are to support: (1) the training of U.S. Special Operations Forces and (2) the training of the armed forces and other security forces of a friendly foreign country. Consistent with current practice, the modification contained in the Senate amendment would also require the Secretary of Defense to coordinate with the Secretary of State prior to the initiation of any such training. Lastly, the modification contained in the Senate amendment would authorize unspecified minor military construction projects, up to $250,000, that are in direct support of authorized training.

The House bill contained no similar provision.

The Senate recedes.

The conferees believe that the JCET authority is an effective tool for improving the language and cultural expertise of U.S. Special Operations Forces while providing opportunities to practice skills needed to conduct a variety of missions, including foreign internal defense, unconventional warfare, and counterterrorism. The conferees also recognize the inherent benefit of JCET events in building the capacity of foreign partners and enhancing U.S. influence in host countries. The conferees note that the existing JCET authority allows flexibility for U.S. Special Operations Forces to engage with appropriate partner nation armed forces and other security forces, including those that conduct border and maritime security, internal defense and security, and counterterrorism operations.

However, the conferees believe the Department has taken a narrow interpretation of the JCET statutory authority stating that the ''primary purpose'' of funding for JCET activities ''shall be to train the special operations forces of the combatant command.'' This narrow interpretation has, in some cases, limited the overall effectiveness of JCET events and the efforts of the geographic combatant commanders to achieve persistent, rather than episodic, engagement with high-priority partner nation security forces. The conferees believe such persistent engagements are consistent with the purposes of the JCET authority.

The conferees are further concerned that a lack of sufficient resources and the unavailability of regionally-aligned U.S. Special Operations Forces due to high operational tempo has led to less frequent and shorter duration engagements with partner forces in key regions and countries, indirectly weakening partnerships that could be used to identify, deter, and mitigate national security threats. This lack of continual on-the-ground experience has eroded regional, cultural, and linguistic expertise once resident within certain special operations units, inhibited the building of personal relationships with host country personnel, and limited the implicit training value of planning and deploying to remote locations under arduous conditions.

The conferees direct the Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict, in coordination with the Commander of U.S. Special Operations Command, not later than March 1, 2013, to submit a report to the Committees on Armed Services of the Senate and House of Representatives describing any deficiencies or limitations of the current JCET authority that negatively impact the effectiveness of such engagements, including an assessment of the utility of authorizing unspecified minor military construction and other construction in support of JCET activities.

Participation of veterans in the Transition Assistance Program of the Department of Defense

The Senate amendment contained a provision (sec. 1044) that would authorize veterans to participate in the Transition Assistance Program (TAP) of the Department of Defense for 1 year following discharge or separation from the armed forces.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the revised TAP being implemented pursuant to section 1144 of title 10, United States Code, includes an enriched set of tools and connections to enhance the transition for service members and to ensure that eligible veterans retain access to the transition materials, information and services.

The Department of Labor's (DOL) revised 3–day employment workshop provides transitioning service members with updated ''career-readiness'' focused materials, information and services. The mandatory employment workshop connects each separating service member with nearly 3,000 DOL American Job Centers (AJC) via the ''Gold Card'' certificate. The AJCs know the community labor market where the separating service member will live and provide the veteran with 6 months of priority one-on-one employment services. These services provide veterans with direct local labor market exposure, insight, and personalized employment assistance that is more robust than what is available in the DOL employment workshop for transitioning service members.

Additionally, all separating service members are required to participate in the revised Department of Veterans Affairs (VA) benefits briefing and must register in the VA's eBenefits portal before separation. The eBenefits portal permanently connects service members to VA resources both prior to and following separation from military service. This allows VA to reach out to service members and veterans directly. Eligible veterans are provided ongoing full online access to the same benefits information and services provided to transitioning service members while still on active duty.

Modification of the Ministry of Defense Advisor Program

The Senate amendment contained a provision (sec. 1045) that would modify the Ministry of Defense Advisors Program, established in section 1081 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81), to permit the Secretary of Defense to assign civilian employees of the Department of Defense as advisors to regional organizations with defense or security components and international organizations of which the United States is a member.

The House bill contained no similar provision.

The Senate recedes.

Report on program on return of rare earth phosphors from Department of Defense fluorescent lighting waste to the domestic rare earth supply chain

The Senate amendment contained a provision (sec. 1064) that requires a cost-benefit analysis on the feasibility and advisability of establishing a program within the Department of Defense (DOD) to recapture fluorescent lighting waste.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of Defense to submit a report to the congressional defense committees on the results of a cost-benefit analysis and on recommendations concerning the feasibility and advisability of establishing a program within the DOD to recapture fluorescent lighting waste, and making such waste available to entities that have the ability to extract rare earth phosphors, reprocess and separate them in an environmentally safe manner, and return them to the domestic rare earth supply chain. The report should provide for the disposal and mitigation of residual mercury and other hazardous by-products of the recycling process and address concerns regarding the potential export of heavy rare earth materials from United States Government sources to non-allied nations.

This information may be incorporated into the report required by the House report (H. Rept. 112–479) accompanying the National Defense Authorization Act for Fiscal Year 2013 (H.R. 4310).

Study on Bradley Fighting Vehicle industrial base

The Senate amendment contained a provision (sec. 1066) that would require the Secretary of the Army to conduct a study on the Bradley Fighting Vehicle industrial base.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of the Army to submit a report to the congressional defense committees by May 1, 2013, on the Bradley Fighting Vehicle industrial base. The report should include, but not be limited to, an assessment of the financial impact and risk of a production break for the Bradley Fighting Vehicle, including the cost of shutdown compared to the cost of continued production; and an assessment of the industrial capability and capacity impact and risk of a production break for the Bradley Fighting Vehicle, including the loss of a specialized workforce and supplier base.

Report on simulated tactical flight training in a sustained gravity environment

The Senate amendment contained a provision (sec. 1069A) that would require a study of the implications of simulator-based training for fighter aircraft in a sustained gravity environment.

The House bill contained no similar provision. However, the House report (H. Rept. 112–497) accompanying the National Defense Authorization Act for Fiscal Year 2013 (H.R. 4310) included direction for the Secretary of Defense to conduct a study on the effectiveness of simulated tactical flight training in a sustained gravity environment and to submit a report to the congressional defense committees by December 31, 2013.

The Senate recedes.

The conferees understand the cost of operating high-performance fighter aircraft continues to increase the overall costs of the flying hour program. While the conferees support the current level of funding of the flying hour program and the invaluable experience provided, the conferees believe that alternative methods to train and prepare pilots for combat should be assessed. One such

alternative has been an increased reliance on simulator-based training platforms. Among the emerging technologies available to simulate the dynamic forces experienced during flight is a new class of centrifuge-based flight simulators known as ''sustained-G tactical flight trainers.'' These simulators combine centrifugation with high fidelity cockpit modules to mimic the physiological stresses and gravitational forces experienced during actual flight.

Therefore, the conferees direct the Secretary of Defense to contract with a Federally Funded Research and Development Center (FFRDC) to conduct a study on the effectiveness of simulated tactical flight training in sustained gravity environments. The Secretary should transmit the FFRDC report to the congressional defense committees not later than June 30, 2014, together with any comments of the Secretary in light of the report and such recommendations for legislative or administrative action as the Secretary considers appropriate regarding the use of simulated tactical flight training in a sustained gravity environment. The study should assess the impact on training effectiveness, cost, pilot and aircraft readiness, and life-cycle efficiencies from simulator-based training platforms on the modeled aircraft.

Report on Department of Defense support for United States diplomatic security

The Senate amendment contained a provision (sec. 1069B) that would require a report on Department of Defense support for United States diplomatic security.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that congressional committees in the House of Representative and Senate, as well as the State Department's Accountability Review Board, are reviewing the September 11, 2012, assault on the U.S. State Department's temporary mission facility in Benghazi, Libya.

The conferees understand the Department of Defense (DOD) is supporting the ongoing effort of the State Department's Accountability Review Board, as well as the reviews by the various congressional committees. Further, the conferees note that the Secretary of Defense has indicated that DOD is working with the Department of State to assess how the attack in Benghazi, Libya, should inform planning for future DOD support to diplomatic security and installations.

The conferees also note that DOD is conducting its own internal review to determine whether force posture and other contingency plans need to be adjusted. The Secretary of Defense has indicated that he intends to brief the Committees on Armed Services of the Senate and the House of Representatives on this internal review. The conferees direct that the committees be provided such a briefing promptly upon completion of the DOD internal review.

Comptroller General of the United States report on Department of Defense spending for conferences and conventions

The Senate amendment contained a provision (sec. 1069C) that would require the Comptroller General of the United States to report to the congressional defense committees on Department of Defense (DOD) spending on conferences and conventions.

The House bill contained no similar provision.

The Senate recedes.

The conferees are aware that some conferences and conventions provide unique training, readinesss, and partnership capacity building opportunities for the DOD. These conferences and conventions can provide specialized education and unique training opportunities, and they often serve to enhance cooperation and interoperability with allies and partner nations. The conferees are also aware that some large meetings, which could be categorized as conferences, are necessary to support and enhance the DOD's role and performance in interagency operations, such as natural disaster response or consequence management, and to plan and prepare major training exercises. However, the conferees are concerned that the DOD may lack the capacity or fail to exercise sufficient oversight of conferences and conventions and that it may not have necessary mechanisms in place to prevent wasteful or excessive spending in connection with those conferences and conventions. The conferees expect the Department to establish appropriate mechanisms to avoid unnecessary conferences and conventions and wasteful or excessive spending.

Therefore, the conferees direct the Comptroller General to review the DOD's oversight and management of conferences and conventions and to report to the congressional defense committees not later than 270 days after the date of the enactment of this Act. The review shall assess, at a minimum, historical levels of DOD spending for conferences and conventions, whether the Department has reasonable controls established for such spending, the efficacy of any new controls on such spending implemented by the Department of Defense in the last year, and whether those new controls have been implemented in a manner that has led the Department to incur unnecessary or excessive fees for the cancellation of conferences or conventions. The review shall also assess those controls and processes utilized by the DOD to ensure that the Department's spending on conferences and conventions is properly aligned with the strategy, plans, missions, goals, and objectives of the Department. Finally, the report shall examine whether certain events, such as planning sessions for major training exercises, should be categorized as training or readiness events, rather than as conferences.

Sense of the Senate on the maintenance by the United States of a triad of strategic nuclear delivery systems

The Senate amendment contained a provision (sec. 1084) that would state the sense of the Senate that the United States should maintain a triad of strategic nuclear delivery systems and the United States is committed its modernization.

The House Bill contained no similar provision.

The Senate recedes.

The conferees note that section 1043 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) requires the President to provide detailed information, in the annual budget request submitted to the Congress, on funding for modernization of the strategic nuclear delivery systems and stockpile.

Transportation of individuals to and from facilities of Department of Veterans Affairs

The Senate amendment contained a provision (sec. 1097) that would authorize the Secretary of Veterans Affairs to transport individuals to and from facilities of the Department of Veterans Affairs in connection with rehabilitation, examination, treatment, and care.

The House bill contained no similar provision.

The Senate recedes.

Improved enumeration of members of the armed forces in any tabulation of total population by Secretary of Commerce

The Senate amendment contained a provision (sec. 1099A) that would require the Secretary of Commerce to include service members who are deployed abroad in the census tabulation for the state of their permanent duty station or homeport.

The House bill contained no similar provision.

The Senate recedes.

Modernization of absentee ballot mail delivery system

The Senate amendment contained a provision (sec. 1099D) that would express the sense of Congress that the Department of Defense should partner with the United States Postal Service (USPS) to modernize the USPS mail delivery system to address problems with the delivery of absentee ballots.

The House bill contained no similar provision.

The Senate recedes.

The conferees encourage the Department of Defense to continue efforts to ensure that military personnel are afforded a timely opportunity to vote in state and federal elections.

Housing Assistance for Veterans

The Senate amendment contained a series of provisions (sections 5001, 5002, and 5003) contained in Division E of the bill that would establish a pilot program authorizing the Secretary of Housing and Urban Development to make grants to nonprofit organizations to rehabilitate and modify homes of disabled and low-income veterans.

The House bill contained no similar provisions.

The Senate recedes.

Government Accountability Office Mandates Revision Act

The Senate amendment contained a subtitle (subtitle A of title LIII, sections 5301–5302) that would repeal obsolete and unneeded requirements for reviews and reports by the Government Accountability Office.

The House bill contained no similar provision.

The Senate recedes.

The conferees understand that this matter will be addressed as a freestanding bill.

Improper Payments Elimination and Recovery Improvement Act

The Senate amendment contained a subtitle (subtitle B of title LIII, sections 5311–5317) that would address the issue of improper payments by federal agencies.

The House bill contained no similar provision.

The Senate recedes.

The conferees understand that this matter will be addressed as a freestanding bill.

Stolen Valor Act

The Senate amendment contained a provision (sections 5011–5014) that would establish the ''Stolen Valor Act of 2012'' by amending section 704 of title 18, United States Code, to a make it a criminal offense for a person to knowingly, falsely, and materially represent himself or herself to have served in the armed forces or to have been awarded certain military decorations, medals, or ribbons with intent to secure a tangible benefit or personal gain.

The House bill contained no similar provision.

The Senate recedes.

TITLE XI—CIVILIAN PERSONNEL MATTERS

One-year extension of authority to waive annual limitation on premium pay and aggregate limitation on pay for Federal civilian employees working overseas (sec. 1101)

The House bill contained a provision (sec. 1104) that would authorize the head of an executive agency to waive limitations on the aggregate of basic and premium pay payable

through calendar year 2013 to an employee who performs work in an overseas location that is in the area of responsibility of the Commander, United States Central Command (USCENTCOM), or a location that was formerly in USCENTCOM but has been moved to an area of responsibility of the Commander, United States Africa Command, in support of a contingency operation or an operation in response to a declared emergency. The amount payable may not exceed the total annual compensation payable to the Vice President under section 104 of title 3, United States Code.

The Senate amendment contained no similar provision.

The Senate recedes.

Expansion of experimental personnel program for scientific and technical personnel at the Defense Advanced Research Projects Agency (sec. 1102)

The House bill contained a provision (sec. 1101) that would amend section 1101(b)(1)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261), as amended by section 1110 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81), to authorize the appointment of not more than 60 employees to scientific and engineering positions in the Defense Advanced Research Projects Agency (DARPA).

The Senate amendment contained a similar provision (sec. 1102). The Senate amendment would also require that the provision shall not be construed as affecting any authorization on the numbers of personnel that may be employed at DARPA overall.

The House recedes.

Extension of authority to fill shortage category positions for certain Federal acquisition positions for civilian agencies (sec. 1103)

The House bill contained a provision (sec. 1103) that would extend to 2017 the direct hiring authority available for civilian agency acquisition positions under section 1703 of title 41, United States Code, and modify the authority.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would extend the authority without modifying it.

One-year extension of discretionary authority to grant allowances, benefits, and gratuities to personnel on official duty in a combat zone (sec. 1104)

The Senate amendment contained a provision (sec. 1103) that would authorize temporary discretionary authority to federal agencies to grant allowances, benefits, and gratuities comparable to those provided to members of the foreign service to an agency's civilian employees on official duty in a combat zone. This authority would expire at the end of fiscal year 2014.

The House bill contained no similar provision.

The House recedes.

Policy on senior mentors (sec. 1105)

The House bill contained a provision (sec. 1105) that would require the Department of Defense to notify the congressional defense committees at least 60 days before implementing any change to the policy regarding senior mentors established in accordance with the requirements of section 1102 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383).

The Senate amendment contained no similar provision.

The Senate recedes.

Authority to pay for the transport of family household pets for Federal employees during certain evacuation operations (sec. 1106)

The House bill contained a provision (sec. 1102) that would amend section 5725 of title 5, United States Code, to authorize the transport at government expense of family household pets of government employees during evacuations from permanent stations in foreign locations.

The Senate amendment contained a similar provision (sec. 1101).

The Senate recedes.

Interagency personnel rotations (sec. 1107)

The House bill contained a provision (sec. 1111) that would establish a new interagency personnel rotation system for persons serving in national security positions across the executive branch, to be managed by an interagency Committee on National Security Personnel (CNSP).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would simplify and streamline the provision, providing the CNSP with greater flexibility in the implementation of the new program. The provision would give the executive branch broad authority to identify and define interagency communities of interest (ICI) covered by the bill, to identify which agencies are included in the program and which positions in each agency are within an ICI, and to establish processes and procedures for carrying out the program.

The provision would require that the interagency program be carried out in at least two ICI during the first 4 years after enactment, including an ICI for emergency management and an ICI for stabilization and reconstruction. The conferees understand that the emergency management ICI would encompass components of federal agencies engaged in international disaster relief, while the stabilization and reconstruction ICI would encompass components of federal agencies assisting in stabilization and reconstruction efforts in connection with overseas contingency operations.

The conferees note that the provision would require the CNSP to develop appropriate performance measures, reporting requirements, and other accountability devices for the evaluation of the program. In this regard, the conferees expect the CNSP to establish mechanisms to gather information from individuals completing rotational service under the program, including views on the value of the experience, the value added to the interagency process, the value provided to the home agency, and any improvements that could be made to the program.

The conferees further note that the provision would require the Comptroller General to review the implementation and effectiveness of the interagency personnel rotation program established pursuant to this section. The conferees will carefully review the Comptroller General's findings and recommendations to determine whether the program is working as intended, and whether any revisions or adjustments may be needed.

LEGISLATIVE PROVISION NOT ADOPTED

Federal Employees Retirement System age and retirement treatment for certain retirees of the armed forces

The Senate amendment contained a provision (sec. 1104) that would amend section 3307(e) of title 5, United States Code, to increase the maximum age at which certain former service members may be appointed to federal law enforcement positions from age 37 to age 47.

The House bill contained no similar provision.

The Senate recedes.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

Modification and extension of authorities relating to program to build the capacity of foreign military forces (sec. 1201)

The House bill contained a provision (sec. 1202) that would modify the authority under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163) for the Secretary of Defense, with the concurrence of the Secretary of State, to conduct programs to build the capacity of foreign military forces to conduct counterterrorism and stability operations (the ''1206 authority''). The provision would add small-scale military construction to the types of assistance that could be provided under the 1206 authority during fiscal year 2013. Small-scale military construction would be limited to under $750,000 per program and no more than $25.0 million in small-scale military construction could be authorized during fiscal year 2013. The provision would also authorize up to 20 percent of the amount authorized for fiscal year 2013 to be obligated and expended for programs authorized in fiscal year 2014, provided that the Secretary of Defense notifies the specified congressional committees by September 30, 2013, of his decision to do so.

The Senate amendment contained a provision (sec. 1201) that would extend the 1206 authority for 1 year through the end of fiscal year 2014 and would amend the required elements of the congressional notification of the initiation of a 1206 project to include additional information on the assistance provided to the recipient country during the preceding 3 fiscal years.

The Senate recedes with an amendment that would extend the 1206 authority, including the annual sublimit on the amount of funds that can be used for stability operations capacity-building, through the end of fiscal year 2014. The amendment would eliminate the authority to obligate and expend fiscal year 2013 funds for programs authorized in fiscal year 2014, but the conference provision would retain the authority to provide 1206 assistance for small-scale military construction. The amendment would also clarify the required elements of the congressional notification required prior to the initiation of a 1206 project.

Extension of authority for non-reciprocal exchanges of defense personnel between the United States and foreign countries (sec. 1202)

The House bill contained a provision (sec. 1203) that would extend for 3 fiscal years the authority for the Department of Defense (DOD) to accept, on a non-reciprocal basis, defense personnel of the defense ministry of an ally or friendly foreign government.

The Senate amendment contained a similar provision (sec. 1202) that would extend the aforementioned authority for 5 fiscal years.

The Senate recedes with an amendment that would extend the authority for 4 fiscal years.

The conferees urge the Department to continue its use of this authority and to consider using it to enhance—consistent with the Defense Strategic Guidance—our relationships with partners and allies.

Authority to build the capacity of certain counterterrorism forces in Yemen and East Africa (sec. 1203)

The Senate amendment contained a provision (sec. 1203) that would authorize the Secretary of Defense, with the concurrence of the Secretary of State, to provide training, equipment, supplies, and minor military construction to: (1) the Yemen Ministry of Interior (MOI) Counterterrorism Unit (CTU); (2)

the national military forces, counterterrorism forces, and security agencies that serve a similar defense function, and border security forces of Djibouti, Ethiopia, and Kenya; and (3) the national military forces of nations participating in the African Union Mission in Somalia. These funds would be for the purpose of conducting counterterrorism operations against al Qaeda in the Arabian Peninsula in Yemen, and al Qaeda affiliates and al Shabaab in East Africa, respectively. The provision would permit the Secretary of Defense to expend not more than $75.0 million in support of the Yemen MOI CTU and not more than $75.0 million in support of the named forces conducting counterterrorism operations in East Africa. The provision would require that any support pursuant to this section must be provided in a manner that promotes the observance of and respect for human rights and fundamental freedom and for legitimate civilian authority in the country receiving such assistance. The provision would expire when the Global Security Contingency Fund achieves full operational capability or September 30, 2014, whichever occurs earlier.

The House bill contained no similar provision.

The House recedes.

The conferees believe that the extension of this authority should not detract from efforts to ensure the Global Security Contingence Fund reaches full operational capability in a timely manner.

Limitation on activities under State Partnership Program pending compliance with certain program-related requirements (sec. 1204)

The Senate amendment contained a provision (sec. 1204) that would prohibit the Secretary of Defense from obligating or expending more than 50 percent of the funds available for fiscal year 2013 for the State Partnership Program (SPP) until the final regulations required pursuant to section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) are completed and the necessary regulatory adjustments have been finalized to ensure compliance of the program with the Anti-Deficiency Act (Public Law 97–258).

The House bill contained no similar provision.

The House recedes with an amendment that would prohibit the Secretary of Defense from obligating or expending funds for SPP after a date specified in this Act.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

Authority to support operations and activities of the Office of Security Cooperation in Iraq (sec. 1211)

The House bill contained a provision (sec. 1212) that would authorize the use during fiscal year 2013 of up to $508.0 million in Department of Defense (DOD) funds under the authority of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) to support the operations and activities of the Office of Security Cooperation in Iraq (OSC–I). The provision would also authorize the use of these funds to provide training and assistance to Iraqi Ministry of Defense personnel. In addition, the provision would require the Secretary of Defense to submit to the specified congressional committees a detailed report relating to the OSC–I.

The Senate amendment contained a provision (sec. 1212) that would extend for fiscal year 2013 the authority of section 1215 of Public Law 112–81 for the Secretary of Defense to support the operations and activities of the OSC–I and authorize the use of up to $508.0 million in DOD funds for these purposes.

The Senate recedes with a clarifying amendment that would provide that during fiscal year 2013 the Secretary of Defense may authorize the OSC–I to conduct non-operational training of Iraqi Ministry of Defense and Counter Terrorism Service personnel in an institutional environment to address capability gaps and integrate certain processes within the Iraqi security forces. The amendment would also clarify the reporting requirement.

The conferees expect the Administration to act deliberately to accelerate the transition of the OSC–I to a normalized status comparable to Offices of Security Cooperation in other countries, and that funding for the activities and operations of the OSC–I will be transitioned from the DOD to other sources.

Report on insider attacks in Afghanistan and their effect on the United States transition strategy for Afghanistan (sec. 1212)

The House bill contained a provision (sec. 1214) that would prohibit the Department of Defense from contracting or otherwise employing private security contractors (PSCs) to guard military facilities in Afghanistan where U.S. Armed Forces personnel are garrisoned or housed or to provide security for U.S. Armed Forces personnel in Afghanistan. The provision would also prohibit contracting with the Afghan Public Protection Force (APPF) to provide static security at such military installations or facilities or personal security for U.S. Armed Forces personnel. The provision would require the use of the U.S. Armed Forces to provide such services organically and the deployment of U.S. Armed Forces members in sufficient numbers to ensure that such duties do not detract from other missions in Afghanistan. The President would be authorized to waive the requirements of this section if the President makes specific certifications regarding the capabilities of PSCs or the APPF. Finally, the House provision would require quarterly reports by the Secretary of Defense to the congressional defense committees on attacks on U.S. Armed Forces carried out by members of the Afghan National Security Forces, APPF, or PSCs, called ''insider attacks'', and efforts to counter such attacks.

The Senate amendment contained a provision (sec. 1537) that would require the Secretary of Defense to submit to Congress a detailed report on insider attacks and the steps being taken by the International Security Assistance Force and the Government of Afghanistan to prevent and respond to this threat.

The Senate recedes with an amendment that would express the sense of Congress on insider attacks and require the Secretary of Defense to submit to the congressional defense committees a detailed report, and semi-annual updates to that report, on insider attacks and the measures by the U.S. Government and the Government of Afghanistan to address such attacks and associated threats.

The conferees direct the Secretary of Defense to notify the congressional defense committees promptly of any decision by the commander of coalition forces in Afghanistan to suspend or cease training, advising, or security assistance activities with the Afghan National Security Forces due to an insider attack. The notification should include an assessment of the impact that the Secretary anticipates the temporary suspension or cessation of training, advising, or security assistance activities will have on efforts to transition the lead responsibility for security to the Afghan National Security Forces.

United States military support in Afghanistan (sec. 1213)

The House bill contained a provision (sec. 1216) that would express the sense of Congress regarding the United States mission in Afghanistan. The provision would also require the President to notify the congressional defense committees prior to any public announcement of a decision to reduce the number of U.S. Armed Forces in Afghanistan below the levels of such forces deployed to Afghanistan as of certain specified dates.

The Senate amendment contained a provision (sec. 1536) that would require that not later than 30 days after the President makes a decision to change the level of U.S. Armed Forces in Afghanistan, the Chairman of the Joint Chiefs of Staff, through the Secretary of Defense, must submit to the congressional defense committees a detailed assessment of the risk to the U.S. mission and interests in Afghanistan as the change in troop levels is implemented.

The Senate recedes with an amendment that would require the Secretary of Defense to notify the congressional defense committees of any Presidential-level decision on changes to U.S. troop levels in Afghanistan. The amendment would also require that not later than 30 days after such a Presidential-level decision, the Chairman of the Joint Chiefs of Staff, through the Secretary of Defense, would be required to submit a detailed assessment of the risk to the U.S. mission and interests in Afghanistan associated with such a change in U.S. troop levels, including the risk associated with the transition of combat responsibilities to the Afghan Security Forces following such a change in U.S. troop levels. The provision's notification requirements would terminate on December 31, 2014.

Modification of report on progress toward security and stability in Afghanistan (sec. 1214)

The House bill contained a provision (sec. 1218) that would modify the reporting requirements under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–81), as amended, relating to progress toward security and stability in Afghanistan. The provision would require additional detailed information relating to the Afghanistan National Security Forces (ANSF), including measures on literacy rates, recruitment, entry-level training, personnel issues, professionalism, retention, logistics, and transition.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the additional reporting requirements relating to the ANSF. The amendment would also require information on steps taken by the United States, the International Security Assistance Force, and the Government of Afghanistan in preparation for the Afghan presidential elections in 2014, including to train a sufficient number of ANSF personnel, including female ANSF members, and to secure election workers, materials, and locations as may be necessary to safely carry out the elections, including the participation of women. Additionally, the amendment would require information on the transition from partnership to security force assistance activities as the ANSF increasingly take the security lead in Afghanistan.

Independent assessment of the Afghan National Security Forces (sec. 1215)

The Senate amendment contained a provision (sec. 1219) that would require the Secretary of Defense to provide for the conduct of an independent assessment of the capability requirements for the Afghan National Security Forces to provide security for Afghanistan after 2014. At the Secretary's discretion, the assessment would be conducted by either a federally-funded research and development center or an independent, nongovernmental institute with relevant expertise.

The House bill contained no similar provision.

The House recedes.

Extension and modification of logistical support for coalition forces supporting certain United States military operations (sec. 1216)

The Senate amendment contained a provision (sec. 1217) that would extend for 1 year the authority provided in section 1234 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 111–81), as amended, to provide logistical support to coalition forces in Afghanistan.

The House bill contained no similar provision.

The House recedes.

Report on Afghanistan Peace and Reintegration Program (sec. 1217)

The Senate amendment contained a provision (sec. 1220) that would require a report by the Secretary of Defense, in consultation with the Secretary of State, on the Afghanistan Peace and Reconciliation Program, which seeks to reintegrate former insurgents into Afghan society.

The House bill contained no similar provision.

The House recedes.

One-year extension of authority to use funds for reintegration activities in Afghanistan (sec. 1218)

The House bill contained a provision (sec. 1213) that would amend section 1216 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383), as amended, to extend the authority to use Department of Defense funds to support reintegration activities in Afghanistan through fiscal year 2013 and authorize the use of up to $35.0 million for these purposes.

The Senate amendment contained a similar provision (sec. 1213) that includes a sense of the Senate on the conflict-induced displacement of Afghans.

The Senate recedes.

The conferees are concerned about the rise in the displacement of Afghans due to the ongoing conflict in Afghanistan and the corresponding increase in humanitarian needs. The conferees encourage the Bureau of Population, Refugees, and Migration of the Department of State and the Special Representative for Afghanistan and Pakistan to jointly develop a comprehensive strategy to address this rising displacement and associated humanitarian requirements, which should include an assessment of and a plan to enhance the capacity of the Government of Afghanistan to address the causes, and respond to the consequences, of forced displacement within Afghanistan.

One-year extension and modification of authority for program to develop and carry out infrastructure projects in Afghanistan (sec. 1219)

The Senate amendment contained a provision (sec. 1214) that would authorize the use of up to $350.0 million during fiscal year 2013 for the Afghanistan Infrastructure Program (AIP) to develop and carry out infrastructure programs in Afghanistan that support the counterinsurgency campaign. Funding for the AIP is provided through the Afghanistan Infrastructure Fund (AIF). The provision would also restrict the availability of a portion of the AIF funds during fiscal year 2013 until the Secretary of Defense submits a plan for the use of AIF funds under the AIP.

The House bill contained no similar provision.

The House recedes.

Report on updates and modifications to campaign plan for Afghanistan (sec. 1220)

The House bill contained a provision (sec. 1215) that would repeal section 1226 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) and require the Comptroller General to report to the congressional defense committees on any substantial update or modification to the campaign plan for Afghanistan.

The Senate amendment contained no similar provision.

The Senate recedes.

Commanders' Emergency Response Program in Afghanistan (sec. 1221)

The House bill contained a provision (sec. 1201) that would amend section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81), to extend the authority for the Commanders' Emergency Response Program (CERP) in Afghanistan through fiscal year 2013.

The Senate amendment contained a similar provision (sec. 1211) that would extend the CERP authority through fiscal year 2013 and limit the amount of funds available for the program to $200.0 million, which is a reduction of $200.0 million from the budget request of $400.0 million.

The House recedes. The conferees note that during fiscal year 2012, the amount of CERP funds obligated in Afghanistan was less than $200.0 million. With the drawdown of U.S. troops in Afghanistan, the conferees anticipate that CERP spending will decrease accordingly.

Authority to transfer defense articles and provide defense services to the military and security forces of Afghanistan (sec. 1222)

The Senate amendment contained a provision (sec. 1224) that would authorize the transfer of defense articles being drawn down in Afghanistan, and the provision of defense services in connection with such transfers, to the military and security forces of Afghanistan to restore and maintain internal peace and security. The provision would also authorize the transfer of such defense articles and such defense services to the military and security forces of Yemen to support counterterrorism operations and counter al Qaeda in the Arabian Peninsula and to the military and security forces of Somalia and other specified East African countries to support their efforts to conduct counterterrorism and postconflict stability operations in Somalia. The provision would authorize the transfer of such nonexcess defense articles up to a limit of $250.0 million in any fiscal year and would exempt during fiscal years 2013 and 2014 the transfer of such excess defense articles (EDA) to specified countries from counting against the annual limitation on the aggregate value of EDA transferred under section 516 of the Foreign Assistance Act of 1961 (Public Law 87–195). The provision would also permit construction equipment being drawn down from Afghanistan to be treated as EDA under section 516 of Public Law 87–195. The authority to transfer nonexcess defense articles under this section would expire on December 31, 2014.

The House bill contained no similar provision.

The House recedes with an amendment that would limit the authority to transfer nonexcess defense articles under this section to transfers only to Afghanistan. The amendment would also eliminate the provision allowing construction equipment being withdrawn from Afghanistan to be treated as EDA under section 516 of Public Law 87–195. The amendment would clarify that any EDA transferred from the Department of Defense stocks in Afghanistan, regardless of the recipient country, would be exempt during fiscal years 2013 and 2014 from the annual limitation on the aggregate value of EDA transferred under section 516 of Public Law 87–195.

Report on efforts to promote the security of Afghan women and girls during the security transition process (sec. 1223)

The Senate amendment contained a provision (sec. 1249) that would require the Secretary of Defense, with the concurrence of the Secretary of State, to submit to the appropriate congressional committees a plan for promoting the security of Afghan women during the security transition process. The provision would also require reporting on implementation of this plan as part of the report submitted pursuant to sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), as amended.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense and the Secretary of State jointly to submit a report on U.S. Government efforts to promote the security of Afghan women and girls during the security transition process. The report would include a discussion of efforts to monitor changes in women's security conditions in areas undergoing transition, including indicators that are or may be used to measure the security of women and girls during the transition process. Examples of such indicators could include: the mobility of women and girls; the participation of women in local governing bodies; school attendance rates for girls; and women's access to government services. The report would also include discussions of efforts that may increase gender awareness and responsiveness within the Afghan National Army (ANA) and Afghan National Police (ANP), and of efforts to increase the number of female personnel within the ANA and ANP.

The conferees encourage the Secretary of State, in preparing the report required by this section, to consult with the Administrator of the United States Agency for International Development and the Department of State Coordinator for Global Women's Issues.

Sense of Congress commending the Enduring Strategic Partnership Agreement between the United States and Afghanistan (sec. 1224)

The Senate amendment contained a provision (sec. 1222) that would express the sense of Congress commending the Enduring Strategic Partnership Agreement between the United States of America and the Islamic Republic of Afghanistan.

The House bill contained no similar provision.

The House recedes.

Consultations with Congress on a bilateral security agreement with Afghanistan (sec. 1225)

The Senate amendment contained a provision (sec. 1223) that would require, not later than 30 days prior to entering into a Bilateral Security Agreement with Afghanistan, that the President submit the agreement to the appropriate congressional committees for review.

The House bill contained no similar provision.

The House recedes with an amendment that would require the President to consult periodically with the appropriate congressional committees on the status of the negotiations of the Bilateral Security Agreement. The amendment would also require the President, prior to entering into any Bilateral Security Agreement with Afghanistan, to make the text of the agreement available to the appropriate congressional committees.

The conferees note that the Enduring Strategic Partnership Agreement between the United States of America and the Islamic

Republic of Afghanistan (ESPA), signed on May 1, 2012, establishes an enduring strategic partnership between the two countries. The ESPA reaffirms the presence and operations of U.S. Armed Forces in Afghanistan, and commits the United States and Afghanistan to continue to foster close cooperation concerning mutually-determined defense and security arrangements. The conferees further note that the ESPA commits the United States and Afghanistan to initiate negotiations of a Bilateral Security Agreement, with the goal of concluding that agreement within 1 year to supersede the existing U.S.-Afghanistan Status of Forces agreements.

Completion of transition of United States combat and military and security operations to the Government of Afghanistan (sec. 1226)

The Senate amendment contained a provision (sec. 1221) that would express the sense of Congress regarding the transition of security responsibility to the Government of Afghanistan and the drawdown of U.S. troops from Afghanistan through the end of 2014.

The House bill contained no similar provision.

The House recedes with a number of clarifying amendments, including an amendment to the sense of Congress that the recommendations of the International Security Assistance Force Commander on the overall strategy in Afghanistan, including the pace of the drawdown of U.S. troops, should be given serious consideration.

Extension and modification of authority for reimbursement of certain coalition nations for support provided to United States military operations (sec. 1227)

The House bill contained a provision (sec. 1211) that would extend through fiscal year 2013 the authority under section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), as amended, for the Secretary of Defense to reimburse coalition nations for support provided to U.S. military operations, and provide other specified support to these nations. The provision would limit the amount of fiscal year 2013 funds available to provide reimbursements and other support under section 1233 of Public Law 110–181 (known as ''Coalition Support Funds'') to no more than $1.65 billion. The provision would also limit the portion of Coalition Support Funds that may be provided to Pakistan to no more than $650.0 million during fiscal year 2013. In addition, the provision would restrict Coalition Support Fund payments to Pakistan until the Secretary of Defense provides to the congressional defense committees certain specified reports and certifications regarding Pakistan and its cooperation in counterterrorism efforts.

The Senate amendment contained a similar provision (sec. 1216) that would extend for fiscal year 2013 and modify the authority to provide Coalition Support Funds. The provision would authorize the availability of up to $1.75 billion during fiscal year 2013 for these purposes. The provision would prohibit any reimbursements to Pakistan for claims of support provided during a period when the ground lines of supply through Pakistan to Afghanistan were closed to the transshipment of U.S. military equipment and supplies. The provision would also require that, prior to any Coalition Support Fund reimbursements to Pakistan during fiscal year 2013, the Secretary of Defense would have to make certain certifications to the congressional defense committees regarding Pakistan and its support to counterterrorism operations. The Secretary would be authorized to waive the certification requirements if the Secretary determines that doing so is in the U.S. national security interest.

The House recedes with an amendment that would limit the amount of fiscal year 2013 funds available for Coalition Support Fund payments to $1.65 billion. The amendment would also limit the portion of Coalition Support Funds that may be paid to Pakistan to no more than $1.2 billion during fiscal year 2013. The amendment would require the Secretary of Defense, in consultation with the Secretary of State, to submit a report to the congressional defense committees on the provision of reimbursements and other support to Pakistan.

The conferees note that the amendment would retain the certification requirement with regard to Coalition Support Fund payments to Pakistan, with a number of clarifications to the certification provisions. The amendment would also retain the national security waiver applicable to the certification requirement. Finally, the amendment would include the prohibition on reimbursements to Pakistan for any claims arising during a period when the ground lines of supply through Pakistan to Afghanistan were closed.

Extension and modification of Pakistan Counterinsurgency Fund (sec. 1228)

The House bill contained a provision (sec. 1217) that would extend through fiscal year 2013 the authority under section 1224 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84), as most recently amended by section 1220 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81), for the Pakistan Counterinsurgency Fund (PCF). The provision would also amend the reporting requirement under section 1220(b) of Public Law 112–81, to require, in any year in which funds would be made available to the PCF, that the Secretary of Defense, with the concurrence of the Secretary of State, must submit to the appropriate congressional committees an update to the section 1220(b) report on a strategy for utilizing the PCF and the metrics for measuring the progress of that strategy. The provision would additionally restrict the availability of PCF funds to no more than 10 percent of amounts appropriated or transferred to the PCF until 30 days after the Secretary of Defense submits to the appropriate congressional committees the update to the section 1220(b) report.

The House bill also contained a provision (sec. 1219) that would restrict the use of funds authorized to be appropriated by this Act for the PCF until the Secretary of Defense certifies to the appropriate congressional committees that Pakistan is committed to and implementing a strategy to counter improvised explosive devices (IEDs). The Secretary would be authorized to waive the certification requirement if the Secretary determines doing so is in the national security interest of the United States.

The Senate amendment contained a provision (sec. 1215) that would extend through fiscal year 2013 the PCF authority under section 1220 of Public Law 111–84, as amended. The provision would also extend for 1 year the limitations of section 1220 of Public Law 112–81 that restrict the availability of PCF funds to no more than 40 percent of amounts available to the Fund during fiscal year 2013 until the Secretary of Defense submits the section 1220(b) report.

The Senate recedes with an amendment that would extend the PCF authority through fiscal year 2013 and extend for 1 year the limitations on the availability of PCF funds under section 1220 of Public Law 112–81. In addition, the amendment would require that before any of the funds authorized to be appropriated for or transferred into the PCF may be used, the Secretary of Defense must certify to the appropriate congressional committees that: (1) Pakistan is demonstrating a continuing commitment to and making significant efforts to implement a counter-IED strategy, and (2) Pakistan is cooperating with U.S. counterterrorism efforts, including by not detaining, prosecuting or imprisoning Pakistani citizens as a result of their cooperation with such efforts, including Dr. Shakil Afridi, the doctor who assisted in efforts to track down Osama bin Laden. Under the amendment the Secretary of Defense would be authorized to waive the certification if the Secretary determines that doing so is in the national security interest of the United States.

Subtitle C—Matters Relating to Iran

Report on United States capabilities in relation to China, North Korea, and Iran (sec. 1231)

The House bill contained a provision (sec. 1223) that would amend section 1245 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2541) by requiring an annex to the military power report on Iran in which the Commander of U.S. Central Command would provide an assessment of any gaps in intelligence, capabilities, capacity, or authorities to counter Iranian threats to the interest of the United States in the region.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Chairman of the Joint Chiefs of Staff, in consultation with the appropriate geographic and functional combatant commanders, to submit a report regarding U.S. capabilities relative to the People's Republic of China, the Democratic People's Republic of Korea, and the Republic of Iran. The conferees note that this report shall reflect the full and complete assessments of the commanders of the geographic and functional combatant commands.

Report on military capabilities of Gulf Cooperation Council members (sec. 1232)

The House bill contained a provision (sec. 1225) that would direct the Secretary of Defense, in consultation with the Secretary of State, to develop a plan to enhance the military capabilities of certain allies in the Middle East to bolster the posture of such allies in relation to the threat posed by Iran.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would direct the Secretary of Defense, in consultation with the Secretary of State, to evaluate gaps in the military capabilities of the Gulf Cooperation Council (GCC) members and submit a report on the findings of their evaluation to the appropriate congressional committees.

The conferees note that the Department of Defense and Department of State has undertaken a number of efforts to further improve U.S.-GCC security cooperation and interoperability. These ongoing efforts serve as the principal security coordination mechanism between the United States and the six GCC countries. The conferees note and endorse the objectives of this ongoing dialogue as an effective way to address common perceived threats, including the improvement of GCC defense capabilities and interoperability; regional security issues; counterproliferation; counter-terrorism; and critical infrastructure protection.

Sense of Congress with respect to Iran (sec. 1233)

The House bill contained a provision (sec. 1221) that would express certain findings related to the threat represented by the Islamic Republic of Iran to the United States, the State of Israel, and Iran's neighbors. This provision would further declare that it is the policy of the United States 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.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would delete the findings and would make the provision an expression of the sense of Congress, as well as insert the words ''be prepared to''.

Rule of construction (sec. 1234)

The House bill contained a provision (sec. 1228) that would state that nothing in this Act shall be construed as authorizing the use of force against Iran.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle D—Iran Sanctions

Short title (sec. 1241)

The Senate amendment contained a provision (sec. 1261) that would name the subtitle the ''Iran Freedom and Counter-Proliferation Act of 2012.''

The House bill contained no similar provision.

The House recedes.

Definitions (sec. 1242)

The Senate amendment contained a provision (sec. 1262) that would establish certain definitions for purposes of the Iran Freedom and Counter-Proliferation Act of 2012.

The House bill contained no similar provision.

The House recedes with an amendment that would add the Committees on Armed Services of the Senate and the House of Representatives to the definition of ''Appropriate Congressional Committees'' contained in this provision, as well as a definition for the term ''good''—as defined by section 16 of the Export Administration Act of 1979 (50 U.S.C. App 2415).

Declaration of policy on human rights (sec. 1243)

The Senate amendment contained a provision (sec. 1263) that would establish the policy of the United States with respect to denying the Government of Iran the ability to continue to oppress its people; supporting efforts of the people of Iran to promote the establishment of their basic freedoms; helping the Iranian people produce and access information; and defeating attempts by the Government of Iran to jam or obstruct international satellite broadcasts.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the declaration of policy to an expression of the sense of Congress.

Imposition of sanctions with respect to the energy, shipping, and shipbuilding sectors of Iran (sec. 1244)

The Senate amendment contained a provision (sec. 1264) that would: (1) make a series of findings with respect to Iran's energy, shipping, and shipbuilding sectors; (2) designate entities that operate Iran's ports and entities in its energy, shipping, and shipbuilding sectors as entities of proliferation concern; and (3) block and prohibit, with limited exceptions, all transactions in property in the United States by any person that is associated with these sectors or that provides support to those sectors or to any person on the list of ''specially designated nationals and blocked persons'' (the ''SDN List'') with respect to Iran maintained by the Department of the Treasury and sanction transactions with these sectors. The provision would provide exceptions for: (1) petroleum purchases from Iran pursuant to section 1245 of the National Defense Authorization Act for 2012 (Public Law 112–81) (i.e. countries with an exception for significantly reducing their purchases from Iran); (2) certain financial transactions involving institutions in those countries; (3) natural gas purchases from Iran so long as the purchasing country holds the payment for Iran in an account to be drawn on for permissible trade; and (4) purchases of food, agricultural commodities, medicine, medical devices, and humanitarian assistance. Also included in the provision is an allowance for a Presidential waiver if a determination is made that such waiver is vital to the national security of the United States.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) increase the number of days after enactment of this Act that this provision would take effect to 180 days; (2) strike a provision relating to the application of certain provisions of the Iran Sanctions Act of 1996 (Public Law 104–172), as amended; (3) increase to 180 days the period of time for which a Presidential waiver is in effect; (4) insert an exception for certain activities relating to the reconstruction of Afghanistan—if the President determines such an exception is in the national interest; and (5) make a number of technical modifications.

The conferees note the exclusion of import sanctions in this section would only pertain to the new authorities provided in this subsection and would not affect the President's authority under already existing law to employ such sanctions.

Imposition of sanctions with respect to the sale, supply, or transfer of certain materials to or from Iran (sec. 1245)

The Senate amendment contained a provision (sec. 1265) that would impose sanctions contained in the Iran Sanction Act of 1996 (Public Law 104–172), as amended, including a ban on opening correspondent accounts in the United States for banks involved in the sale, supply, or transfer to Iran or for facilitating or conducting such a transaction, involving precious metal, graphite, raw or semi-finished metals, metallurgical coal, and software for integrating industrial processes in connection with Iran's energy, shipping, and ship-building industries, or to Iranian persons on the SDN list. The provision would allow for a Presidential waiver of sanctions for interests vital to the national security of the United States and also contains certain limited exceptions. Certain related provisions elsewhere in this Act involve materials for resale and barter.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) increase the number of days after enactment of this Act that this provision would take effect to 180 days; (2) insert an exception for non-designated Iranian financial institutions that are not connected to Iran's weapons of mass destruction program, its support for terrorism, or its abuses of human rights; (3) increase to 180 days the period of time for which a Presidential waiver is in effect; and (4) make a number of technical and clarifying modifications.

The conferees note the exclusion of import sanctions in this section would only pertain to the new authorities provided in this subsection and would not affect the President's authority under already existing law to employ such sanctions.

Imposition of sanctions with respect to the provision of underwriting services or insurance or reinsurance for activities of persons with respect to which sanctions have been imposed (sec. 1246)

The Senate amendment contained a provision (sec. 1266) that would impose sanctions contained in the Iran Sanction Act of 1996 (Public Law 104–172), as amended, on: (1) any insurance or reinsurance provider or underwriter that knowingly provides underwriting service, insurance, or reinsurance for activities for which sanctions have been imposed under current law; (2) to any person in the energy, shipping, or ship-building sector in Iran; (3) transactions involving the materials covered in section 1245; (4) any person designated on the SDN List in connection with proliferation of weapons of mass destruction or support for terrorism; and (5) any other person on the SDN List, with certain limited exceptions. The provision would provide waivers for transactions involving humanitarian goods, a due diligence exception for underwriters, insurers, and reinsurers, as well as a Presidential waiver for interests vital to the national security of the United States.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) increase the number of days after enactment of this Act that this provision would take effect to 180 days; (2) strike subsection (f)—the clause relating to the application of certain provisions of the Iran Sanctions Act of 1996 (Public Law 104–172), as amended; (3) increase to 180 days the period of time for which a Presidential waiver is in effect; and (4) make a number of technical and clarifying modifications.

The conferees note the exclusion of import sanctions in this section would only pertain to the new authorities provided in this subsection and would not affect the President's authority under already existing law to employ such sanctions.

Imposition of sanctions with respect to foreign financial institutions that facilitate financial transactions on behalf of specially designated nationals (sec. 1247)

The Senate amendment contained a provision (sec. 1267) that would prohibit the opening of or impose strict conditions on the maintaining of a correspondent account or a payable-through account in the United States by a foreign financial institution that the President determines has knowingly facilitated a significant financial transaction on behalf of any Iranian person included on the SDN List. The provision would provide exceptions for humanitarian transactions, certain financial institutions, petroleum sales permitted under section 1245 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81), and certain natural gas sales. The provision would also provide a Presidential waiver of sanctions for interests vital to the national security of the United States.

The House bill contained no similar provision.

The House recedes with an amendment that would: (1) increase the number of days after enactment of this Act that this provision would take effect to 180 days; (2) increase to 180 days the period of time for which a Presidential waiver is in effect; and (3) make a number of technical and clarifying modifications.

Inclusion of the Islamic Republic of Iran Broadcasting on the list of human rights abusers (sec. 1248)

The Senate amendment contained a provision (sec. 1268) that would make a series of findings about the Islamic Republic of Iran Broadcasting (IRIB) entity's contributions to the infringement of individuals' human rights and would direct the President to determine the same. The provision would also designate and sanction the IRIB and the President of the IRIB, Ezzatollah Zargami, on account of human rights violations.

The House bill contained no similar provision.

The House recedes with an amendment that would direct the President to impose sanctions on IRIB, as well as its President,

Ezzatollah Zargami, under the Comprehensive Iran Sanctions, Accountability, and Divestment Act (CISADA) of 2010 (Public Law 111–195; 22 U.S.C. 8511 et seq.); include them on the SDN List and blocked persons maintained by the Office of Foreign Asset Control; and incorporate appropriate administrative provisions.

The conferees note the exclusion of import sanctions in this section would only pertain to the new authorities provided in this subsection and would not affect the President's authority under already existing law to employ such sanctions.

Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran (sec. 1249)

The Senate amendment contained a provision (sec. 1269) that would amend Title I of Public Law 111–195 by inserting a new subsection that would direct the President to impose sanctions on individuals determined to have engaged in corruption or other activities relating to the diversion of goods intended for the people of Iran or the misappropriation of proceeds from the sale or resale of such goods. The provision would also require the names of individuals identified under this subsection to be made available to the public and posted on the Internet websites of the Department of the Treasury and the Department of State. The provision would also include a number of relevant clerical amendments to Public Law 111–195.

The House bill contained no similar provision.

The House recedes with a technical amendment.

The conferees note the exclusion of import sanctions in this section would only pertain to the new authorities provided in this subsection and would not affect the President's authority under already existing law to employ such sanctions.

Waiver requirement related to exceptional circumstances preventing significant reductions in crude oil purchases (sec. 1250)

The Senate amendment contained a provision (sec. 1270) that would amend section 1245(d)(5)(B) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) by inserting an additional determination the President is required to make when issuing a waiver of sanctions with respect to petroleum transactions. Under the provision, the President would also be required, prior to issuing a waiver of sanctions, to certify 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 significantly reduce its volume of crude oil purchases.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Statute of limitations for civil actions regarding terrorist acts (sec. 1251)

The Senate amendment contained a provision (sec. 1271) that would amend Section 2335 of title 18, United States Code, and modify the statute of limitations for civil action regarding terrorist acts to 10 years.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the effective date of the provision.

Report on use of certain Iranian seaports by foreign vessels and use of foreign airports by sanctioned Iranian air carriers (sec. 1252)

The Senate amendment contained a provision (sec. 1272) that would direct the President to submit to the appropriate congressional committees a report that contains: (1) a list of vessels that have entered seaports in Iran controlled by the Tidewater Middle East Company 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 have landed.

The House bill contained no similar provision.

The House recedes with an amendment that would terminate the reporting requirement under this subsection after a certain number of reports, as well as add the words ''large or otherwise significant'' to focus collection resources on vessels of concern.

Implementation; penalties (sec. 1253)

The Senate amendment contained a provision (sec. 1273) that would provide the President with the authority, consistent with the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), to implement this subtitle and establish certain penalties for a person that commits an unlawful act under this subtitle.

The House bill contained no similar provision.

The House recedes with an amendment that would provide for the application of certain sections of the Iran Sanctions Act of 1996 (Public Law 104–172), as amended.

Applicability to certain natural gas projects (sec. 1254)

The Senate amendment contained a provision (sec. 1274) that would establish that nothing in this subtitle shall apply with respect to any activity described in subsection (a) of section 603 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (Public Law 112–158; 22 U.S.C. 8783) to which the exception under that section applies at the time of the activity.

The House bill contained no similar provision.

The House recedes.

Rule of construction (sec. 1255)

The Senate amendment contained a provision (sec. 1275) that would establish a rule of construction with respect to this subtitle that nothing 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.

The House bill contained no similar provision.

The House recedes.

Subtitle E—Satellites and Related Items

Authority to remove satellites and related components and technology from the United States Munitions List (secs. 1261–1267)

The House bill contained a provision (subtitle E, sec. 1241) that would grant authority to the President, after making certain determinations, to remove commercial satellites and related components and technology from the United States Munitions List (USML), consistent with the requirements to notify and consult with Congress under section 38(f) of the Arms Export Control Act (22 U.S.C. 2778) regarding the removal of any defense item from the USML. The House provision would also prohibit the export of commercial satellites and related components and technology to the People's Republic of China, North Korea, currently named state sponsors of terrorism, and other countries on which there are regulatory arms export restrictions.

The House bill also contained a provision (sec. 1242) that require a quarterly report from the President on licenses and other authorizations for such items subsequently listed on the Commerce Control List (CCL).

The House bill also contained a provision (sec. 1243) that amends section 38(f) of the Arms Export Control Act to modify the information to be provided in connection with notifications when the President seeks to move items from the USML.

The House bill also contained a provision (sec. 1244) that require a report on the extent to which the CCL has exemptions from country-wide licensing requirements.

The House bill also contained a provision (sec. 1245) that provide for end-use monitoring for certain CCL items and required a report.

The House bill also contained a provision (sec. 1246) that require that all relevant departments concur to any future changes to Category XV of the USML (relating to spacecraft systems and associated equipment) and require an annual report on the reviews conducted in readying such concurrence.

The Senate amendment contained no similar provisions.

The Senate recedes with an amendment that would strike section 1241(a) of the House bill and replace it with a repeal of section 1513(a) of Subtitle B of Title XV of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261). The effect of this repeal would be that the satellites and related items that were on the CCL on the date of the enactment of Public Law 105–261 and, thereafter, were transferred to the USML pursuant to section 1513(a) and controlled under the Arms Export Control Act, may be transferred back to the CCL, subject to certain determinations. The conferees note that this repeal would not change the regulatory structure and obligations that currently apply for existing licenses or submitted applications under the authority of the International Traffic in Arms Regulations ((ITAR), 22 C.F.R. part 120 et seq.). The conferees believe further regulatory action, subject to the conditions set out in this provision, will have to be taken to change such structure and obligations. The conferees note that nothing in the conference agreement would obviate the requirement to submit to Congress the report required under section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)) for any item removed from the USML as a result of the enactment of the conference agreement.

The amendment would further amend the prohibition in section 1241(c) of the House bill on the export, transfer, re-transfer, or re-export on commercial satellites and related items to China, Cuba, Iran, North Korea, Sudan, Syria, or any other country under a U.S. arms embargo pursuant to section 126.1 of the ITAR to comport with the repeal in subsection (a) of the amendment, adding a Presidential waiver of the prohibition to be consistent with other provisions of export control law; and striking the ITAR 126.1 prohibition and replacing it with a presumption of denial of any such export to a country with respect to which the United States maintains a comprehensive arms embargo. The amendment would also provide for a reporting requirement to certain congressional committees regarding efforts by certain countries to illicitly obtain satellites and related items. The conferees expect the Director of National Intelligence to ensure protection of sources and methods in preparing such report.

The conferees note that this amendment would explicitly state that the prohibition applies to all such satellites and items subject to the Export Administration Regulations, whether or not specifically enumerated on the CCL. The conferees note that in ongoing compliance matters concerning the re-transfer of U.S. technology to China, certain such items had been designated by the Department of Commerce as EAR–99. The conferees do not intend for this provision to

affect ongoing compliance matters, which the conferees expect will be pursued with all available diligence. Thus, the amendment would also specify that no items transferred as a result of the enactment of this Act may be launched in China, North Korea, or a designated state sponsor of terrorism, or as part of a launch vehicle owned, operated, or manufactured by any such government, or persons or entities acting on their behalf. The amendment would permit, however, the President to waive these particular prohibitions on a case-by-case basis, with advance notice to Congress. The conferees note that the President is already permitted to waive similar restrictions on exports of USML items to China, and for satellites and related items to China for launch, on launch vehicles owned by China that are contained in section 902 of the Foreign Relations Authorization Act of Fiscal Years 1990 and 1991 (Public Law 101–246), which would be intentionally unchanged by this provision. Section 1515 of Public Law 105–261, which will remain in force, requires that each time the President seeks to waive those restrictions on the export to China of any satellite of United States origin or related items, the President must accompany the required report with a detailed justification setting forth numerous justifications related to the export, including why the proposed launch is in the national security interest of the United States and what the impact of the proposed export will be on employment in the United States. The conferees stress that this amendment would intentionally leave those matters unchanged. The conferees also note that the aforementioned waiver for exporting satellites and related items has not been used since the late 1990s, owing to concerns about Chinese missile and other proliferation activities and human rights violations. The conferees find it difficult to envision a scenario under current circumstances in which a President would utilize the waiver authority that would be provided in the amendment.

The amendment would also modify the requirements of the report from the President on licenses and other authorizations for satellites and related items subsequently listed on the CCL.

Furthermore, the amendment would largely retain, but modify, reporting requirements on country exemptions for licensing of certain satellites and related items and end-use monitoring.

The amendment would require that all relevant agencies review regulations proposing changes to Category XV of the USML. This provision would ensure that all relevant agencies cooperate in making determinations regarding the level of control to be accorded to space technology. The conferees believe special concern is warranted because in the past, certain items related to satellites were treated as EAR99 items, meaning no license was required and therefore no substantive ability to deny re-exports of such items existed.

The amendment would also add a rule of construction to make clear that, notwithstanding the repeal of section 1513(a), the remaining provisions of Subtitle B of title XV of Public Law 105–261, which apply to ''satellites and related items'' without reference to such items' regulatory coverage under the USML or the CCL, continue to apply to satellites and related items subject to the Export Administration Regulations. The conferees expect that notifications required to be provided by the Department of Commerce pursuant to section 1514(a)(7) of Public Law 105–261 for satellites and related items made subject to the jurisdiction of the Export Administration Regulations as a result of this amendment would be made prior to the issuance of any such license. The conferees note that nothing in this Act shall be construed as removing or limiting existing authorities of the President under Public Law 105–261 with respect to defense articles and defense services that remain subject to the jurisdiction of the ITAR or to otherwise take such actions as are necessary to implement requirements for improving national security controls in the export licensing of satellites, launch vehicles, and related items.

Subtitle F—Other Matters

Additional elements in annual report on military and security developments involving the People's Republic of China (sec. 1271)

The House bill contained a provision (sec. 1231) that would modify the elements required to be included in the annual report on the military and security developments involving the People's Republic of China and would also require a combatant commander's assessment of gaps in capabilities.

The Senate amendment contained a similar provision (sec. 1232).

The Senate recedes with an amendment that modifies some of the elements required to be included in future reports. The amendment would also remove the requirement for a combatant commander assessment and consolidate the requirement for an assessment into another section of this Act for fiscal year 2013, as part of a broader report from the Chairman of the Joint Chiefs of Staff regarding gaps in capabilities.

NATO Special Operations Headquarters (sec. 1272)

The House bill contained a provision (sec. 1234) that would extend through fiscal year 2013 the authority contained in section 1244 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84), as amended, for the Secretary of Defense to provide up to $50.0 million per year to support the operations of the North Atlantic Treaty Organization (NATO) Special Operations Headquarters (NSHQ). The House provision would also prohibit the Secretary from obligating or expending more than 50 percent of the funds available for fiscal year 2013 until 30 days after the Secretary finalizes and formalizes the United States Special Operations Command as the lead component with executive agent responsibilities for the NSHQ.

The Senate amendment contained a provision (sec. 342) that would make permanent the authority of the Secretary to provide up to $50.0 million in any fiscal year to support the operations of the NSHQ. The Senate provision would also require an annual report describing the activities of the NSHQ and summarizing the support provided to the NSHQ by the U.S. and other NATO member countries.

The Senate recedes with an amendment that would extend through fiscal year 2015 the authority of the Secretary to provide up to $50.0 million per year to support the operations of the NSHQ and require an annual report describing the activities of the NSHQ and summarizing the support provided to the NSHQ by the U.S. and other NATO member countries.

The conferees continue to see great value in the ability of the NSHQ to enhance the capabilities and interoperability of NATO Special Operations Forces consistent with the purposes specified in section 1244 of Public Law 111–84. The conferees also believe the extension of this authority through fiscal year 2015 will enable continued support of the NSHQ through a critical period as responsibility for security in Afghanistan transitions from the International Security Assistance Force to the Afghan National Security Forces by the end of 2014. Lastly, the conferees believe, barring an exceptional and compelling justification, that additional modifications to this authority should not be necessary prior to fiscal year 2015 and look forward to considering a request from the Secretary for continued U.S. support to the NSHQ at the appropriate time.

Sustainability requirements for certain capital projects in connection with overseas contingency operations (sec. 1273)

The Senate amendment contained a provision (sec. 1245) that would establish requirements for future overseas contingency operations that the Department of Defense (DOD), the Department of State (DOS) and the United States Agency for International Development (USAID) conduct detailed assessments of the necessity and sustainability of capital projects above certain specified cost thresholds prior to carrying out any such project. The Secretary of Defense, the Secretary of State, or the Administrator of USAID, as applicable, would be authorized to waive the limitations of this section to initiate a project if the determination is made that doing so is in U.S. national security, diplomatic, or humanitarian interests, but a sustainability assessment would still have to be conducted subsequently. The provision would also require detailed, semi-annual reporting on each capital project subject to this section.

The House bill contained a provision (sec. 1239) that would require that, for certain specified infrastructure projects, the head of a federal department or agency responsible for carrying out the project must submit to Congress, not later than 60 days prior to the project's commencement, a plan for carrying out and sustaining the project. Projects covered by this provision would be infrastructure projects in a foreign country for which the United States is contributing not less than $1.0 million from funds available for overseas contingency operations.

The House recedes with a technical amendment.

Administration of the American, British, Canadian, and Australian Armies' Program (sec. 1274)

The Senate amendment contained a provision (sec. 1241) that would authorize the Secretary of Defense to enter into cost-sharing agreements with the countries participating in the American, British, Canadian, and Australian (ABCA) Armies' Program. The provision would allow the Department of Defense to accept contributions from the other participating countries to pay their equitable share of the costs associated with the ABCA Armies' Program. The authority provided under this provision would sunset after 5 years.

The House bill contained no similar provision.

The House recedes with a technical amendment.

United States participation in Headquarters Eurocorps (sec. 1275)

The Senate amendment contained a provision (sec. 1242) that would authorize the participation of members of the armed forces as members of the staff of Headquarters Eurocorps to support the North Atlantic Treaty Organization activities of that corps. U.S. participation on the staff would be limited to 2 service members until the Secretary of Defense submits a report to the Committees on Armed Services of the Senate and the House of Representatives on the plans, benefits, and costs of such participation.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to notify the Committees on Armed Services

of the Senate and the House of Representatives if the number of members of the armed forces participating on the staff of the Headquarters Eurocorps will exceed 10 members.

Department of Defense participation in European program on multilateral exchange of air transportation and air refueling services (sec. 1276)

The Senate amendment contained a provision (sec. 1243) that would allow the Secretary of Defense, with the concurrence of the Secretary of State, to authorize U.S. participation in the Air Transport, Air-to-Air Refueling and other Exchanges of Services (ATARES) program of the Movement Coordination Centre Europe. The program would allow for the exchange or transfer of air transportation and air refueling services among ATARES program participants.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Prohibition on use of funds to enter into contracts or agreements with Rosoboronexport (sec. 1277)

The House bill contained a provision (sec. 802) that would require that any U.S.-funded contract to procure helicopters for the Afghan Security Forces must be awarded using competitive procedures. The provision would also prohibit the Secretary of Defense from awarding a contract, directly or indirectly, to any entity controlled, directed, or influenced by: (1) a country that has provided weapons to Syria after the enactment of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 108–175); or (2) any country that is a state sponsor of terrorism. The Secretary of Defense would be authorized to waive the requirements of the provision if the Secretary determines that doing so is in the U.S. national security interests.

The Senate amendment contained a provision (sec. 1050) that would prohibit the use of funds authorized to be appropriated by this Act to enter into a contract or provide a loan to the Russian state corporation, Rosoboronexport. The provision would allow the Secretary of Defense to waive this prohibition if in the U.S. national security interests.

The House recedes with a technical amendment.

Sense of Congress on Iron Dome short-range rocket defense system (sec. 1278)

The Senate amendment contained a provision (sec. 1250) that would express the sense of Congress in support of the Israeli Iron Dome short-range rocket defense system.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Bilateral defense trade relationship with India (sec. 1279)

The Senate amendment contained a provision (sec. 1252) that would require the Secretary of Defense to report on certain elements of the United States defense trade relationship with India and would require a comprehensive review of the feasibility of co-production and co-development of defense projects with India.

The House bill contained no similar provision.

The House recedes with an amendment that would require coordination with the Secretary of State and would modify certain elements of the report.

The conferees believe that the bilateral defense trade relationship with India is important to both countries and that the United States government must work to advance that relationship in a variety of areas. In particular, the conferees urge the Secretary of Defense, the Secretary of State and other relevant United States officials to take the following actions:

(1) review all United States-India bilateral working groups dealing with high technology transfers, including technology security and licensing for dual-use and munitions licenses to determine the feasibility of establishing a single United States working group dedicated to strategic and technology trade;

(2) engage counterparts in the Government of India in a dialogue on the current challenges related to compatibility of the Foreign Military Sales and direct commercial sale programs with the Indian Defense Procurement Procedure;

(3) engage counterparts in the Government of India in a dialogue about elements of an effective defense industrial base, including personnel training, quality assurance, and manufacturing procedures;

(4) consider the establishment of orientation programs for new Indian defense officials to learn about procedures for United States defense sales; and

(5) continue and deepen ongoing efforts to assist the Government of India in developing defense acquisition expertise by assisting with the development of training institutions and human capital.

United States Advisory Commission on Public Diplomacy (sec. 1280)

The Senate amendment contained a provision (sec. 5023) that would reauthorize and modify the responsibilities of the United Sates Advisory Commission on Public Diplomacy through fiscal year 2014.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the underlying provision to reauthorize the United States Advisory Commission on Public Diplomacy through fiscal year 2015, as well as additional technical and clarifying modifications.

Sense of Congress on sale of aircraft to Taiwan (sec. 1281)

The House bill contained a provision (sec. 1240) that would require the President to sell F–16C/D aircraft to Taiwan.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would eliminate the requirement for the sale of F–16C/D aircraft but express the sense of Congress that the President should take steps to address Taiwan's shortfall in fighter aircraft.

The conferees note that in an unclassified assessment dated January 21, 2010, and provided to the congressional defense committees by the Department of Defense pursuant to a requirement in the conference report (Conf. Rept. 111–288) accompanying the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84), the Defense Intelligence Agency stated, among other things, that although Taiwan had almost 400 combat aircraft, far fewer were operationally capable, and that Taiwan's F–5 fighters have reached the end of their operational service life. The conferees note further that the administration acknowledged, in a widely-circulated letter dated April 27, 2012, that Taiwan is experiencing a growing shortfall in fighter aircraft, even with the F–16 A/B upgrades made available to Taiwan in September 2011. Despite this shortfall, however, the conferees are not aware of any plan by the administration to address Taiwan's fighter aircraft needs, whether through the sale of F–16C/D or otherwise. Accordingly, the conferees direct the Secretary of Defense, in coordination with the Secretary of State, to ensure that a briefing is prepared and made available to the congressional defense committees and other interested committees, not later than April 15, 2013, that explains the administration's plan for meeting the statutory requirements of the Taiwan Relations Act (Public Law 96–8) regarding ensuring that Taiwan air forces can contribute appropriately to the defense of Taiwan.

Briefings on dialogue between the United States and the Russian Federation on nuclear arms, missile defense, and long-range conventional strike systems (sec. 1282)

The Senate amendment contained a provision (sec. 1074) that would require the executive branch to provide briefings, not less than twice per year, to the Senate Foreign Relations Committee and the Senate Armed Services Committee 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. The provision would also express the sense of the Senate that certain agreements may be made only pursuant to the treaty-making power of the President.

The House bill contained no similar provision.

The House recedes with an amendment that would add a rule of construction to clarify that nothing in the provision shall be construed to be inconsistent with or to interfere with the practices, precedents, or oversight of the House of Representatives.

Sense of Congress on efforts to remove or apprehend Joseph Kony from battlefield and end the atrocities of the Lord's Resistance Army (sec. 1283)

The Senate amendment contained a provision (sec. 1246) that would express the sense of the Senate on ongoing U.S. military efforts to support the apprehension or removal of Joseph Kony and his top commanders from the battlefield and end atrocities perpetrated by his Lord's Resistance Army (LRA).

The House bill contained no similar provision.

The House recedes with an amendment that would modify the provision to make it a sense of Congress and make other technical modifications.

The conferees note that the President notified Congress in October 2011 of Operation Observant Compass (OOC), an operation to support the efforts of Ugandan and other regional militaries to remove Joseph Kony and other senior leaders of the LRA from the battlefield in Central Africa, and his decision to send approximately 100 U.S. Special Operations Forces Personnel to Central Africa help regional partners achieve these goals.

The conferees support U.S. Africa Command's (AFRICOM) ongoing operation in Central Africa to advise and assist regional partners and will continue to resource these efforts in order to ensure the mission achieves its stated objectives.

The conferees note that this Act would provide an additional $50.0 million to enhance the intelligence, surveillance, and reconnaissance (ISR) support to AFRICOM's OOC. While the conferees intend for a majority portion of these additional funds to be used to improve ISR collection capabilities, the conferees recognize the importance of improving other aspects of ISR support to OOC. The conferees believe the ''find'' portion of the ''find-fix-finish'' intelligence cycle requires focused interagency and multi-disciplinary approaches to develop an intelligence strategy tied to operations on the ground to successfully locate Kony and other top LRA commanders. As such, the conferees support the use of a portion of these additional funds to improve other aspects of ISR support to OOC, including intelligence exploitation, analysis, dissemination, and sharing.

Additionally, the conferees expect that the Deputy Under Secretary of Defense for Warfighter Support and Director of the ISR Task Force, in coordination with the Director for Emerging Capabilities and Technology Investments will manage this ISR initiative, in support of AFRICOM. The conferees believe the ISR Task Force has provided critical support to operations in the U.S. Central Command area of responsibility in recent years and believe that support to OOC is an opportunity for the ISR Operations and Global Support Directorate of the Deputy Under Secretary of Defense for Warfighter Support to demonstrate similar capabilities in support of another combatant commands with unmet ISR requirements.

Lastly, the conferees expect to receive frequent updates on the allocation of funds authorized and appropriated for ISR support to OOC and the role these additional capabilities will play in an integrated intelligence strategy.

Imposition of sanctions with respect to support for the rebel group known as M23 (sec. 1284)

The Senate amendment contained a provision (sec. 1247) that would impose sanctions with respect to persons that provide significant financial, material, or technical support to the rebel group known as M23 operating in the Democratic Republic of the Congo.

The House bill contained no similar provision.

The House recedes with an amendment that would amend subsection (g) to include the Committees on Armed Services of the Senate and the House of Representatives in the definition of the appropriate congressional committees, make technical modifications and modify the sanctions termination clause.

The exclusion of import sanctions in this section pertains only to the new authorities provided in this subsection and does not affect the President's authority under already existing law to employ such sanctions.

Pilot program on repair, overhaul, and refurbishment of defense articles for sale or transfer to eligible foreign countries and entities (sec. 1285)

The Senate amendment contained a provision (sec. 1248) that would authorize the Secretary of Defense to establish a pilot program to repair, overhaul, or refurbish in-stock defense articles in anticipation of their sale or transfer to eligible foreign countries or international organizations. The provision would also authorize the establishment of a fund, called the Special Defense Repair Fund, to support the program. The provision would limit the total amount in the Fund at any time to not more than $50.0 million.

The House bill contained no similar provision.

The House recedes with technical and clarifying amendments.

The conferees expect the Department of Defense to keep the Committees on Armed Services of the Senate and the House of Representatives apprised as the fund is established and the program is implemented.

Sense of Congress on the situation in the Senkaku Islands (sec. 1286)

The Senate amendment contained a provision (sec. 1251) that would express the sense of the Senate regarding the situation in the Senkaku Islands.

The House bill contained no similar provision.

The House recedes with an amendment that would express the Senate provision as a sense of Congress.

Subtitle G—Reports

Review and reports on Department of Defense efforts to build the capacity of and partner with foreign security forces (sec. 1291)

The Senate amendment contained a provision (sec. 1231) that would require the Defense Policy Board to assess Department of Defense (DOD) efforts to build the capacity of, and partner with, foreign security forces in support of U.S. national security and defense strategies. The provision would require the Secretary of Defense to report to the congressional defense committees on the results of the Defense Policy Board review. The provision would also require that the Secretary of Defense, taking into account the recommendations of the Defense Policy Board review, to report to the congressional defense committees on the Department's strategic guidance for its efforts to build the capacity of, and partner with, foreign military forces in support of U.S. national security and defense strategies.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Additional report on military and security developments involving the Democratic People's Republic of Korea (sec. 1292)

The House bill contained a provision (sec. 1232) that would require an additional report on the military and security developments involving the Democratic People's Republic of Korea and would also require a combatant commander's assessment of gaps in capabilities.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that removes the requirement for a combatant commander assessment and consolidates the requirement for an assessment into another section of this Act, as part of a broader report from the Chairman of the Joint Chiefs of Staff regarding gaps in capabilities.

Report on host nation support for overseas United States military installations and United States Armed Forces deployed in country (sec. 1293)

The House bill contained a provision (sec. 1233) that would require the Secretary of Defense, in consultation with the Secretary of State, to submit a report to the appropriate congressional committees not later than March 1 of each year from 2013 through 2015, on the direct, indirect, and burden sharing contributions made by host nations in support of U.S. Armed Forces deployed in country.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Report on military activities to deny or significantly degrade the use of air power against civilian and opposition groups in Syria (sec. 1294)

The Senate amendment contained a provision (sec. 1235) that would require a report on military activities to deny or significantly degrade the use of air power against civilian and opposition groups in Syria.

The House bill contained no similar provision.

The House recedes.

Report on military assistance provided by Russia to Syria (sec. 1295)

The House bill contained a provision (sec. 1303) that would limit Cooperative Threat Reduction funding to Russia until the Secretary of Defense, in coordination with the Secretary of State, certifies to the congressional defense committees that Russia is not providing direct or indirect support to the Syrian government to suppress the Syrian people and that Russia is not providing equipment and technology to Syria, Iran, or North Korea that have the potential to make a material contribution to the development of weapons of mass destruction or cruise or ballistic missile systems controlled under multilateral control lists.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require a report, not later than 90 days after the date of enactment of this Act, by the Secretary of Defense, in coordination with the Secretary of State, on military assistance provided by the Russian Federation to Syria. The report would also include the types of direct or indirect military support and a description and analysis of Russia's military interest presence in Syria.

The conferees note that a report on Cooperative Threat Reduction efforts with Russia is required elsewhere in this Act.

LEGISLATIVE PROVISIONS NOT ADOPTED

Codification of National Guard State Partnership Program

The House bill contained a provision (sec. 335) that would codify the National Guard Bureau's (NGB) State Partnership Program (SPP).

The Senate amendment contained no similar provision.

The House recedes.

Strategy for supporting the achievement of a secure presidential election in Afghanistan in 2014

The Senate amendment contained a provision (sec. 1218) that would require the Secretary of Defense, in consultation with the Secretary of State, to develop a strategy for supporting the Government of Afghanistan in its efforts to provide for the security of the 2014 Afghan presidential elections.

The House bill contained no similar provision.

The Senate recedes. The conferees note that a separate provision of this Act amends the reporting requirements under section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) to require detailed information on preparations to provide security for the Afghan presidential elections in 2014, including efforts to train a sufficient number of female members of the Afghan National Security Forces and to provide security for polling places and election personnel as necessary to safely carry out the elections, including the participation of women.

Limitation on use of funds under the Pakistan Counterinsurgency Fund

The House bill contained a provision (sec. 1219) that would restrict the use of funds authorized to be appropriated by this Act for the Pakistan Counterinsurgency Fund (PCF) until the Secretary of Defense certifies to the appropriate congressional committees that Pakistan is committed to and implementing a strategy to counter improvised explosive devices (IEDs), including attacking IED networks, monitoring precursors used in IEDs, and developing regulations for the manufacture of certain materials, including calcium ammonium nitrate, and their supply to legitimate end users. The Secretary would be authorized to waive the certification requirement if the Secretary determines doing so is in the national security interest of the United States.

The Senate amendment contained no similar provision.

The House recedes. The conferees note that the restrictions contained in this provision of the House bill are included in another provision of this title that extends and modifies the authority for the PCF for fiscal year 2013.

United States military preparedness in the Middle East

The House bill contained a provision (sec. 1222) that would recognize the importance of conducting military exercises and maintaining a high-level state of readiness in the Middle East to the national security of the United States and its allies. The provision would also require the Secretary of Defense to submit to the congressional defense committees a plan to strengthen the presence of the United States Armed Forces in the Middle East.

The Senate amendment contained no similar provision.

The House recedes.

The conferees encourage the Secretary of Defense to continue to ensure that a full range of options for various contingencies in the region are available to the President.

Additionally, the conferees note that the last update received on these matters was in 2011, in conjunction with the quarterly readiness report required by section 482 of title 10, United States Code (10 U.S.C. 482), in which the Secretary of Defense provided information on the overall readiness of U.S. Armed Forces in the U.S. Central Command (CENTCOM) area of responsibility to counter threats from Iran. As such, the conferees direct the Secretary of Defense to ensure that the next report required under 10 U.S.C. 482, includes a discussion of the operational readiness, military exercises, and resource requirements associated with CENTCOM's ability to respond to a full range of contingencies involving Iran, including its threat to close the Strait of Hormuz.

Enhancing the defense of Israel and United States interests in the Middle East

The House bill contained a provision (sec. 1224) that would express the sense of Congress about the need for the United States to take certain measures to assist in the defense of Israel and require a series of reports regarding Israel's qualitative military edge, as well as a report on efforts to expand cooperation between the United States and Israel.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that President Barack Obama signed into law the United States-Israel Enhanced Security Cooperation Act (Public Law 112–150) on July 27, 2012. This public law incorporated the underlying reporting requirements in the House provision. The conferees support strongly the United States-Israel Enhanced Security Cooperation Act.

Plan to increase strategic regional partnerships

The House bill contained a provision (sec. 1226) that would direct the Secretary of Defense to develop a plan to increase strategic partnerships and access agreements with regional allies in the Middle East and Caucuses.

The Senate amendment contained no similar provision.

The House recedes.

Definitions

The House bill contained a provision (sec. 1227) that would provide definitions for a number of other provisions in subtitle C of title 12 of this Act.

The Senate amendment contained no similar provision.

The House recedes.

Report on the implementation by the Government of Bahrain of the recommendations by the Bahrain Independent Commission of Inquiry

The Senate amendment contained a provision (sec. 1233) that would require a report by the Secretary of State on the implementation by the Government of Bahrain of the recommendations contained in the Bahrain Independent Commission of Inquiry.

The House bill contained no similar provision.

The Senate recedes.

The conferees direct the Secretary of State, no later than 180 days after enactment of this Act, to submit to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a report on the implementation by the Government of Bahrain of the recommendations contained in the Report of the Bahrain Independent Commission of Inquiry. The report required shall include: (1) a description of the specific steps taken by the Government of Bahrain to implement each of the 26 recommendations contained in the Report of the Bahrain Independent Commission of Inquiry; (2) an assessment of whether each recommendation has been fully complied with by the Government of Bahrain; and (3) an assessment of the impact of the findings of the Report of the Bahrain Independent Commission of Inquiry on progress toward democracy and respect for human rights in Bahrain.

The conferees support the longstanding partnership between the U.S. and the Kingdom of Bahrain and note that the Naval Support Activity-Bahrain is a valuable strategic asset for the U.S. and a key component of continued mutually beneficial U.S.-Bahrain strategic cooperation.

Reports on Syria

The Senate amendment contained a provision (sec. 1234) that would require a series of reports on matters relating to Syria.

The House bill contained no similar provision.

The Senate recedes.

Not later than 90 days after enactment of this Act, the conferees direct the Secretary of Defense, Secretary of State, and Director of National Intelligence to provide a report that leverages existing intelligence products to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, the Committee on Foreign Relations of the Senate, and the Select Committee on Intelligence of the Senate, an updated assessment on: (1) the opposition groups in Syria; (2) the Government of Syria's weapons stockpiles; and (3) current activities to provide assistance to Syria's political opposition.

Reports on exports of missile defense technology to certain countries

The House bill contained a provision (sec. 1235) that would require the Secretary of Defense to submit reports to Congress on the types of assistance provided by the Department of Defense to countries that export certain space and missile-related technologies, and a description of such exports to other countries with certain space and missile-related programs.

The Senate amendment contained no similar provision.

The House recedes.

Limitation on funds to provide the Russian Federation with access to missile defense technology

The House bill contained a provision (sec. 1236) that would prohibit the availability of funds from being used to provide classified ballistic missile defense technology and data of the United States to the Russian Federation. The provision would also limit the availability of funds to provide other ballistic missile technology and data of the United States to the Russian Federation unless the President meets certain reporting requirements.

The Senate amendment contained a related provision (sec. 233) that would state it is the sense of Congress that it is in the national security interests of the United States to pursue efforts at missile defense cooperation with Russia that would enhance security, including the sharing of classified United States missile defense information.

The conference agreement does not include either of these provisions.

Limitation on assistance to provide tear gas or other riot control items

The House bill contained a provision (sec. 1238) that would prohibit funds authorized to be appropriated by this Act to be used to provide tear gas or other riot control items to the government of a country undergoing a transition to democracy in the Middle East or North Africa unless the Secretary of Defense certifies to certain congressional committees that the security forces of such governments are not using excessive force to repress peaceful, lawful, and organized dissent.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that such items are typically purchased via direct commercial sale, not with funds from the Department of Defense, and that the Secretary of State has prevented the sale and transfer of such items in certain cases.

Limitation on funds for United States participation in joint military exercises with Egypt

The House bill contained a provision (sec. 1240c) that would prohibit funds authorized to be appropriated by this Act from being made available for United States participation in joint military exercises with Egypt if the Government of Egypt terminates or withdraws from the 1979 Israeli-Egypt peace treaty.

The Senate amendment contained no similar provision.

The House recedes.

Limitation on funds for institutions or organizations established by the United Nations Convention on the Law of the Sea

The House bill contained a provision (sec. 1240A) that would limit the use of funds for institutions or organizations established by the United Nations Convention on the Law of the Sea.

The Senate amendment contained no similar provision.

The House recedes.

Removal of Brigade Combat Teams from Europe

The House bill contained a provision (sec. 1240B) that would authorize and request the President to end the permanent basing of United States Armed Forces on the territory of North Atlantic Treaty Organization (NATO) members nations in Europe and return the four Brigade Combat Teams currently stationed in Europe to the United States. The provision would also establish as U.S. policy that the deployment of armed forces on a rotational basis in Europe is a force structure arrangement sufficient to satisfy U.S. commitments under the North Atlantic Treaty, to address the current security environment, and contribute to peace and stability in Europe.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that there are significant advantages that come from European-based U.S. troops, including the opportunity to train regularly with ally and partner forces at U.S. training centers in Europe.

The conferees further note, however, that the global strategic and U.S. fiscal environments require that the President and Congress carefully examine all overseas basing, including that in Europe, to determine what is the most effective overseas force posture for our national security at the lowest possible cost. The conferees therefore encourage the President and the Department of Defense to continue to look closely at the advantages and disadvantages associated with the forward deployment of U.S. troops in Europe and elsewhere. The conferees finally note that the President already has the authority to relocate U.S. forces based in Europe, making the authority that would be provided by the proposed section unnecessary.

Authority to establish program to provide assistance to foreign civilians for harm incident to combat operations of the Armed Forces in foreign countries

The Senate amendment contained a provision (sec. 1244) that would authorize the Secretary of Defense to establish a program under which military commanders would be able, at their discretion, to provide assistance to foreign civilians who are harmed incident to U.S. combat operations abroad. Any assistance provided under the program would be ex gratia and would not be considered an acknowledgement of any legal obligation to provide compensation.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that our military commanders have a number of authorities available to provide assistance to civilians who suffer harm in a combat zone. These include:

The Foreign Claims Act (FCA), which authorizes the payment of claims in connection with noncombat activities of U.S. military forces outside the United States. The FCA does not authorize compensation for losses resulting directly or indirectly from combat activities.

Solatia payments under section 2242 of title 10, United States Code, which authorizes payments to a victim or victim's family to express sympathy for an injury or loss suffered, when such payments are consistent with the local custom. These payments are not claims payments and are not based on any acceptance of legal liability by the United States.

Commanders' Emergency Response Program (CERP), which commanders in Iraq and Afghanistan have used to make ex gratia condolence or battle damage payments for harm caused by U.S. or coalition forces. Payments under CERP are provided as sympathy payments or to provide humanitarian relief to the victim or the victim's family.

These authorities have contributed greatly to promoting goodwill with the local populace in combat zones. The conferees direct the Secretary of Defense to ensure that the operational plans for future contingency operations include, as appropriate, guidance on the authorities for and utilization of assistance to foreign civilians that are harmed incident to U.S. combat operations overseas.

TITLE XIV—OTHER AUTHORIZATIONS

Subtitle A—Military Programs

Working capital funds (sec. 1401)

The House bill contained a provision (sec. 1401) authorizing appropriations for fiscal year 2013 for the use of the Armed Forces and agencies of the Department of Defense for working capital and revolving funds, as specified in the funding table in section 4501.

The Senate amendment contained an identical provision (sec. 1401).

The conference agreement includes this provision.

National Defense Sealift Fund (sec. 1402)

The House bill contained a provision (sec. 1402) authorizing appropriations for fiscal year 2013 for the National Defense Sealift Fund, as specified in the funding table in section 4501.

The Senate amendment contained a similar provision (sec. 1402).

The House recedes.

Chemical Agents and Munitions Destruction, Defense (sec. 1403)

The House bill contained a provision (sec. 1403) authorizing appropriations for fiscal year 2013 for the Department of Defense for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

The Senate amendment contained an identical provision (sec. 1404).

The conference agreement includes this provision.

Drug Interdiction and Counter-Drug Activities, Defense-wide (sec. 1404)

The House bill contained a provision (sec. 1404) authorizing appropriations for fiscal year 2013 for the Department of Defense for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

The Senate amendment contained an identical provision (sec. 1405).

The conference agreement includes this provision.

Defense Inspector General (sec. 1405)

The House bill contained a provision (sec. 1405) authorizing appropriations for fiscal year 2013 for the Department of Defense for the Office of the Inspector General, as specified in the funding table in section 4501.

The Senate amendment contained an identical provision (sec. 1406).

The conference agreement includes this provision.

Defense Health Program (sec. 1406)

The House bill contained a provision (sec. 1406) authorizing appropriations for fiscal year 2013 for the Defense Health Program, as specified in the funding table in section 4501.

The Senate amendment contained a similar provision (sec. 1403).

The Senate recedes.

Subtitle B—National Defense Stockpile

Authorized uses of National Defense Stockpile funds (sec. 1411)

The House bill contained a provision (sec. 1411) that would authorize 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).

The Senate amendment contained no similar provision.

The Senate recedes.

Additional security of strategic materials supply chains (sec. 1412)

The House bill contained a provision (sec. 1412) that would amend section 2(b) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98a) to include language taking into account single points of failure.

The Senate amendment contained no similar provision.

The Senate recedes.

Release of materials needed for national defense purposes from the Strategic and Critical Materials Stockpile (sec. 1413)

The Senate amendment contained a provision (sec. 1411), as requested by the Department of Defense, that would authorize the President to delegate release authority of the National Defense Stockpile to the Undersecretary of Defense for Acquisition, Technology, and Logistics.

The House bill contained no similar provision.

The House recedes.

Subtitle C—Chemical Demilitarization Matters

Supplemental chemical agent and munitions destruction technologies at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky (sec. 1421)

The Senate amendment contained a provision (sec. 1421) that would authorize the Secretary of Defense to consider using technologies, including explosive destruction technologies, to supplement the neutralization and destruction of the stockpile of lethal chemical agents and munitions at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky.

The House bill contained no similar provision.

The House recedes with an amendment that would include reporting requirements for the use of supplemental destruction technologies at Pueblo and Blue Grass.

Subtitle D—Other Matters

Reduction of unobligated balances within the Pentagon Reservation Maintenance Revolving Fund (sec. 1431)

The House bill contained a provision (sec. 1421) that would recommend a transfer of $26.0 million in unobligated balances contained in the Pentagon Reservation Maintenance Revolving Fund to the Treasury of the United States.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

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. 1432)

The House bill contained a provision (sec. 1422) that would authorize the Secretary of Defense to transfer $139.2 million from the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund created by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) for the operations of the Captain James A. Lovell Federal Health Care Center.

The Senate amendment contained no similar provision.

The Senate recedes.

Authorization of appropriations for Armed Forces Retirement Home (sec. 1433)

The House bill contained a provision (sec. 1423) that would authorize $67.6 million to be appropriated for fiscal year 2013 from the Armed Forces Retirement Home Trust Fund for the operation of the Armed Forces Retirement Home.

The Senate amendment contained an identical provision (sec. 1431).

The conference agreement includes this provision.

Cemeterial expenses (sec. 1434)

The House bill contained a provision (sec. 1407) that would authorize appropriations for the Army Cemeterial Expenses for Arlington National Cemetery, Virginia, at the level identified in section 4501 of division B.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

The budget requested funds in the Army's military construction account and operations and maintenance accounts for expansion at Arlington National Cemetery (ANC). The conferees note that the Army's military construction account has historically not been used to authorize construction at ANC, and the conferees believe changing this precedent would not be in the best interest of ANC.

The conferees believe this funding is appropriately contained in the Cemeterial Expenses account and have therefore removed it from the military construction and operation and maintenance tables. This movement of funds should in no way be taken as a lack of support for expansion at ANC.

The conferees anticipate the appropriations committees of the Senate and the House of Representatives will move funding from the Army's military construction and operation and maintenance accounts to Cemeterial Expenses consistent with the authorization contained in this Act.

Additional Weapons of Mass Destruction Civil Support Teams (sec. 1435)

The House bill contained a provision (sec. 1087) that would amend section 1043 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314) to authorize an additional two Weapons of Mass Destruction Civil Support Teams (WMD-CSTs) beyond the 55 previously authorized.

The Senate amendment contained a similar provision (sec. 1432).

The House recedes with an amendment that would require the Secretary of Defense to provide notice to the congressional defense committees at least 90 days prior to disestablishing any of the 57 WMD-CSTs authorized by the provision.

LEGISLATIVE PROVISION NOT ADOPTED

Policy of the United States with respect to a domestic supply of critical and essential minerals

The Senate amendment contained a provision (sec. 1433) that would establish a policy to promote the development of an adequate, reliable, and stable supply of critical and essential minerals in the United States.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the requirement for the inclusion of essential minerals was added into the modified strategy for the National Security Strategy for National Technology and Industrial Base section 2501 of title 10, United States Code.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of Additional Appropriations

Purpose (sec. 1501)

The House bill contained a provision (sec. 1501) stating the purpose of the title.

The Senate amendment contained an identical provision (sec. 1501).

The conference agreement includes this provision.

Procurement (sec. 1502)

The House bill contained a provision (sec. 1502) authorizing additional appropriations 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.

The Senate amendment contained an identical provision (sec. 1502).

The conference agreement includes this provision.

Research, development, test, and evaluation (sec. 1503)

The House bill contained a provision (sec. 1503) authorizing additional appropriations for fiscal year 2013 for the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

The Senate amendment contained an identical provision (sec. 1503).

The conference agreement includes this provision.

Operation and maintenance (sec. 1504)

The House bill contained a provision (sec. 1504) authorizing additional appropriations for fiscal year 2013 for the use of the Armed Forces and other agencies of the Department of Defense for operation and maintenance, as specified in the funding table in section 4302.

The Senate amendment contained an identical provision (sec. 1504).

The conference agreement includes this provision.

Military personnel (sec. 1505)

The House bill contained a provision (sec. 1505) authorizing additional appropriations for fiscal year 2013 for the use of the Armed Forces and other agencies of the Department of Defense for military personnel, as specified in the funding table in section 4402.

The Senate amendment contained an identical provision (sec. 1505).

The conference agreement includes this provision.

Working capital funds (sec. 1506)

The House bill contained a provision (sec. 1506) authorizing additional appropriations for fiscal year 2013 for the use of the Armed Forces and other agencies of the Department of Defense for working capital and revolving funds, as specified in the funding table in section 4502.

The Senate amendment contained an identical provision (sec. 1506).

The conference agreement includes this provision.

Defense Health Program (sec. 1507)

The House bill contained a provision (sec. 1507) authorizing additional appropriations for fiscal year 2013 for the use of the Armed Forces and other agencies of the Department of Defense for the Defense Health Program, as specified in the funding table in section 4502.

The Senate amendment contained an identical provision (sec. 1507).

The conference agreement includes this provision.

Drug Interdiction and Counter-Drug Activities, Defense-wide (sec. 1508)

The House bill contained a provision (sec. 1508) authorizing additional appropriations for fiscal year 2013 for the Department of Defense for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

The Senate amendment contained an identical provision (sec. 1508).

The conference agreement includes this provision.

Defense Inspector General (sec. 1509)

The House bill contained a provision (sec. 1509) authorizing additional appropriations for fiscal year 2013 for the Department of Defense for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

The Senate amendment contained an identical provision (sec. 1509).

The conference agreement includes this provision.

Subtitle B—Financial Matters

Treatment as additional authorizations (sec. 1521)

The House bill contained a provision (sec. 1521) stating that the amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

The Senate amendment contained an identical provision (sec. 1521).

The conference agreement includes this provision.

Special transfer authority (sec. 1522)

The House bill contained a provision (sec. 1522) that would provide the Department of Defense with $3.0 billion of special transfer authority in fiscal year 2013.

The Senate amendment contained a similar provision (sec. 1522) that would provide the Department of Defense with $4.0 billion special transfer authority in fiscal year 2013.

The Senate recedes.

Subtitle C—Limitations and Other Matters

Afghanistan Security Forces Fund (sec. 1531)

The House bill contained a provision (sec. 1533) that would extend through fiscal year 2013 the limitations under section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181), as amended, on the availability of funds for the Afghanistan Security Forces Fund (ASFF). The provision would prohibit the use of fiscal year 2013 ASFF funds to support the Afghan Public Protection Force (APPF) until the Secretary of Defense makes a number of specific certifications to the congressional defense committees relating to the APPF, including with regard to the terms of the contracts entered into by the Department of Defense for APPF services; the level of support provided by the Afghan Ministry of Interior for the APPF; the conditions for end-use monitoring of APPF equipment; the mechanisms for controlling costs associated with APPF services; and the adequacy of APPF security for supply convoys. In addition, the provision would require the Secretary of Defense to conduct quarterly assessments of the APPF and report the results of those assessments to the congressional defense committees.

The Senate amendment contained a provision (sec. 1531) that would extend for fiscal year 2013 the requirement that funds available for the ASFF be subject to the conditions specified in section 1513 of Public Law 110–181, as amended. The provision would also explicitly authorize the use of ASFF funds during fiscal year 2013 to increase the capacity of the APPF. In addition, the provision would require the Secretary of Defense to provide the congressional defense committees a plan for the continued use of the ASFF to build and sustain the Afghan National Security Forces (ANSF) through September 30, 2017.

The House recedes with an amendment that would require the Secretary of Defense to certify to the congressional defense committees, or report on why the certification cannot be made, regarding whether the APPF meets certain specified standards and whether the Commander, International Security Assistance Force/Commander United States Forces—Afghanistan has the ability to exercise oversight over APPF personnel, in particular when those forces are providing force protection at bases where U.S. Armed Forces personnel are garrisoned or housed. The Secretary would be required to make such a certification or report on a semi-annual basis. The amendment would also require the Secretary of Defense to provide a detailed report to the congressional defense committees assessing the APPF. The amendment would require that after the initial assessment report, subsequent assessments of the APPF be provided on a semi-annual basis, and can be included as part of the report on progress toward security and stability in Afghanistan submitted under sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181).

The conference provision retains the requirement for a plan to use the ASFF to build and sustain the ANSF through September 30, 2017.

The conferees urge the Department of Defense to engage with and encourage the APPF to take steps to meet all of the certification standards under this section that the

Secretary of Defense determines the APPF have not met.

Joint Improvised Explosive Device Defeat Fund (sec. 1532)

The House bill contained a provision (sec. 1531) that would authorize annual transfer authorities, expand current reporting requirements, and other associated activities for the Joint Improvised Explosive Device Defeat Fund (JIEDDF). The provision would also authorize the Secretary of Defense, in concurrence with the Secretary of State, to use funds from the JIEDDF for the purposes of monitoring, disrupting, and interdicting the movement of explosive precursors from a country that borders Afghanistan to locations within Afghanistan.

The Senate amendment contained a similar provision (sec. 1532) that would authorize various transfer authorities, reporting requirements, and other associated activities for the JIEDDF, as well as require these authorities to expire on December 31, 2013. The provision would also make available to the Secretary of Defense not more than $15.0 million from the JIEDDF to provide training, equipment, services, and supplies to the Government of Pakistan for the purposes of countering the flow of improvised explosive device (IED) chemical precursors from Pakistan into locations in Afghanistan, or the Secretary of Defense may transfer these funds to the head of another Department or agency of the United States to be administered by that Department or agency for the specific purpose of countering the flow of IED chemical precursors from Pakistan into Afghanistan.

The House recedes with an amendment that would combine the two provisions with some modifications. The amendment would incorporate reporting requirements in the House bill; modify the expiration authority in the Senate amendment to only apply to the transfer authority; and adopt the limitation of the use of the JIEDDF for the particular purposes in the Senate amendment. The amendment would further require the Secretary to notify the congressional defense committees 15 days prior to obligating any funds and provide details on the specific training, equipment, services, and supplies to be provided to the Government of Pakistan, as well as include an evaluation of the effectiveness of efforts by the Government of Pakistan to counter the flow of IED chemical precursors into Afghanistan.

The amendment would also direct the Joint Improvised Explosive Device Defeat Organization (JIEDDO) to provide prior notice to the congressional defense committees of the obligation of funds from the JIEDDF and would require JIEDDO to include any associated analysis of alternatives (AoA) conducted in the process of taking action to initiate any project for which the total obligation of funds from the JIEDDF will exceed $10.0 million.

The conferees understand JIEDDO currently conducts a comparative analysis throughout their rapid acquisition process for all initiatives. It is not the intent of the conferees to impede this process or delay fielding needed capability to the warfighter by requiring an AoA reporting requirement. The conferees only require a summary of the alternatives be prepared and forwarded to the congressional defense committees when this information is available as part of JIEDDO's program development process.

The conferees also direct the Secretary of Defense to notify the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate as part of the notification requirement included in the amendment.

One-year extension of project authority and related requirements of Task Force for Business and Stability Operations in Afghanistan (sec. 1533)

The House bill contained a provision (sec. 1532) that would extend for 1 year the authority under section 1535 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383), as amended, for the Department of Defense Task Force for Business and Stability Operations (TFBSO). The provision would narrow the scope of projects that the TFBSO is authorized to carry out to those associated with Afghanistan's mining and mineral resources sector. The provision would also reduce the amount of funds available for TFBSO projects to $50.0 million for fiscal year 2013. In addition, none of these funds would be available until the Secretary of Defense notifies the appropriate congressional committees that the activities of the TFBSO will be transitioned to the Department of State by September 30, 2013.

The Senate amendment contained a provision (sec. 1534) that would extend for fiscal year 2013 the authority under section 1535 of Public Law 111–383, as amended, for the TFBSO and authorize the use of up to $93.0 million to carry out TFBSO projects.

The Senate recedes with an amendment that extends the TFBSO's authority through fiscal year 2013. Under the amendment, up to $93.0 million may be used for TFBSO projects, except that not more than $50.0 million may be available until the Secretary of Defense submits a report to the appropriate congressional committees on the implementation of the TFBSO Transition Action Plan that was submitted to the Armed Services Committees of the Senate and House of Representatives in May 2012. The amendment does not include the restrictions in the House provision on the scope of projects that the TFBSO is authorized to carry out.

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. 1534)

The Senate amendment contained a provision (sec. 1533) that would require the Secretary of Defense to provide the congressional defense committees, as part of the fiscal year 2014 budget request, with a plan to fully transition appropriate U.S. Special Operations Command funding from the overseas contingency operations budget to the base budget over the future-years defense program to maintain critical and enduring special operations capabilities.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Secretary of Defense to provide the plan within 90 days of enactment of this Act.

Assessment of counter-improvised explosive device training and intelligence activities of the Joint Improvised Explosive Device Defeat Organization and national and military intelligence Organizations (sec. 1535)

The Senate amendment contained a provision (sec. 1535) that would direct the Secretary of Defense to conduct assessments of the Joint Improvised Explosive Device Defeat Organization's (JIEDDO) training activities and intelligence activities.

The House bill contained no similar provision.

The House recedes with an amendment that would modify the elements of the assessments.

Six years after the Department of Defense (DOD) established JIEDDO as its coordinating agency to lead, advocate, and coordinate responses to the improvised explosive device (IED) threat across the Department, according to the Government Accountability Office, DOD continues to experience fragmentation, overlap, and duplication in its counter-IED efforts. The conferees believe the Secretary of Defense should, in consultation with the appropriate DOD elements, conduct comprehensive assessments of the training and intelligence activities of JIEDDO and identify any areas of duplication and make a determination of whether duplication of effort is necessary to ensure mission success.

LEGISLATIVE PROVISION NOT ADOPTED

Limitation on the use of funds in Overseas Contingency Operations Transfer Fund

The House bill contained a provision (sec. 1523) that would place limits on the use of funds in the Overseas Contingency Operations Transfer Fund in fiscal year 2013.

The Senate amendment contained no similar provision.

The House recedes.

TITLE XVI—INDUSTRIAL BASE MATTERS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Defense Industrial Base Matters

Disestablishment of Defense Materiel Readiness Board (sec. 1601)

The House bill contained a provision (sec. 1601) that would repeal section 871 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) and disestablish the Defense Materiel Readiness Board.

The Senate amendment contained an identical provision (sec. 885).

The conference agreement includes this provision.

Assessment of effects of foreign boycotts (sec. 1602)

The House bill contained a provision (sec. 1602) that would amend section 2505 of title 10, United States Code, to require that the annual industrial base report submitted by the Secretary of Defense pursuant to that section include an assessment of the impact of foreign boycotts on the national technology and industrial base.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment clarifying that the issue of foreign boycotts need be addressed only to the extent that such boycotts are subjecting the national technology and industrial base (or a sector of the national technology and industrial base) to significant harm.

National security strategy for national technology and industrial base (sec. 1603)

The House bill contained a provision (sec. 1604) that would require the Department of Defense (DOD) to develop a national security strategy for the national technology and industrial base.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Given the vast scope of the defense industrial base, the conferees realize that such a strategy will have to be tailored to the various sectors of the defense industrial base and understand that innovation timelines can vary significantly between sectors. In addition, the conferees strongly urge the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy to leverage to the maximum possible extent existing organizations, capabilities, and authorities within the DOD in the development and execution of this strategy.

Subtitle B—Department of Defense Activities Related to Small Business Matters

Role of the directors of small business programs in acquisition processes of the Department of Defense (sec. 1611)

The House bill contained a provision (sec. 1612) that would require the Secretary of Defense to ensure the participation of the directors of small business programs of the Department of Defense and the military departments in the requirements development and acquisition processes of the Department of Defense.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would ensure the participation of the directors of small business programs as early as possible in the acquisition processes of the Department.

The conferees understand that contract requirements and specifications can be drafted in a manner that is unnecessarily restrictive of competition or unnecessarily excludes small business. The directors of small business programs can and should play a key role in ensuring that the Department avoids such restrictive requirements and specifications.

Small Business Ombudsman for defense audit agencies (sec. 1612)

The House bill contained a provision (sec. 1613) that would require the Secretary of Defense to designate a small business advocate within the Defense Contract Audit Agency and the Defense Contract Management Agency.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the designation of small business ombudsmen and clarify the duties of the position to ensure that the activities of the new ombudsmen do not compromise audit independence or undermine compliance with applicable audit standards.

Independent assessment of Federal procurement contracting performance of the Department of Defense (sec. 1613)

The House bill contained a provision (sec. 1614) that would require the Secretary of Defense to enter into a contract with a federally funded research and development center to conduct an independent assessment of the procurement performance of the Department of Defense related to small business concerns.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would: (1) direct the Secretary to select an appropriate entity to conduct the independent assessment; and (2) streamline and clarify the matters to be addressed by the review.

The conferees note that the amendment does not include a requirement to review the potential for increased opportunities for contracting and subcontracting with small business concerns owned and controlled by service-disabled veterans. The Department has informed the conferees that an independent assessment addressing this issue has already been completed by a federally funded research and development center and is currently in the review process.

Additional responsibilities of Inspector General of the Department of Defense (sec. 1614)

The House bill contained a provision (sec. 1616) that would require the Inspector General of the Department of Defense to conduct peer reviews of the defense audit agencies.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify that the Inspector General may either conduct peer reviews or approve arrangement for the conduct of external peer reviews by other competent entities.

Restoration of 1 percent funding for administrative expenses of Commercialization Readiness Program of Department of Defense (sec. 1615)

The House bill contained a provision (sec. 1617) that would authorize the Secretary of Defense to use not more than 1 percent of the funds available to the Department of Defense pursuant to the Small Business Innovative Research Program to cover expenses incurred to administer the Commercialization Readiness Program.

The Senate amendment contained no similar provision.

The Senate recedes.

Subtitle C—Matters Relating to Small Business Concerns

PART I—PROCUREMENT CENTER REPRESENTATIVES

Procurement center representatives (sec. 1621)

The House bill contained a provision (sec. 1621) that would amend section 15(l) of the Small Business Act (15 U.S.C. 644(l)) to strengthen and clarify the roles and responsibilities of Procurement Center Representatives (PCRs) in the acquisition process.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strengthen and clarify the roles and responsibilities of PCRs, while ensuring that the small business offices within the federal agencies serve as the primary advocates for small business during the predecisional acquisition planning processes of such agencies.

Small Business Act contracting requirements training (sec. 1622)

The House bill contained a provision (sec. 1622) that would require the Defense Acquisition University and the Federal Acquisition Institute to establish courses on contracting requirements under the Small Business Act (15 U.S.C. 632 et seq.).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment deleting the requirement for a report by the Government Accountability Office.

Acquisition planning (sec. 1623)

The House bill contained a provision (sec. 1623) that would address the consideration of small business issues in the acquisition planning processes of federal agencies.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify and streamline the provision. The conferees believe that early participation of small business specialists in the acquisition process should reduce protests, thereby speeding up the process, while improving small business opportunities.

PART II—GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS

Goals for procurement contracts awarded to small business concerns (sec. 1631)

The House bill contained a provision (sec. 1631) that would amend section 15(g) of the Small Business Act (title 15 United States Code Subsection 644) to establish new goals for the participation of small business concerns in federal contracting.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would strengthen incentives for federal agencies to contract with small business by recodifying certain provisions relating to small business contracting goals, tightening procedures for establishing such goals, and requiring federal agencies to develop concrete plans to meet such goals.

Reporting on goals for procurement contracts awarded to small business concerns (sec. 1632)

The House bill contained a provision (sec. 1632) that would establish enhanced federal agency reporting requirements relative to contracts awarded to small businesses.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would ensure that federal agencies are not required to establish new data collection systems for the purpose of meeting these requirements.

Senior executives (sec. 1633)

The House bill contained a provision (sec. 1633) that would require the incorporation of small business considerations into the training and evaluation of senior executives responsible for acquisition functions.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require federal agencies to ensure that senior executives assume responsibility for the achievement of small business goals.

The conferees understand that one of the steps taken by the Department of Defense to ensure that senior officials assume responsibility for the achievement of small business contracting goals has been to include consideration of such goals in performance evaluations for such officials in appropriate circumstances. The conferees expect other federal agencies to adopt similar measures to comply with the requirements of this provision.

PART III—MENTOR-PROTEGE PROGRAMS

Mentor-Protégé programs (sec. 1641)

The House bill contained a provision (sec. 1641) that would provide a statutory and regulatory framework for mentor-protégé programs at federal agencies other than the Department of Defense (DOD). The provision would not apply to DOD programs, for which such a framework is already in place.

The Senate amendment contained no similar provision.

The Senate recedes.

PART IV—TRANSPARENCY IN SUBCONTRACTING

Limitations on subcontracting (sec. 1651)

The House bill contained a provision (sec. 1651) that would clarify statutory requirements limiting the extent to which work awarded pursuant to a small business contract may be performed by subcontractors.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Penalties (sec. 1652)

The House bill contained a provision (sec. 1652) that would strengthen penalties for violations of subcontracting limitations applicable to small business contractors.

The Senate amendment contained no similar provision.

The Senate recedes.

Subcontracting plans (sec. 1653)

The House bill contained a provision (sec. 1655) that would amend section 8(d) of the Small Business Act (15 U.S.C. 637(d)) to modify and strengthen the authorities of the Small Business Administration relative to the submission and enforcement of small business subcontracting plans.

The Senate amendment contained a provision (sec. 888) that would require the establishment of a new mechanism for reporting fraudulent activity or bad faith by prime contractors with respect to subcontracting plans.

The Senate recedes with an amendment that would strengthen requirements for collecting, reviewing, and evaluating information on prime contractor compliance with

small business subcontracting plans, require the establishment of a new mechanism for reporting fraudulent activity or bad faith by prime contractors with respect to subcontracting plans, and require the Small Business Administration to submit an annual report on compliance with such plans.

Notices of subcontracting opportunities (sec. 1654)

The House bill contained a provision (sec. 1656) that would make a technical correction to section 8(k)(1) of the Small Business Act (15 U.S.C. 637(k)(1)), regarding notices of subcontracting opportunities.

The Senate amendment contained no similar provision.

The Senate recedes.

Publication of certain documents (sec. 1655)

The House bill contained a provision (sec. 1658) that would prohibit a federal agency, other than the Department of Defense, from insourcing a function that is being performed by a small business concern until the agency has published procedures and methodologies with respect to such insourcing decisions.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Director of the Office of Management and Budget to publish procedures and methodologies to be used by federal agencies with respect to decisions to insource functions that are being performed by small business concerns.

PART V—SMALL BUSINESS CONCERN SIZE STANDARDS

Small business concern size standards (sec. 1661)

The House bill contained a provision (sec. 1661) that would clarify statutory provisions regarding size standards applicable to small business concerns.

The Senate amendment contained no similar provision.

The Senate recedes.

PART VI—CONTRACT BUNDLING

Contract bundling (sec. 1671)

The House bill contained a provision (sec. 1671) that would expand and modify the definition of bundled contracts and eliminate procedures related to contract consolidation under the Small Business Act (15 U.S.C. 657q).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would ensure the applicability of contract consolidation procedures to construction contracts, ensure that government-wide consolidation procedures are fully applicable to the Department of Defense, and require the Government Accountability Office to review data and information regarding consolidated contracts awarded by Federal agencies.

PART VII—INCREASED PENALTIES FOR FRAUD

Safe harbor for good faith compliance efforts (sec. 1681)

The House bill contained a provision (sec. 1681) that would amend section 16(d) of the Small Business Act (15 U.S.C. 645(d)) to provide a ''safe harbor'' for certain firms that violate the prohibition against misrepresenting themselves as small businesses.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would provide safe harbor for a firm that relies in good faith on a written advisory opinion provided by a Small Business Development Center or an entity participating in the Procurement Technical Assistance Program. Any such written advisory opinion would have to be submitted for review to the General Counsel of the Small Business Administration, which would have the authority to reject the opinion.

Requirement that fraudulent businesses be suspended or debarred (sec. 1682)

The House bill contained a provision (sec. 1683) that would clarify standards for the suspension or disbarment of entities that misrepresent themselves as small businesses.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment clarifying that the publication requirement in subsection (d) of the provision applies only to the suspension and debarment procedures of the Small Business Administration.

Annual report on suspensions and debarments proposed by Small Business Administration (sec. 1683)

The House bill contained a provision (sec. 1684) that would require the Small Business Administration (SBA) to submit an annual report to Congress on suspension and debarment actions taken by the SBA in the previous year.

The Senate amendment contained no similar provision.

The Senate recedes.

PART VIII—OFFICES OF SMALL AND DISADVANTAGED BUSINESS UNITS

Offices of Small and Disadvantaged Business Utilization (sec. 1691)

The House bill contained a provision (sec. 1691) that would clarify the roles of the offices of Small and Disadvantaged Business Utilization (SADBU) in federal agencies.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would clarify the experience necessary for directors of SADBU offices.

Small Business Procurement Advisory Council (sec. 1692)

The House bill contained a provision (sec. 1692) that would clarify the duties and structure of the Small Business Advisory Council established pursuant to section 7104 of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644).

The Senate amendment contained no similar provision.

The Senate recedes.

PART IX—OTHER MATTERS

Surety bonds (sec. 1695)

The House bill contained a provision (sec. 1695) that would raise the maximum surety bond amount that may be guaranteed by the Small Business Administration.

The Senate amendment contained no similar provision.

The Senate recedes.

Conforming Amendments; Repeal of redundant provisions; Regulations (sec. 1696)

The House bill contained a provision (sec. 1653) that would make certain conforming amendments relative to limitations on subcontracting by recipients of small business contracts.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment consolidating technical and conforming amendments from several provisions of the House bill.

Contracting with small business concerns owned and controlled by women (sec. 1697)

The Senate amendment contained a provision (sec. 848) that would modify rules for contracting with woman-owned small businesses pursuant to section 8(m) of the Small Business Act (15 U.S.C. section 637(m)).

The House bill contained no similar provision.

The House recedes with an amendment that would strike language pertaining to the issue of economic disadvantage.

Small Business HUBZones (sec. 1698)

The Senate amendment contained a provision (sec. 889E) that would provide extended eligibility for the HUBZone program administered by the Small Business Administration (SBA) to base closure areas that were unable to avail themselves of the full 5–year term provided by law due to delays in processing by the SBA.

The House bill contained no similar provision.

The House recedes.

National Veterans Business Development Corporation (sec. 1699)

The Senate amendment contained a provision (sec. 1090) that would terminate the federal charter for the National Veterans Business Development Corporation.

The House bill contained no similar provision.

The House recedes with a technical amendment.

State Trade and Export Promotion Grant Program (sec. 1699a)

The Senate amendment contained a provision (sec. 1099E) that would make a technical change to the Small Business Jobs Act of 2010 (15 U.S.C. 649b note) to address the inadvertent omission of the Commonwealth of the Northern Mariana Islands from a trade and export promotion program.

The House bill contained no similar provision.

The House recedes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Advancing Innovation Pilot Program

The House bill contained a provision (sec. 1603) that would establish a pilot program to accelerate the development and fielding of research innovations from qualifying institutions.

The Senate amendment contained no similar provision.

The House recedes.

The conferees continue to maintain keen interest in ensuring that the Department of Defense (DOD) has robust and efficient mechanisms for transitioning scientific and technological innovation from research activities into system acquisitions and other programs of record that ultimately further DOD's missions. The conferees understand that the Under Secretary of Defense for Acquisition, Technology, and Logistics has initiated an effort to comprehensively review and streamline the acquisition system. The conferees applaud this review, and urge the Under Secretary to use this opportunity to review technology transition programs and funding mechanisms within the Department in order to eliminate poor performing or marginal initiatives, identify and strengthen those that function effectively, and consider initiating new programs should they be deemed necessary.

In addition, the conferees are also aware that the Department has recently issued a new instruction on the availability of samples, drawings, information, equipment, materials, and certain services to non-DOD persons and entities that should support Department-wide goals for technology transfer from DOD laboratories and engineering centers. The conferees fully support the goals of DOD Instruction 5535.11, which states that it is policy, ''to promote research and development within the commercial sector of the U.S. economy, and the transfer of technology from the military to the commercial sector.'' The conferees also agree that ''providing information or unique or scarce items to a private sector entity will significantly aid that entity's ability to engage in research critical to the development of a useful military or commercial technology,'' and should play a central role in any Department-wide strategy for technology transition. The conferees urge leadership within

the Department to do more to socialize this new instruction with the private sector, academia, as well as DOD stakeholders, to ensure it is utilized to the maximum extent practicable.

Assessment of outreach for small business concerns owned and controlled by women and minorities required before conversion of certain functions to contractor performance

The House bill contained a provision (sec. 1696) that would require the Department of Defense to conduct outreach to certain categories of small businesses before outsourcing certain functions to private sector entities.

The Senate amendment contained no similar provision.

The House recedes.

The conferees expect the Department of Defense to conduct outreach to all categories of small businesses and to other qualified entities before outsourcing functions performed by federal employees.

Assessment of small business programs transition

The House bill contained a provision (sec. 1615) that would require that the Secretary of Defense select an entity outside the Department of Defense (DOD) to conduct an independent review and assessment of the transition of technologies developed by small business.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Government Accountability Office (GAO) is currently conducting a comprehensive body of work to assess how well the Department is managing, developing, and transitioning technologies across its science and technology enterprise. The first review, which is currently underway, assesses DOD and military service programs dedicated to facilitating the transition of technologies to major weapon acquisition programs or directly to the field. The conferees direct the Comptroller General to ensure that future GAO reviews performed under this body of work include an assessment of the transition of technologies developed by small businesses through the Small Business Innovative Research (SBIR) program, including: (1) an analysis of technologies developed under the SBIR program and the extent to which such technologies were incorporated into major weapon systems or major automated information systems; (2) an analysis of established or ad hoc procedures to allow program offices to monitor, evaluate, and transition small business-developed technologies into their programs; and (3) additional actions that may be needed to improve DOD and the military services' processes for monitoring, evaluating, and transitioning small business-developed technologies for use in major weapon systems or major automated information systems (including any appropriate data collection and measures of effectiveness and performance).

Government Accountability Office report

The House bill contained a provision (sec. 1642) that would require a Government Accountability Office report on certain issues relative to mentor-protégé programs carried out by federal agencies.

The Senate amendment contained no similar provision.

The House recedes.

Limitation on contracting

The House bill contained a provision (sec. 1697) that would prohibit a federal agency from entering into any contract unless a preference is given to small business concerns owned and controlled by service-disabled veterans.

The Senate amendment contained no similar provision.

The House recedes.

Office of Hearings and Appeals

The House bill contained a provision (sec. 1682) that would establish an Office of Hearings and Appeals within the Small Business Administration.

The Senate amendment contained no similar provision.

The House recedes.

Pilot program to assist in the growth and development of advanced small business concerns

The House bill contained a provision (sec. 1611) that would establish a pilot program under which certain contracts would be set aside for competition among advanced small business concerns.

The Senate amendment contained no similar provision.

The House recedes.

The conferees remain concerned by the difficulties that businesses have had after graduating from small business programs or growing to exceed the size standards for participation in such programs. A separate provision in this conference report would require an independent assessment of federal procurement contracting performance of the Department of Defense related to small business concerns. The assessment to be conducted pursuant to this provision would include 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 and provide recommendations on steps that should be taken to help ensure the continued health of such businesses.

Program to provide federal contracts to early stage small business

The House bill contained a provision (sec. 1693a) that would establish a new procurement preference program for early stage small businesses.

The Senate amendment contained no similar provision.

The House recedes.

Regulations

The House bill contained a provision (sec. 1654) that would establish a timeline for the issuance of certain regulations implementing amendments made by this Act.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the timeline for relevant guidance is addressed elsewhere in this Act.

Regulations

The House bill contained a provision (sec. 1657) that would establish a timeline for the issuance of certain regulations implementing amendments made by this Act.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the timeline for relevant guidance is addressed elsewhere in this Act.

Repeal of redundant provisions

The House bill contained a provision (sec. 1672) that would repeal certain provisions relative to contract consolidation and bundling.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the issue of contract consolidation and bundling is addressed elsewhere in this Act.

Technical amendments

The House bill contained a provision (sec. 1673) that would make technical amendments to section 15 of the Small Business Act (title 15, United States Code, subsection 644).

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that technical amendments to the Small Business Act are consolidated in a separate provision.

TITLE XVII—END TRAFFICKING IN GOVERNMENT CONTRACTING

LEGISLATIVE PROVISIONS ADOPTED

Definitions (sec. 1701)

The House bill contained a provision (sec. 1702) that would provide definitions relative to human trafficking prohibitions and requirements for government contracts.

The Senate amendment contained a similar provision (sec. 896).

The Senate recedes.

Contracting requirements (sec. 1702)

The House bill contained a provision (sec. 1703) that would strengthen human trafficking prohibitions and requirements applicable to government contracts.

The Senate amendment contained a similar provision (sec. 893).

The House recedes with an amendment that would clarify the circumstances in which a contractor or subcontractor, labor recruiter or broker is required to pay for return transportation costs to an employee upon the end of employment. The conferees conclude that the payment of such costs is critical in the case of third-country nationals who are brought to countries like Iraq and Afghanistan to provide services under federal government contracts in support of overseas contingency operations.

Compliance plan and certification requirement (sec. 1703)

The House bill contained a provision (sec. 1704) that would require certain government contractors to develop plans to detect and avoid human trafficking.

The Senate amendment contained a similar provision (sec. 894).

The House recedes with an amendment that would clarify the applicability of the requirement.

Monitoring and investigation of trafficking in persons (sec. 1704)

The House bill contained a provision (sec. 1705) that would establish executive agency responsibilities and authorities for detecting and avoiding human trafficking under government contracts.

The Senate amendment contained a similar provision (sec. 895).

The House recedes with an amendment that would clarify the responsibilities and authorities of agency heads and inspectors general, clarify the discretion of inspectors general to determine whether alleged misconduct rises to a level that requires investigation, and ensure that only substantiated allegations are included in the government-wide database of contractor misconduct.

Notification to inspectors general and cooperation with Government (sec. 1705)

The House bill contained a provision (sec. 1706) that would require agency heads to notify the appropriate inspector general of any credible allegation of conduct in violation of human trafficking prohibitions and requirements.

The Senate amendment contained a similar provision (sec. 896).

The Senate recedes with a technical amendment.

Expansion of penalties for fraud in foreign labor contracting to include attempted fraud and work outside the United States (sec. 1706)

The House bill contained a provision (sec. 1707) that would amend section 1351 of title 18, United States Code, to prohibit human trafficking in connection with U.S. Government contracts performed outside the United States.

The Senate amendment contained a similar provision (sec. 897) that would also address the issue of the admittance of aliens to the United States in certain circumstances.

The House recedes.

Improving Department of Defense accountability for reporting trafficking in persons claims and violations (sec. 1707)

The House bill contained a provision (sec. 1708) that would clarify reporting requirements applicable to trafficking in persons cases under Department of Defense contracts.

The Senate amendment contained a similar provision (sec. 898).

The House recedes.

Rule of construction; effective date (sec. 1708)

The House bill contained a provision (sec. 1709) that would establish a rule of construction relative to the trafficking in persons provisions in this Act.

The Senate amendment contained a similar provision (sec. 899).

The House recedes with an amendment that would address the implementation and effective dates for provisions in this subtitle.

LEGISLATIVE PROVISION NOT ADOPTED

Short title

The House bill contained a provision (sec. 1701) that would provide a short title for provisions of the bill addressing trafficking in persons.

The Senate amendment contained a similar provision (sec. 891).

The conference agreement does not contain the provisions.

TITLE XVIII—FEDERAL ASSISTANCE TO FIRE DEPARTMENTS

Subtitle A—Fire Grants Reauthorization

Short title (sec. 1801)

The Senate amendment contained a provision (sec. 1801) that would state that this subtitle may be cited as the ''Fire Grants Reauthorization Act of 2012.''

The House bill contained no similar provision.

The House recedes.

Amendments to definitions (sec. 1802)

The Senate amendment contained a provision (sec. 1802) that would amend definitions in this subtitle.

The House bill contained no similar provision.

The House recedes.

Assistance to firefighters grants (sec. 1803)

The Senate amendment contained a provision (sec. 1803) that would amend section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) to provide assistance to firefighters grants.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Staffing for adequate fire and emergency response (sec. 1804)

The Senate amendment contained a provision (sec. 1804) that would provide for adequate staffing of fire and emergency response.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Sense of Congress on value and funding of Assistance to Firefighters and Staffing for Adequate Fire and Emergency Response programs (sec. 1805)

The Senate amendment contained a provision (sec. 1805) that would state the sense of Congress on the value and funding of assistance to firefighters and staffing for adequate fire and emergency response programs.

The House bill contained no similar provision.

The House recedes.

Report on amendments to assistance to firefighters and staffing for adequate fire and emergency response programs (sec. 1806)

The Senate amendment contained a provision (sec. 1806) that would require a report on amendments to assistance to firefighters and staffing for adequate fire and emergency response programs.

The House bill contained no similar provision.

The House recedes.

Studies and reports on the state of fire services (sec. 1807)

The Senate amendment contained a provision (sec. 1807) that would require studies and reports on the state of fire services.

The House bill contained no similar provision.

The House recedes.

Subtitle B—Reauthorization of United States Fire Administration

Short title (sec. 1811)

The Senate amendment contained a provision (sec. 1811) that would state that this subtitle may be cited as the ''United States Fire Administration Reauthorization Act of 2012.''

The House bill contained no similar provision.

The House recedes.

Clarification of relationship between United States Fire Administration and Federal Emergency Management Agency (sec. 1812)

The Senate amendment contained a provision (sec. 1812) that would clarify the relationship between the United States Fire Administration and the Federal Emergency Management Agency.

The House bill contained no similar provision.

The House recedes.

Modification of authority of Administrator to educate public about fire and fire prevention (sec. 1813)

The Senate amendment contained a provision (sec. 1813) that would modify the authority of the Administrator of the United States Fire Administration to educate the public about fire and fire prevention.

The House bill contained no similar provision.

The House recedes.

Authorization of appropriations (sec. 1814)

The Senate amendment contained a provision (sec. 1814) that would authorize appropriations for the United States Fire Administration.

The House bill contained no similar provision.

The House recedes.

Removal of limitation (sec. 1815)

The Senate amendment contained a provision (sec. 1815) that would remove a certain limitation on the Administrator of the United States Fire Administration.

The House bill contained no similar provision.

The House recedes.

DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

Summary and explanation of funding tables

Division B of this Act would authorize funding for military construction projects of the Department of Defense (DOD). It includes funding authorizations for the construction and operation of military family housing as well as military construction for the reserve components, the defense agencies, and the North Atlantic Treaty Organization (NATO) Security Investment Program. It would also provide authorization for the base closure accounts that fund military construction, environmental cleanup, and other activities required to implement the decisions in base closure rounds.

The following tables provide the project-level authorizations for the military construction funding authorized in Division B of this Act, other than the overseas contingency operations projects authorized in title XXIX, and summarize that funding by account. Funding for base closure projects is summarized in the table that follows, and is explained in additional detail in the table included in title XXVII of this report.

LEGISLATIVE PROVISIONS ADOPTED

Short title (sec. 2001)

The House bill contained a provision (sec. 2001) that would designate division B of this Act as the Military Construction Authorization Act for Fiscal Year 2013.

The Senate amendment contained an identical provision (sec. 2001).

The conference agreement includes this provision.

Expiration of authorizations and amounts required to be specified by law (sec. 2002)

The House bill contained a provision (sec. 2002) that would ensure that the authorizations provided in titles XXI through XXVI shall expire on October 1, 2015, or the date of enactment of an act authorizing funds for military construction for fiscal year 2016, whichever is later.

The Senate amendment contained a similar provision (sec. 2002).

The Senate recedes.

LEGISLATIVE PROVISION NOT ADOPTED

Effective date

The House bill contained a provision (sec. 2003) stating the date titles XXI through XXVII shall take effect.

The Senate amendment contained no similar provision.

The House recedes.

TITLE XXI—ARMY MILITARY CONSTRUCTION

BUDGET ITEM

Summary

The budget request included $192.0 million for a Cadet Barracks at the United States Military Academy (USMA). The conferees have significant concerns about the condition of the current cadet barracks at USMA. A provision in this title deals specifically with this project; however, the Army will be unable to obligate and expend the full amount of the budget request and therefore the conference agreement would reduce the authorization of appropriations by $106.0 million.

The budget request included $84.0 million for the Millennium Site cemetery expansion at Arlington National Cemetery (ANC). The conferees note that the Army's military construction account has historically not been used to authorize construction at ANC, and the conferees agree that changing this precedent would not be in the best interests of the Army or ANC. Therefore, the conference agreement would transfer the $84.0 million for this project to the Cemeterial Expenses account where it is fully funded.

LEGISLATIVE PROVISIONS ADOPTED

Authorized Army construction and land acquisition projects (sec. 2101)

The House bill contained a provision (sec. 2101) that would authorize military construction projects for the active component of the Army for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2101).

The Senate recedes with a clarifying amendment. The conferees note the authorized amounts are listed in this provision on

an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

Family housing (sec. 2102)

The House bill contained a provision (sec. 2102) that would authorize new construction and planning and design of family housing units for the Army for fiscal year 2013. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate amendment contained an identical provision (sec. 2102).

The conference agreement includes this provision.

Authorization of appropriations, Army (sec. 2103)

The House bill contained a provision (sec. 2103) that would authorize appropriations for the active component military construction and family housing projects of the Army for fiscal year 2013. This provision would also provide an overall limitation on the cost of the fiscal year 2013 military construction and family housing projects authorized for the active duty component of the Army.

The Senate amendment contained a similar provision (sec. 2103).

The House recedes with a clarifying amendment.

Modification of authority to carry out certain fiscal year 2010 project (sec. 2104)

The House bill contained a provision (sec. 2104) that would modify the authority to carry out a certain fiscal year 2010 project.

The Senate amendment contained an identical provision (sec. 2104).

The conference agreement includes this provision.

Extension of authorizations of certain fiscal year 2009 projects (sec. 2105)

The House bill contained a provision (sec. 2105) that would extend the authorization for certain fiscal year 2009 projects.

The Senate amendment contained an identical provision (sec. 2105).

The conference agreement includes the provision.

Extension of authorizations of certain fiscal year 2010 projects (sec. 2106)

The House bill contained a provision (sec. 2106) that would extend the authorization for certain fiscal year 2010 projects.

The Senate amendment contained an identical provision (sec. 2106).

The conference agreement includes the provision.

Extension of limitation on obligation or expenditure of funds for tour normalization (sec. 2107)

The House bill contained a provision (sec. 2107) that would extend the limitation to continue a tour normalization prohibition of funds included in section 2111 of the Military Construction Act for Fiscal Year 2012 (division B of Public Law 112–81).

The Senate amendment contained no similar provision.

The Senate recedes.

Limitation on project authorization to carry out certain fiscal year 2013 project (sec. 2108)

The Senate amendment contained a provision (sec. 2107) that would provide the Secretary of the Army authorization to carry out a military construction project to construct a cadet barracks at the U.S. Military Academy, New York.

The House bill contained no similar provision.

The House recedes with an amendment that would place a limitation on the use of funds for the project requiring the Secretary of the Army to submit, as part of the next future-years defense program, a plan for the renovation of the existing barracks inventory at West Point. The Secretary of the Army would also be required to certify that a contract has been awarded for the renovation of Scott barracks.

Conferees also note that while the project is listed as a barracks, the project should not be built to the Army one-plus-one standard but should conform to existing dormitory standards on campus.

TITLE XXII—NAVY MILITARY CONSTRUCTION

BUDGET ITEM

Summary

The budget request included $14.8 million for a Broad Area Maritime Surveillance Maintenance Training Facility at Naval Air Station Lemoore (Beale Air Force Base), California. The Department of the Navy has requested a change in location, which the conferees have accepted, for that project to Naval Base Ventura County (Point Mugu), California. This change would result in a $2.1 million reduction in the project.

The budget request included funding for four projects at Camp Lemonnier, Djibouti. These four projects represent $99.2 million in authorizations. The conference agreement would authorize the full amount for these projects in a separate account as Title XXIX of this Act.

The budget request included $280.0 million for the second increment of the Explosives Handling Wharf #2 in Naval Base Kitsap, Washington. The conferees understand that the Navy will be unable to obligate and expend the full amount of the budget request and the conference agreement would, therefore, reduce the authorization of appropriations for this project by $25.8 million.

LEGISLATIVE PROVISIONS ADOPTED

Authorized Navy construction and land acquisition projects (sec. 2201)

The House bill contained a provision (sec. 2201) that would authorize military construction projects for the active component of the Navy for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2201).

The Senate recedes with a clarifying amendment. The conferees note the authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

Family housing (sec. 2202)

The House bill contained a provision (sec. 2202) that would authorize new construction and planning and design of family housing units for the Navy for fiscal year 2013. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate amendment contained an identical provision (sec. 2202).

The conference agreement includes this provision.

Improvements to military family housing units (sec. 2203)

The House bill contained a provision (sec. 2203) that would authorize funding for fiscal year 2013 to improve existing family housing.

The Senate amendment contained an identical provision (sec. 2203).

The conference agreement includes this provision.

Authorization of appropriations, Navy (sec. 2204)

The House bill contained a provision (sec. 2204) that would authorize appropriations for the active component military construction and family housing projects of the Navy for fiscal year 2013. This provision would also provide an overall limitation on the cost of the fiscal year 2013 military construction and family housing projects authorized for the active-duty component of the Navy.

The Senate amendment contained a similar provision (sec. 2204).

The House recedes with a clarifying amendment.

Modification of authority to carry out certain fiscal year 2012 project (sec. 2205)

The House bill contained a provision (sec. 2205) that would modify the authority provided in section 2201 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81) and authorize the Secretary of the Navy to make certain modifications to the scope of a previously authorized construction project.

The Senate amendment contained an identical provision (sec. 2205).

The conference agreement includes the provision.

Extension of authorizations of certain fiscal year 2009 projects (sec. 2206)

The House bill contained a provision (sec. 2206) extending the authorization for certain fiscal year 2009 project.

The Senate amendment contained an identical provision (sec. 2206).

The conference agreement includes this provision.

Extension of authorizations of certain fiscal year 2010 projects (sec. 2207)

The House bill contained a provision (sec. 2207) extending the authorization for certain fiscal year 2010 projects.

The Senate amendment contained an identical provision (sec. 2207).

The conference agreement includes this provision.

TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

BUDGET ITEM

Summary

The conferees note that the budget request for the Air Force for military construction is considerably reduced this fiscal year. The Air Force has described this reduction as a 'strategic pause' in military construction. The conferees are concerned that this reallocation of budget authority may endanger the Air Force's ability to meet future military construction requirements.

The budget request includes $161.0 million for the second increment of the U.S. Strategic Command (STRATCOM) Replacement Facility at Offutt Air Force Base, Nebraska. The conferees understand that the Department will be unable to obligate and expend the full amount of the budget request and the conference agreement would, therefore, reduce the authorization of appropriations for this project by $33.0 million.

The budget request included funding for two projects at Rota, Spain. The conferees have been informed that the Air Force no longer requires the Transient Contingency Dormitory or the Transient Aircraft Hangers, $17.6 million and $15.0 million, respectively, and the conference agreement would, therefore, eliminate funding for both projects.

The budget request, and the House bill included an authorization of $128.0 million for a hardened Fuel Maintenance Hangar at Andersen Air Force Base, Guam, that was first included in the fiscal year 2012 budget request. The conferees note that incremental appropriations for this project were provided in the Consolidated Appropriations Act, 2012 (P.L. 112–74).

The conferees have concerns about the costs associated with the hardening of facilities in the U.S. Pacific Command area of responsibility, but recognize the strategic

value of Andersen Air Force Base and believe the Air Force should continue to ensure that the facilities at this location remain suitable for mission requirements.

The conference agreement would, therefore, include an authorization of $58.0 million for an unhardened Fuel Maintenance Hangar at Andersen Air Force Base, Guam.

LEGISLATIVE PROVISIONS ADOPTED

Authorized Air Force construction and land acquisition projects (sec. 2301)

The House bill contained a provision (sec. 2301) that would authorize military construction projects for the active component of the Air Force for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2301).

The Senate recedes with an amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

Family housing (sec. 2302)

The House bill contained a provision (sec. 2302) that would authorize new construction and planning and design of family housing units for the Air Force for fiscal year 2013. It would also authorize funds for facilities that support family housing, including housing management offices and housing maintenance and storage facilities.

The Senate amendment contained an identical provision (sec. 2302).

The conference agreement includes this provision.

Improvements to military family housing units (sec. 2303)

The House bill contained a provision (sec. 2303) that would authorize funding for fiscal year 2013 to improve existing family housing.

The Senate amendment contained an identical provision (sec 2303).

The conference agreement includes this provision.

Authorization of appropriations, Air Force (sec. 2304)

The House bill contained a provision (sec. 2304) that would authorize appropriations for the active component military construction and family housing projects of the Air Force for fiscal year 2013. This provision would also provide an overall limitation on the cost of the fiscal year 2013 military construction and family housing projects authorized for the active duty component of the Air Force.

The Senate amendment contained a similar provision (sec. 2304).

The House recedes with a clarifying amendment.

Extension of authorizations of certain fiscal year 2010 projects (sec. 2305)

The House bill contained a provision (sec. 2305) that would extend the authorization for certain fiscal year 2010 projects.

The Senate amendment contained an identical provision (sec. 2305).

The conference agreement includes the provision.

TITLE XXIV—DEFENSE AGENCIES MILITARY CONSTRUCTION

BUDGET ITEM

Summary

The conferees note that the previously classified location for a SOF Parachute Training Facility has been identified by the Department of Defense as Marana, Arizona.

The budget request included $300.5 million for the second increment of the High Performance Computing Center at Fort Meade, Maryland. The conferees understand that the National Security Agency (NSA) will be unable to obligate and expend the full amount of the budget request and the conference agreement would, therefore, reduce the authorization of appropriations for this project by $75.0 million. The conference agreement also includes a provision that would modify the authorization provided last year for this project. The conferees previously required the NSA to validate the cost of the project and are pleased that the updated request resulted in a $68.3 million reduction.

The budget request included $207.4 million for the fourth increment of the Hospital Replacement at Fort Bliss, Texas. The conferees understand that the Department will be unable to obligate and expend the full amount of the budget request and the conference agreement would, therefore, reduce the authorization of appropriations by $75.0 million.

The budget request included $80.7 million for the third increment of the Ambulatory Care Center at Joint Base San Antonio, Texas. The conferees understand that the Department will be unable to obligate and expend the full amount of the budget request and the conference agreement would, therefore, reduce the authorization of appropriations by $54.3 million.

The budget request included an authorization of $157.9 million and an authorization of appropriations in the same amount for an Aegis Ashore Missile Defense System Complex in Deveselu, Romania. The Department of Defense informed the conferees that after extensive planning and design, the actual authorization requirement would be $220.8 million, though the Department would be unable to obligate and expend the full amount of the budget request. Therefore, the authorization of appropriations in the conference agreement would be reduced by $37.9 million; however, the authorization would be increased to the newly requested amount.

The budget request included $30.0 million for infrastructure at Fort Bragg, North Carolina, to support construction of facilities for special operations forces. These projects are authorized in this Title. The conference agreement would eliminate the project in Title XXI and move the $30.0 million to the SOF Battalion Operations Facility project that the infrastructure was planned to support.

The conference agreement would eliminate this infrastructure project since the resulting infrastructure would not constitute a ''complete and useable'' facility as required by statute. The conferees are aware of the Major Force Program–11 rule to not provide for common service requirements and view this as an exception.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Defense Agency Authorizations

Authorized Defense Agencies construction and land acquisition projects (sec. 2401)

The House bill contained a provision (sec. 2401) that would authorize military construction projects for the defense agencies for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2401).

The Senate recedes with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this act provides the binding list of specific construction projects authorized at each location.

Authorized energy conservation projects (sec. 2402)

The House bill contained a provision (sec. 2402) that would authorize certain energy conservation projects for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2402).

The Senate recedes.

The budget request included authorization of appropriations for $150.0 million for the Energy Conservation Investment Program (ECIP). The conferees note that the budget justification documents accompanying the budget request contained a list of projects by service that would be carried out with funds authorized for the ECIP account.

The conferees believe that greater transparency and oversight is required to ensure that the projects proposed in the budget request for ECIP are actually carried out. Therefore, the conferees have included in the table at section 4601 of this Act, a list of specific ECIP project authorizations that exceed $2.0 million that have been added to the military construction tables by project, name, and location.

The conferees recommend that future budget submissions conform to this protocol.

Authorization of appropriations, Defense Agencies (sec. 2403)

The House bill contained a provision (sec. 2403) that would authorize appropriations for military construction and family housing projects of the defense agencies for fiscal year 2013. This provision would also provide an overall limitation on the cost of the fiscal year 2013 military construction and family housing projects authorized for the active-duty component of the Army.

The Senate amendment contained a similar provision (sec. 2403).

The House recedes with a clarifying amendment.

Modification of authority to carry out certain fiscal year 2012 projects (sec. 2404)

The House bill contained a provision (sec. 2404) that would modify the authority provided in section 2401 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81) and authorize the Secretary of Defense to make certain modifications to the scope of previously authorized military construction projects.

The Senate amendment contained a similar provision (sec. 2405).

The Senate recedes with a clarifying amendment.

Extension of authorization of certain fiscal year 2010 project (sec. 2405)

The House bill contained a provision (sec. 2405) that would extend the authorization listed until October 1, 2013, or the date of enactment of an act authorizing funds for military construction for fiscal year 2014, whichever is later.

The Senate amendment contained an identical provision (sec. 2404).

The conference agreement includes the provision.

Subtitle B—Chemical Demilitarization Authorizations

Authorization of appropriations, chemical demilitarization construction, defense-wide (sec. 2411)

The House bill contained a provision (sec. 2411) that would authorize appropriations for military construction projects for the chemical demilitarization program for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2411).

The Senate recedes with a clarifying amendment.

Modification of authority to carry out certain fiscal year 1997 project (sec. 2412)

The House bill contained a provision (sec. 2412) that would modify the authority provided in section 2401 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201) and authorize the Secretary of Defense to make

certain modifications to the scope of a previously authorized construction project.

The Senate amendment contained an identical provision (sec. 2412).

The conference agreement includes this provision.

LEGISLATIVE PROVISION NOT ADOPTED

Additional authority to carry out certain fiscal year 2013 project

The Senate amendment contained a provision (sec. 2406) authorizing an Upgrade Fuel Pipeline at Andersen Air Force Base, Guam, with certain limitations.

The House bill contained no similar provision.

The Senate recedes.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

LEGISLATIVE PROVISIONS ADOPTED

Authorized NATO construction and land acquisition projects (sec. 2501)

The House bill contained a provision (sec. 2501) that would authorize the Secretary of Defense to make contributions to the North Atlantic Treaty Organization Security Investment Program in an amount equal to the sum of the amount specifically authorized in section 2502 of this title and the amount of recoupment due to the United States for construction previously financed by the United States.

The Senate amendment contained an identical provision (sec. 2501).

The conference agreement includes this provision.

Authorization of appropriations, NATO (sec. 2502)

The House bill contained a provision (sec. 2502) that would authorize the U.S. contribution to the North Atlantic Treaty Organization Security Investment Program.

The Senate amendment contained an identical provision (sec. 2502).

The conference agreement includes this provision.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

BUDGET ITEM

Summary

The budget request included $17.0 million for a Readiness Center at St. Paul, Minnesota. The Department of Defense has requested that the location of this Readiness Center be changed to Arden Hills, Minnesota. This request has been accepted in the conference agreement.

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Project Authorizations and Authorization of Appropriations

Authorized Army National Guard construction and land acquisition projects (sec. 2601)

The House bill contained a provision (sec. 2601) that would authorize military construction projects for the Army National Guard for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2601).

The Senate recedes with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

Authorized Army Reserve construction and land acquisition projects (sec. 2602)

The House bill contained a provision (sec. 2602) that would authorize military construction projects for the Army Reserve for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2602).

The Senate recedes with an amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

Authorized Navy Reserve and Marine Corps Reserve construction and land acquisition projects (sec. 2603)

The House bill contained a provision (sec. 2603) that would authorize military construction projects for the Navy Reserve and the Marine Corps Reserve for fiscal year 2013.

The Senate amendment contained an identical provision (sec. 2603).

The conference agreement includes this provision.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

Authorized Air National Guard construction and land acquisition projects (sec. 2604)

The House bill contained a provision (sec. 2604) that would authorize military construction projects for the Air National Guard for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2604).

The Senate recedes with a clarifying amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

Authorized Air Force Reserve construction and land acquisition project (sec. 2605)

The House bill contained a provision (sec. 2605) that would authorize military construction projects for the Air Force Reserve for fiscal year 2013.

The Senate amendment contained a similar provision (sec. 2605).

The Senate recedes with an amendment.

The authorized amounts are listed in this provision on an installation-by-installation basis. A State list of projects contained in the table in section 4601 of this Act provides the binding list of specific construction projects authorized at each location.

Authorization of appropriations, National Guard and Reserve (sec. 2606)

The House bill contained a provision (sec. 2606) that would authorize appropriations for the reserve component military construction projects for fiscal year 2013. This provision would also provide an overall limitation on the cost of the fiscal year 2013 military construction projects authorized for the reserve components.

The Senate amendment contained an identical provision (sec. 2606).

The conference agreement includes this provision.

Subtitle B—Other Matters

Modification of authority to carry out certain fiscal year 2010 projects (sec. 2611)

The House bill contained a provision (sec. 2611) that would modify the authority provided in section 2601 of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84) and authorize the Secretary of the Army to make certain modifications to the scope of previously authorized construction projects.

The Senate amendment contained no similar provision.

The Senate recedes.

Modification of authority to carry out certain fiscal year 2011 projects (sec. 2612)

The House bill contained a provision (sec. 2612) that would modify the authority provided in section 2601 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383) and authorize the Secretary of the Army to make certain modifications to the scope of previously authorized construction projects.

The Senate amendment contained a similar provision (sec. 2613).

The Senate recedes with a clarifying amendment.

Extension of authorization of certain fiscal year 2009 project (sec. 2613)

The House bill contained a provision (sec. 2613) that would extend the authorization for certain fiscal year 2009 military construction project.

The Senate amendment contained an identical provision (sec. 2611).

The conference agreement includes this provision.

Extension of authorization of certain fiscal year 2010 projects (sec. 2614)

The House bill contained a provision (sec. 2614) that would extend the authorization for certain fiscal year 2010 military construction projects.

The Senate amendment contained an identical provision (sec. 2612).

The conference agreement includes this provision.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Authorization of Appropriations

Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 1990 (sec. 2701)

The House bill contained a provision (sec. 2701) that would authorize appropriations for fiscal year 2013 for ongoing activities that are required to implement the decision of the 1988, 1991, 1993, and 1995 Base Closure and Realignment rounds.

The Senate amendment contained an identical provision (sec. 2701).

The conference agreement includes this provision.

Authorization of appropriations for base realignment and closure activities funded through Department of Defense Base Closure Account 2005 (sec. 2702)

The House bill contained a provision (sec. 2702) that would authorize military construction projects for fiscal year 2013 for ongoing activities that are required to implement the decisions of the 2005 Base Closure and Realignment round.

The Senate amendment contained an identical provision (sec. 2702).

The conference agreement includes this provision.

Subtitle B—Other Matters

Consolidation of Department of Defense base closure accounts and authorized uses of base closure account funds (sec. 2711)

The House bill contained a provision (sec. 2711) that would strike sections 2906 and 2906A of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510) that establishes Treasury accounts for the Base Closure and Realignment rounds of 1991, 1993, 1995, and 2005, and would unify these Treasury accounts into a single Treasury account known as the ''Department of Defense Base Closure Account.''

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment that would require the Department of Defense to maintain accountability for expenses incurred to carry out the decisions of each round of base realignments and closures.

Revised base closure and realignment restrictions and Comptroller General assessment of Department of Defense compliance with codified base closure and realignment restrictions (sec. 2712)

The Senate amendment contained a provision (sec. 2704) that would direct the Comptroller General to develop objective criteria to be used by the Department of Defense to make decisions relating to realignments of units employed at military installations that are not currently covered by section 2687 of title 10, United States Code.

The provision would also include a 1–year moratorium on implementing any realignment that would result in a military installation covered under section 2687 to no longer be covered by section 2687.

The House bill contained no similar provision.

The House recedes with an amendment that would create a moratorium on closing any installation for 5 years where any realignment has resulted in that installation previously covered under section 2687 to no longer be covered by section 2687.

LEGISLATIVE PROVISIONS NOT ADOPTED

Consideration of United States military bases located overseas in criteria used to consider and recommend military installations for closure or realignment

The House bill contained a provision (sec. 2714) that would require consideration of United States military bases located overseas in criteria used to consider and recommend military installations for closure and realignment.

The Senate amendment contained no similar provision.

The House recedes.

Technical amendments to section 2702 of the Military Construction Authorization Act for Fiscal Year 2012

The Senate amendment contained a provision (sec. 2703) that would make a technical amendment and a conforming amendment to section 2702 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1681).

The House bill contained no similar provision.

The Senate recedes as the technical changes are contained in title X of this Act.

Prohibition on conducting additional Base Realignment and Closure (BRAC) round

The House bill contained a provision (sec. 2713) that would prohibit funds authorized to be appropriated by this Act from being used to propose, plan for, or execute an additional Base Realignment and Closure round.

The Senate amendment contained no similar provision.

The House recedes.

Air Armament Center, Eglin Air Force Base

The House bill contained a provision (sec. 2712) that would require the Secretary of the Air Force to retain an Air Armament Center at Eglin, Air Force Base, Florida, with the same integrated mission elements, responsibilities, and capabilities as existed upon the completion of implementation of the recommendations of the 2005 Base Closure and Realignment Commission, until such time as it is modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Air Force has embarked on a significant reorganization of the Air Force Material Command (AFMC) that the Secretary of the Air Force indicates will improve warfighter support, drive standard processes, improve life cycle acquisition management and reduce overhead. Specifically, the Air Force has proposed a reduction of more than 1,000 positions across the Command that represents an annual savings of more than $100.0 million. As the Air Force implements this reorganization, the conferees expect the Secretary to rigidly adhere to the reporting requirements contained in section 2687 of title 10, United States Code entitled ''Base Closures and Realignment.'' While the conferees believe that it is imperative to generate efficiencies across the entirety of the Air Force enterprise, the conferees also believe it is essential to preserve critical functions and capabilities at installations assigned to AFMC.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

LEGISLATIVE PROVISIONS ADOPTED

Subtitle A—Military Construction Program and Military Family Housing Changes

Authorized cost and scope variations (sec. 2801)

The Senate amendment contained a provision (sec. 2801) that would amend section 2853 of title 10, United States Code, to clarify the authorizations for scope variations in military construction and family housing projects.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

The conferees note that the construction justification data provided to Congress each year by the Department of Defense for each military construction project includes a list of supporting facilities that are required to ensure a complete and useable primary facility or item of complete and useable infrastructure. These supporting facilities are listed as categories such as utility services, site preparation, special features, systems, or measures with corresponding scopes normally provided as lump sums, with the exception of demolition.

The conferees note that a list of supporting facilities should not contain separate or distinct facilities or complete and useable facilities. While the conferees understand the need for flexibility during the design process to determine the full extent of supporting facilities, the list of associated work and the categories provided under supporting facilities should be considered as the scope for the project.

In addition, the continued use of lump sums is not consistent with the intent of conferees to ensure Congress receives a clear and concise description of the costs and scope of the proposed construction prior to authorization. Therefore, the conferees expect that the construction justification data in future budget submissions will include, to the maximum extent practicable, a clearer estimate of the scope of each category of supporting facilities required to ensure a complete and useable facility or item of infrastructure.

Preparation of master plans for major military installations (sec. 2802)

The House bill contained a provision (sec. 2801) that would require installation master plans at a period not to exceed 10 years. Such plans shall address environmental planning, sustainable design and development, sustainable range planning, real property master planning, and transportation planning.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Oversight and accountability for military housing privatization projects and related annual reporting requirements (sec. 2803)

The House bill contained a provision (sec. 2802) that would provide additional oversight and accountability in the pursuit of military housing privatization projects to include an assessment of the financial viability of the long-term project, a resident satisfaction assessment and an assessment of the backlog of maintenance and repair. Furthermore, this section would delete several reporting requirements that were duplicative or obsolete and replace them with reporting requirements associated with the long-term viability of the family housing projects.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Extension of temporary, limited authority to use operation and maintenance funds for construction projects in certain areas outside the United States (sec. 2804)

The House bill contained a provision (sec. 2803) that would amend section 2808 of the Military Construction Authorization Act for Fiscal Year 2004 (division B of Public Law 108–136) and extend the Department's ability to use operation and maintenance appropriations for military construction purposes for the United States Central Command and Combined Joint Task Force-Horn of Africa area of responsibility until September 30, 2013.

The Senate amendment contained a similar provision (sec. 2803).

The House recedes.

Comptroller General report on in-kind payments (sec. 2805)

The Senate amendment contained a provision (sec. 2802) that would require the Comptroller General of the United States to submit a report on the construction or renovation of Department of Defense facilities with in-kind payments.

The House bill contained no similar provision.

The House recedes.

Subtitle B—Real Property and Facilities Administration

Clarification of parties with whom Department of Defense may conduct exchanges of real property at certain military installations (sec. 2811)

The House bill contained a provision (sec. 2812) that would amend section 2869(a)(1) of title 10, United States Code, as amended by section 2815 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81), to change the party with whom a real estate exchange can be conducted.

The Senate amendment contained a similar provision (sec. 2812).

The Senate recedes.

Identification requirements for access to military installations (sec. 2812)

The House bill contained a provision (sec. 2814) that would establish minimum identification requirements for entry onto all military installations and require the Department of Defense to take steps to enforce these requirements.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Department of Defense to establish identification standards and requirements for entry onto military installations, and provide that these standards and requirements may vary between installations, or parts of installations, depending on the nature of the installation, the nature of the access granted, and the level of security required.

Report on property disposals at certain closed military installations and additional authorities to assist local communities in the vicinity of such installations (sec. 2813)

The House bill contained a provision (sec. 2813) that would provide an indemnification

for properties transferred at closed military installations.

The Senate amendment contained a similar provision (sec. 313) that would require a report on property disposals.

The House recedes with a technical amendment.

Report on reorganization of Air Force Materiel Command organizations (sec. 2814)

The Senate amendment contained a provision (sec. 2706) that would require the Secretary of Defense to submit to the congressional defense committees a report on the reorganization of Air Force Materiel Command (AFMC) organizations. The Secretary would be required to include 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 (OSD) and the Director, Test Resource Management Center, and the degree to which their concerns, if any, were addressed in the approach selected by the Air Force. The Secretary would be required to submit the report not later than 180 days after the date of the enactment of this Act.

The House bill contained no similar provision.

The House recedes with an amendment that would have the assessment apply more generically to OSD, since other offices within OSD have equities in AFMC organization and their management.

The conferees note that the Air Force has embarked on a significant reorganization of the Air Force Materiel Command (AFMC) that the Secretary of the Air Force indicates will improve warfighter support, drive standard processes, improve life cycle acquisition management and reduce overhead. Specifically, the Air Force has proposed a reduction of more than 1,000 positions across the Command that represents an annual savings of more than $100.0 million. As the Air Force implements this reorganization, the conferees expect the Secretary to rigidly adhere to the reporting requirements contained in section 2687 of title 10, United States Code entitled ''Base Closures and Realignment.'' While the conferees believe that it is imperative to generate efficiencies across the entirety of the Air Force enterprise, the conferees also believe it is essential to preserve critical functions and capabilities at installations assigned to AFMC.

Subtitle C—Energy Security

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. 2821)

The House bill contained a provision (sec. 2821) that would require the Department of Defense to notify Congress when entering into contracts for the provision and operation of energy production facilities on real property owned by the United States if the contract is longer than 20 years.

The Senate amendment contained no similar provision.

The Senate recedes.

Availability and use of Department of Defense energy cost savings to promote energy security (sec. 2822)

The House bill contained a provision (sec. 2823) that would amend section 2912(b)(1) of title 10, United States Code, to include consideration of energy security.

The Senate amendment contained no similar provision.

The Senate recedes.

Continuation of limitation on use of funds for Leadership in Energy and Environmental Design (LEED) gold or platinum certification (sec. 2823)

The House bill contained a provision (sec. 2822) that would continue the prohibition on the use of funds for Leadership in Energy and Environmental Design gold or platinum certifications for fiscal year 2013 set forth in the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81). This section would also limit the use of funds for implementation of the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) building standard 189.1.

The Senate amendment contained a similar provision (sec. 2822).

The Senate recedes with a clarifying amendment. The amendment would limit the prohibition on the use of funds to Leadership in Energy and Environmental Design gold or platinum certifications for fiscal year 2013 until the submission of a required report and updated policy guidance from the Department of Defense (DOD).

The conferees note that while there is no prohibition limiting the use of funds for implementation of ASHRAE building standard 189.1, they expect DOD to not provide broad, sweeping policy guidance on the use of ASHRAE building standard 189.1 but rather utilize this standard on a project by project basis to maximize savings based on geographic locations and returns on investment through water and energy efficiencies, among other considerations.

Guidance on financing for renewable energy projects (sec. 2824)

The Senate amendment contained a provision (sec. 2821) that would require the Department of Defense to issue guidance for financing renewable energy projects.

The House bill contained no similar provision.

The House recedes with a technical amendment.

Energy savings performance contract report (sec. 2825)

The House bill contained a provision (sec. 834) that would require the military departments to submit reports to the congressional defense committees on the use of energy savings performance contracts (ESPCs).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment requiring a single report by the Department of Defense (DOD), and clarifying the content of the required report.

The conferees note that DOD has encouraged the military services to increase the use of ESPCs to meet energy savings goals. Under section 8287 of title 42, United States Code, ESPC contracts provide for the contractor to incur the costs of implementing energy savings measures, including at least the costs (if any) incurred in making energy audits, acquiring and installing equipment, and training personnel, in exchange for a share of any energy savings directly resulting from the implementation of such measures.

Section 8287 provides for the use of ESPCs ''solely for the purpose of achieving energy savings and benefits ancillary to that purpose.'' While ESPCs are not available for the purpose of the construction of new buildings or facilities, the conferees note that in some cases, the installation of equipment meeting the standard of section 8287 requires the modification or repair of existing facilities, or the construction of ancillary facilities or infrastructure, to accommodate the equipment. In such cases, ESPCs may be used for the construction, repair, maintenance, or modification of facilities or infrastructure ancillary to the qualifying equipment. The conferees expect a detailed description of any facility work required to carry out an ESPC to be included in the report required by this section.

Subtitle D—Provisions Related to Asia-Pacific Military Realignment

Certification of military readiness need for a Live Fire Training Range Complex on Guam as condition on establishment of range complex (sec. 2831)

The House bill contained a provision (sec. 2832) that would prohibit the establishment of a firing range on the territory of Guam until the Secretary of Defense certifies that the firing range is required to meet a national security need.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Realignment of Marine Corps forces in the Asia-Pacific region (sec. 2832)

The House bill contained a provision (sec. 2833) that would strike a requirement of section 2207 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81) to obtain a coordinated federal agency plan that supports the civilian infrastructure on Guam, as well as a requirement in such Act to obtain tangible progress regarding the relocation of Marine Corps Air Station Futenma as a condition for moving forward with the Marine Corps realignment of forces to Guam.

The Senate amendment contained a provision (sec. 2208) that would extend a prohibition on funds for construction activities to implement the realignment of Marine Corps' forces from Okinawa, pending the receipt of certain certifications and plans from the Department of Defense.

The House recedes with an amendment that would expand the exceptions for the use of funds through fiscal year 2013.

The conferees strongly support a robust U.S. military force posture in the Asia-Pacific region as the cornerstone of peace and stability and to underwrite the development of new economic and security partnerships.

One key initiative involves changes to the stationing of U.S. forces in Japan, and specifically Okinawa, in furtherance of the U.S.-Japan bilateral arrangement. The Defense Policy Review Initiative, as further detailed in the U.S.-Japan Alliance Transformation and Realignment for the Future and the 2006 U.S.-Japan Roadmap for Realignment Implementation agreement ('Roadmap agreement'), laid out a series of U.S. force consolidations and base closures intended to improve the cooperation of the two allies, adjust the stationing of U.S. forces, and reduce the burden on local Japanese communities.

The conferees note that on April 27, 2012, the U.S.-Japan Security Consultative Committee issued a joint statement detailing changes to the plans for the realignment of Marines on Okinawa. Specifically, the U.S. and Japan separated the requirement of tangible progress on the construction of the Futenma Replacement Facility (FRF) from other Marine re-stationing efforts on Okinawa to return lands to local communities. Also, while the overall number of marines to leave Okinawa remained essentially the same as under the previous agreement (approximately 9,000), the new distributed laydown will result in fewer Marines being re-stationed to Guam with the remainder of the forces in Australia and Hawaii.

The conferees are encouraged by the adjustments to the Roadmap agreement that will allow the United States Marine Corps to establish and employ full Marine Air Ground Task Force (MAGTF) capabilities at multiple locations in the Asia-Pacific region. While the cost estimates for the construction and infrastructure plans at each location are preliminary, the conferees note that the Government of Japan has already transferred to the United States $834.0 million towards the agreed total contribution of $3.1

billion for construction activities to support the relocation of 4,700 Marines from Okinawa to Guam. Of the $834.0 million, $725.0 million remains unobligated in the U.S. Treasury and further expenditures are subject to negotiations and mutual agreement between the two Governments.

The conferees recognize the majority of construction required to relocate ground units from Okinawa to Guam cannot be carried out until the environmental impacts of the new plans for Guam and Hawaii are studied, which will take a number of years.

In the meantime, the conferees have been advised that updates to environmental studies are not required for the construction of infrastructure and facilities to support the relocation of a United States Marine Corps Combat Aviation Element to the north side of Andersen Air Force Base, Guam, as agreed upon in the Roadmap agreement, or to construct ground training facilities at Andersen South.

The conferees also note that the Marine Corps has recently increased the use of airspace ranges on and around Guam to meet Marine aviation training requirements in the Pacific theater. These training missions are accomplished through temporary deployments of Marine Air squadrons to Andersen Air Force Base that require ramp space and facilities shared with the U.S. Air Force.

The Marine Corps has proposed new facilities on the north ramp of Andersen Air Force Base and at Andersen South that would have military utility independent of the permanent relocation of Marines from Guam. These facilities can be used to meet current requirements of Marine units in the Pacific as well as the permanent stationing of a United States Marine Corps Combat Aviation Element at Andersen Air Force Base, as agreed upon in the Roadmap agreement.

As such, the conferees have modified the prohibition maintained by this section to allow for construction of a certain infrastructure project and for planning and design activities in fiscal year 2013 for the Marine Corps aviation infrastructure and facilities on the north ramp of Andersen Air Force Base and ground training facilities at Andersen South.

The conferees do not intend for these investments to be interpreted as an endorsement of the distributed laydown, as questions still remain about facility master plans, training requirements, and affordability in a fiscally constrained environment. The conferees also note that the new distributed laydown proposed for Marine Corps forces will require the completion of a concept of operations, an analysis of logistics requirements, and a plan for strategic lift for the MAGTFs to meet operational requirements.

The conferees are further concerned about the lack of formal timelines for the development of master plans and budgets for the completion of the realignments. This uncertainty increases the risk that a delay in investments or construction prolonged over 10 years or more will have a detrimental impact on the readiness and operational capabilities of the MAGTFs in the region.

Lastly, the conferees note that the updated agreement has separated the movement of Marines from Okinawa from the requirement for tangible progress on the construction of a replacement facility for Marine Corps Futenma on Okinawa. As such, there is not a clear plan or timeline to build the FRF at Camp Schwab in the Henoko area of Okinawa, and the Marine Corps will continue to operate from MCAS Futenma, a heavily-encroached air base in the crowded Ginowan area of Okinawa. The MCAS Futenma facilities and infrastructure are in deteriorated condition due to the deliberate decision over a number of years to defer maintenance, repairs, and renovations in light of the eventual base closure.

The conferees are concerned that any decision to further delay the construction of an FRF without a plan to provide for safe, secure facilities at MCAS Futenma will put Marines, their families, and people in the local community at risk. Accordingly, the conferees support an expanded investment profile for the maintenance and repair of facilities at MCAS Futenma until such time as an alternative basing strategy can be developed to replicate the capabilities provided by MCAS Futenma.

Subtitle E—Land Conveyances

Modification of authorized consideration, Broadway Complex of the Department of the Navy, San Diego, California (sec. 2841)

The House bill contained a provision (sec. 2842) that would modify section 2732 of the Military Construction Authorization Act for Fiscal Year 1987 (division B of Public Law 99–661) to expand the Secretary of the Navy's ability to use the proceeds from the Broadway Complex, San Diego, California, lease to construct real property.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Use of proceeds, land conveyance, Tyndall Air Force Base, Florida (sec. 2842)

The Senate amendment contained a provision (sec. 2832) that would modify the authorities for use of proceeds of a land conveyance at Tyndall Air Force Base, Florida.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Land conveyance, John Kunkel Army Reserve Center, Warren, Ohio (sec. 2843)

The House bill contained a provision (sec. 2843) that would authorize the Secretary of the Army to convey, without consideration, the John Kunkel Army Reserve Center, Warren, Ohio, to the Village of Lordstown for public purposes.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Land conveyance, Castner Range, Fort Bliss, Texas (sec. 2844)

The House bill contained a provision (sec. 2844) that would authorize the Secretary of the Army to convey the Castner Range at Fort Bliss, Texas, to the Parks and Wildlife Department of the State of Texas for the purpose of establishing an additional element of the Franklin Mountains State Park.

The Senate amendment contained no similar provision.

The Senate recedes.

Modification of land conveyance, Fort Hood, Texas (sec. 2845)

The House bill contained a provision (sec. 2845) that would modify a land conveyance at Fort Hood, Texas, that was provided in the Military Construction Authorization Act for Fiscal Year 2005 (division B of Public Law 108–375). Specifically, the Secretary of the Army would be authorized to expand the Texas A&M University, Central Texas, to include elements that the University System of the State of Texas considers appropriate.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Land conveyance, Local Training Area for Browning Army Reserve Center, Utah (sec. 2846)

The Senate amendment contained a provision (sec. 2831) that would authorize the conveyance of real property at Browning Army Reserve Center, Utah.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Subtitle F—Other Matters

Modification of notice requirements in advance of permanent reduction of sizable numbers of members of the Armed Forces at military installations (sec. 2851)

The House bill contained a provision (sec. 2872) that would modify notice requirements in advance of permanent reduction of sizable numbers of members of the armed forces at military installations.

The Senate amendment contained a similar provision (sec. 2705).

The House recedes.

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. 2852)

The House bill contained a provision (sec. 2811) that would amend chapter 155 of title 10, United States Code, to authorize service secretaries to accept services from nonprofit entities to support a military museum program, clarify authority to solicit and accept gifts for military museums, authorize the lease of military museum property to nonprofit entities for purposes related to the military museum program, and to enter into cooperative agreements with nonprofit entities to support a military museum program.

The Senate amendment contained a similar provision (sec. 582(c)) that would authorize military museums to enter into cooperative agreements with certain nonprofit entities.

The Senate recedes with a clarifying amendment.

Additional exemptions from certain requirements applicable to funding for data servers and centers (sec. 2853)

The Senate amendment contained a provision (sec. 2844) providing an exemption to the High Performance Computing Modernization Program from certain requirements by the Department of Defense (DOD) Chief Information Officer relating to data servers and centers.

The House bill contained no similar provision.

The House recedes.

The conferees note that the DOD High Performance Computing Modernization Program was initiated in response to congressional direction to modernize the DOD laboratories' high performance computing capabilities. The conferees are aware that this program has a well-established process for identifying and monitoring investment for these high performance computing capabilities in a manner that reduced unwarranted duplication.

Redesignation of the Center for Hemispheric Defense Studies as the William J. Perry Center for Hemispheric Defense Studies (sec. 2854)

The House bill contained a provision (sec. 2862) that would, as requested by the Department of Defense, redesignate the Center for Hemispheric Defense Studies as the William J. Perry Center for Hemispheric Defense Studies.

The Senate amendment contained a similar provision (sec. 1081).

The Senate recedes with a clarifying amendment.

Sense of Congress regarding establishment of military divers memorial at Washington Navy Yard (sec. 2855)

The House bill contained a provision (sec. 2863) that would express the sense of Congress that 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.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

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. 2856)

The House bill contained a provision (sec. 2870) that would limit the availability of funds pending the submission of a report regarding the acquisition of land and development of a training range facility adjacent to the Marine Corps Ground Air Combat Center Twenty Nine Palms, California.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Oversight and maintenance of closed base cemeteries overseas containing the remains of members of the Armed Forces or citizens of the United States (sec. 2857)

The Senate amendment contained a provision (sec. 2843) that would require notification to the congressional defense committees with respect to oversight and maintenance of base cemeteries following the closure of overseas military installations.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Report on establishment of joint Armed Forces historical storage and preservation facility (sec. 2858)

The Senate amendment contained a provision (sec. 1065) that would require a report on the establishment of a joint armed forces historical storage and preservation facility.

The House bill contained no similar provision.

The House recedes with a clarifying amendment.

Establishment of commemorative work to Gold Star Mothers (sec. 2859)

The House bill contained a provision (sec. 2864) that would require the Secretary of the Army to permit the Gold Star Mothers National Monument Foundation to establish a Gold Star Mothers National Monument in Arlington National Cemetery or on federal land under the jurisdiction of the Department of the Army in the vicinity of Arlington National Cemetery.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would authorize the Gold Star Mothers National Monument Foundation to 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. The establishment of the commemorative work must comply with chapter 89 of title 40, United States Code, and other federal laws and regulations.

Establishment of commemorative work to slaves and free Black persons who served in American Revolution (sec. 2860)

The Senate amendment contained provisions (sections 1901–1904) that would authorize the establishment of a commemorative work on federal land in the District of Columbia to honor slaves and free black persons who served as soldiers and sailors or who provided civilian assistance during the American Revolution.

The House bill contained no similar provision.

The House recedes with an amendment that would require that the establishment of the commemorative work comply with chapter 89 of title 40, United States Code, and other federal laws and regulations, and that would make other technical and conforming changes.

LEGISLATIVE PROVISIONS NOT ADOPTED

Modification to authorized land conveyance and exchange, Joint Base Elmendorf Richardson, Alaska

The House bill contained a provision (sec. 2841) that would modify section 2851 of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81) and would change the lead agency responsible for completing the land conveyance and exchange at Joint Base Elmendorf Richardson, Alaska, from the Secretary of the Air Force to the Secretary of the Interior.

The Senate amendment contained no similar provision.

The House recedes.

Transfer of administrative jurisdiction, Fort Lee Military Reservation and Petersburg National Battlefield, Virginia

The House bill contained a provision (sec. 2846) that would authorize the Secretary of the Army and the Secretary of the Interior to enter into a land exchange for 1.170 acres of real property at the Fort Lee Military Reservation, Virginia, and the Petersburg National Battlefield, Virginia.

The Senate amendment contained a similar provision (sec. 2842).

The conference agreement does not include the provisions in response to objections by committees of jurisdiction.

Naming of training and support complex, Fort Bragg, North Carolina

The House bill contained a provision (sec. 2865) that would name the training and support complex at Fort Bragg, North Carolina, the ''Colonel Robert Howard Training and Support Complex''.

The Senate amendment contained no similar provision.

The House recedes.

The conference agreement fails to include the provision without prejudice. The conferees believe that the naming of facilities and infrastructure is appropriately done under existing policy and procedures of the Department of Defense.

Naming of electrochemistry engineering facility, Naval Support Activity Crane, Crane, Indiana

The House bill contained a provision (sec. 2866) that would rename the electrochemistry engineering facility on Naval Support Activity Crane, Crane, Indiana, as the ''John Hostettler Electrochemistry Engineering Facility''.

The Senate amendment contained no similar provision.

The House recedes. The conference agreement fails to include the provision without prejudice. The conferees believe that the naming of facilities and infrastructure is appropriately done under existing policy and procedures of the Department of Defense.

Massachusetts Institute of Technology—Lincoln Laboratory improvement project

The House bill contained a provision (sec. 2869) that would authorize the Secretary of the Air Force to enter into discussions with the Massachusetts Institute of Technology for a project to improve and modernize the Lincoln Laboratory complex at Hanscom Air Force Base, Massachusetts.

The Senate amendment contained no similar provision.

The House recedes.

As a federally funded research and development center sponsored by the Department of Defense, Massachusetts Institute of Technology's Lincoln Laboratory conducts research and develops technologies that address critical national security challenges.

The conferees note that Lincoln Laboratory's facilities at Hanscom Air Force Base are in need of improvement and modernization in order to carry out their mission. The conferees believe that the Secretary of the Air Force has existing authorities under section 2667 of title 10, United States Code, to carry out improvements and modernization of the Lincoln Laboratory complex at Hanscom Air Force Base, Massachusetts.

The conferees encourage the Secretary of the Air Force to enter into discussions with the Massachusetts Institute of Technology to carry out such improvements and modernizations as the Secretary determines to be appropriate.

Clarification of authority of Secretary to assist with development of public infrastructure in connection with the establishment or expansion of a military installation

The Senate amendment contained a provision (sec. 2841) that would require specific authorization of any grant, cooperative agreement, or supplement of funds available under federal programs administered by agencies other than the Department of Defense that result in the development of public infrastructure.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that, in recent years, the Office of Economic Adjustment has entered into a number of cooperative agreements or awarded grants for infrastructure projects that were not included in the budget request.

The conferees, therefore, request the Department of Defense to submit a report to the congressional defense committees within 180 days of enactment of this Act describing all such projects carried out since fiscal year 2001, and describing whether they were included in the President's budget request for the fiscal year in which funds were appropriated for their use. The report should also describe whether the project was completed on time and on budget according to the original contract amount for the project.

Use of operation and maintenance funding to support community adjustments related to realignment of military installations and relocation of military personnel on Guam

The House bill contained a provision (sec. 2831) that would authorize the Secretary of Defense to assist the Government of Guam in meeting the costs of providing increased municipal services and facilities associated with the realignment of military forces to the territory of Guam. This authorization would be provided if the Secretary determines that an unfair and excessive financial burden will be incurred by the Government of Guam to provide the services and facilities in the absence of the Secretary's assistance. This authority would expire on September 30, 2020.

The Senate amendment contained no similar provision.

The House recedes.

The conferees direct the Comptroller General to submit a review of public infrastructure required to support the realignment of U.S. Armed Forces to Guam and report to the congressional defense committees by June 1, 2013.

The report should provide an assessment of public infrastructure projects that have received federal funding to date that are intended to directly or indirectly support the

realignment of U.S. Armed Forces to Guam. The assessment should also include a description of each project, the source of federal funds for each project, and the requirement for each project.

In addition, the review shall provide an assessment of public infrastructure projects that may be required to directly or indirectly support the realignment of Marines from Okinawa to Guam that could, under existing federal law, receive funding from the Federal Government. The assessment shall include a description of each project, the potential source of all funds for each project, the estimated cost, and whether projects funded by federal sources fall within the responsibility of a federal department or agency.

Inclusion of religious symbols as part of military memorials

The House bill contained a provision (sec. 2861) that would add a new section to chapter 21 of title 36, United States Code, and would authorize the inclusion of religious symbols as part of a military memorial that is established or acquired by the U.S. Government. This section would also authorize the inclusion of religious symbols on certain military memorials that are not established by the U.S. Government.

The Senate amendment contained no similar provision.

The House recedes.

Use of project labor agreements in military construction projects and military family housing projects

The House bill contained a provision (sec. 2806) that would prohibit the use of project labor agreements in military construction projects and military family housing projects.

The Senate amendment contained no similar provision.

The House recedes.

Definition of renewable energy source for Department of Defense energy security

The House bill contained a provision (sec. 2824) that would amend section 2924(7)(A) of title 10, United States Code, to categorize direct use solar technologies as a type of renewable energy source for the Department of Defense.

The Senate amendment contained no similar provision.

The House recedes.

Execution of the Chemistry and Metallurgy Research Replacement nuclear facility and limitation on alternate plutonium strategy

The House bill contained a provision (sec. 2805) that would require the Secretary of Defense, in coordination with the Administrator of the National Nuclear Security Administration (NNSA), to request such funds in fiscal year 2014 and subsequent fiscal years under the military construction authority provided by section 2804 of the House bill to ensure the Chemistry and Metallurgy Research Replacement (CMRR) nuclear facility achieves full operational capability by 2024. Finally, this section would limit any funds authorized to be appropriated by this Act or any other Act from being obligated or expended on any activities associated with a plutonium strategy for the NNSA that does not include achieving full operational capability of the CMRR nuclear facility by fiscal year 2024.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that sec. 3114 of the conference agreement would require the Secretary of Energy to carry out the CMRR project and limits funding from being obligated or expended on any activities associated with a plutonium strategy that does not include achieving full operational capability of the CMRR facility by 2026.

Treatment of certain defense nuclear facility construction projects as military construction

The House bill contained a provision (sec. 2804) that would mandate that certain construction projects of the National Nuclear Security Administration (NNSA) be deemed military construction projects and require that such projects therefore be subject to: (1) the advance-project authorization requirement of section 2802(a) of title 10, United States Code, and other requirements of chapter 169 of such title related to military construction projects carried out by the Secretary of Defense; and (2) annual acts authorizing military construction projects (and authorizing the appropriation of funds therefor) for a fiscal year. This section would also require that the Chemistry and Metallurgy Research Building Replacement (CMRR) project, in Los Alamos, New Mexico, the Uranium Processing Facility (UPF) project, in Oak Ridge, Tennessee, and any nuclear facility of the NNSA initiated on or after October 1, 2013, that is estimated to cost more than $1.0 billion (and is intended to be primarily utilized to support NNSA's nuclear weapons activities), be treated as military construction projects. Further, this section would authorize, as military construction, the CMRR project in the amount of $3.5 billion and the UPF project in the amount of $4.2 billion.

The Senate amendment contained no similar provision.

The House recedes.

Authority to accept as consideration for leases of non-excess property of military departments and defense agencies real property interests and natural resource management services related to agreements to limit encroachment

The Senate amendment contained a provision (sec. 2811) that would amend section 2667 of title 10, United States Code, to allow authorities under the enhanced use lease program to be used to develop buffer areas around military installations.

The House bill contained no similar provision.

The Senate recedes.

Plan to protect Department of Defense critical assets from electromagnetic pulse weapons

The House bill contained a provision (sec. 2815) that would require the Department of Defense to provide a plan to protect defense critical assets and other equipment at military facilities from the adverse effects of electromagnetic pulse (EMP) and high-powered microwave weapons.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Department of Defense is already planning to provide the congressional defense committees with a number of reports related to planning and preparations for potential EMP events, including reports required by section 1048 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), and the report required by the House report (H. Rept. 112–78) accompanying the National Defense Authorization Act for Fiscal Year 2012 (H.R. 1540).

The conferees note that the first report required by section 1048, submitted in February 2011, included a detailed discussion of the Department's plans, programs, and processes, in place and planned, for protecting the Department's mission critical systems against potential EMP attack. The Department updated this information in the second report required by section 1048, submitted in January 2012. Furthermore, the conferees understand that the Department plans to provide additional information on the status of the Department's programs and plans to protect its mission critical systems against possible EMP attack in future versions of the reports required under section 1048. These reports will include information on the implementation of Department of Defense Instruction 3150.09, the ''Chemical, Biological, Radiological, and Nuclear Survivability Policy,'' and any updates to that policy, including information relating to the protection of mission critical systems and their associated facilities against EMP attack. The conferees understand that these reports will also include a discussion of the Department's strategy and planning for mission assurance related to defense critical assets, as defined by Department of Defense Directive 3020.40 titled ''DoD Policy and Responsibilities for Critical Infrastructure.'' The conferees direct the Department to include with the next report required by section 1048 an assessment of the defense critical asset program's ability to withstand an electromagnetic pulse. The conferees further direct the Department to provide a briefing to the congressional defense committees, not later than March 15, 2013, on implementation of its mission assurance strategy, particularly as it pertains to defense critical assets.

Retention of core functions of the Electronic Systems Center at Hanscom Air Force base, Massachusetts

The House bill contained a provision (sec. 2867) that would require the Secretary of the Air Force to retain the core functions of the Electronic Systems Center at Hanscom Air Force Base, Massachusetts, with the same integrated mission elements, responsibilities, and capabilities as existed as of November 1, 2011, until such time as such integrated mission elements, responsibilities, and capabilities are modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

The Senate amendment contained a similar provision (sec. 1710) that would levy the same requirement on the Secretary of the Air Force until 180 days after the National Commission on the Structure of the Air Force submits its report to the congressional defense committees.

The conference agreement does not include the provisions. The conferees note that the Air Force has embarked on a significant reorganization of the Air Force Material Command (AFMC) that the Secretary of the Air Force indicates will improve warfighter support, drive standard processes, improve life cycle acquisition management and reduce overhead. Specifically, the Air Force has proposed a reduction of more than 1,000 positions across the Command that represents an annual savings of more than $100.0 million. As the Air Force implements this reorganization, the conferees expect the Secretary to rigidly adhere to the reporting requirements contained in section 2687 of title 10, United States Code entitled ''Base Closures and Realignment.'' While the conferees believe that it is imperative to generate efficiencies across the entirety of the Air Force enterprise, the conferees also believe it is essential to preserve critical functions and capabilities at installations assigned to AFMC.

Retention of core functions of the Air Force Materiel Command, Wright-Patterson Air Force Base, Ohio

The House bill contained a provision (sec. 2868) that would require the Secretary of the Air Force to retain the core functions of the Air Force Materiel Command that exist at Wright-Patterson Air Force Base, Ohio, as of

November 1, 2011, until such time as such core functions are modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that the Air Force has embarked on a significant reorganization of the Air Force Material Command (AFMC) that the Secretary of the Air Force indicates will improve warfighter support, drive standard processes, improve life cycle acquisition management and reduce overhead. Specifically, the Air Force has proposed a reduction of more than 1,000 positions across the Command that represents an annual savings of more than $100.0 million. As the Air Force implements this reorganization, the conferees expect the Secretary to rigidly adhere to the reporting requirements contained in section 2687 of title 10, United States Code entitled ''Base Closures and Realignment.'' While the conferees believe that it is imperative to generate efficiencies across the entirety of the Air Force enterprise, the conferees also believe it is essential to preserve critical functions and capabilities at installations assigned to AFMC.

Retention of core functions of the Air Traffic Control Station, Johnstown Air National Guard Base, Pennsylvania

The House bill contained a provision (sec. 2871) that would require the Secretary of the Air Force to retain the core functions of the Air Traffic Control Station at Johnstown Air National Guard Base, Pennsylvania, with the same integrated mission elements, responsibilities, and capabilities as existed as of November 1, 2011, until such time as such integrated mission elements, responsibilities, and capabilities are modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

The Senate amendment contained no similar provision.

The House recedes.

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

LEGISLATIVE PROVISION ADOPTED

Authorized Navy construction and land acquisition project (sec. 2901)

The House bill contained a provision (sec. 2901) that would contain the list of authorized Navy construction projects for fiscal year 2013.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment. The authorized amounts are listed on an installation by installation basis. The list contained in this report is intended to be the binding list of the specific projects authorized at each location.

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

Overview

Title XXXI would authorize appropriations for atomic energy defense activities of the Department of Energy for fiscal year 2013, including: the purchase, construction, and acquisition of plant and capital equipment; research and development; nuclear weapons activities; nuclear nonproliferation activities; naval nuclear propulsion; environmental cleanup; operating expenses; and other expenses necessary to carry out the purposes of the Department of Energy Organization Act (Public Law 95–91). This title would authorize appropriations in five categories: (1) National Nuclear Security Administration (NNSA); (2) defense environmental cleanup; (3) other defense activities; (4) defense nuclear waste disposal; and (5) energy security and assurance. National Nuclear Security Administration (sec. 3101)

The House bill contained a provision (sec. 3101) that would authorize $11.9 billion for the NNSA, an increase of $401.6 million above the budget request.

The Senate amendment contained a similar provision (sec. 3101) that would authorize $11.6 billion for the NNSA, an increase of $38.0 million above the budget request.

The conferees agree to include a provision that would authorize $11.6 billion for the NNSA, an increase of $78.3 million above the budget request.

Within NNSA, the provision would authorize $7.7 billion for weapons activities, an increase of $80.6 million above the budget request; $2.5 billion for defense nuclear nonproliferation, an increase of $27.0 million above the budget request; $1.1 billion for naval reactors, the amount of the budget request; and $382.0 million for the Office of the Administrator, a decrease of $29.3 million below the budget request.

Within weapons activities, for directed stockpile work the provision would authorize $2.1 billion, an increase of $59.0 million above the budget request. For campaigns, the provision would authorize $1.7 billion, an increase of $32.0 million above the budget request. For readiness in the technical base and facilities, the provision would authorize $2.2 billion, the amount of the budget request.

Within defense nuclear nonproliferation, for nonproliferation and verification research and development the provision would authorize $548.2 million, the amount of the budget request. For nonproliferation and international security, the provision would authorize $150.1 million, the amount of the budget request. For international nuclear materials protection and cooperation, the provision would authorize $311.0 million, the amount of the budget request. For fissile materials disposition, the provision would authorize $921.3 million, the amount of the budget request. For the Global Threat Reduction Initiative, the provision would authorize $493.0 million, an increase of $27.0 million above the budget request.

Defense environmental cleanup (sec. 3102)

The House bill contained a provision (sec. 3102) that would authorize appropriations for fiscal year 2013 defense environmental cleanup activities at $5.4 billion.

The Senate amendment contained a similar provision (sec. 3102) that would authorize appropriations for fiscal year 2013 defense environmental cleanup activities at $5.0 billion.

The conferees agree to include a provision that would authorize appropriations for fiscal year 2013 defense environmental cleanup activities at $5.0 billion.

Other defense activities (sec. 3103)

The House bill contained a provision (sec. 3103) that would authorize appropriations for fiscal year 2013 other defense activities at $685.7 million.

The Senate amendment contained a similar provision (sec. 3103) that would authorize appropriations for fiscal year 2013 other defense activities at $735.7 million.

The conferees agree to include a provision that would authorize appropriations for fiscal year 2013 other defense activities at $731.3 million.

Subtitle B-Program Authorizations, Restrictions, and Limitations

Authorized personnel levels of the Office of the Administrator (Sec. 3111)

The House bill contained a provision (sec. 3111) that would amend the National Nuclear Security Administration Act (50 U.S.C. 2401 et seq) by creating a new section 3241A that would limit the total number of employees of the National Nuclear Security Administration's (NNSA) Office of the Administrator. The total number of employees of the Office of the Administrator, as determined on a full-time equivalent basis, would be limited to 1,730 beginning 180 days after enactment of this Act, and 1,630 beginning October 1, 2014. This section would exclude from counting toward this limit the employees of the Office of Naval Reactors, the employees of the Office of Secure Transportation, and members of the Armed Forces who are detailed to NNSA. This section would also amend section 3241 of the National Nuclear Security Administration Act (50 U.S.C. 2441) to increase from 300 to 450 the number of scientific, engineering, and technical positions in the NNSA.

The Senate amendment contained a similar provision (sec. 3118) that would amend section 3241 of the National Nuclear Security Act (50 U.S.C. 2441) by increasing the ability of the Administrator to hire up to 700 contracting, scientific, engineering, and technical positions under hiring authorities used by the former Atomic Energy Commission (42 U.S.C. 2201(d)).

The Senate recedes with an amendment that would cap the number of full time employees to 1,825 by October 1, 2014. Thereafter, the Administrator would not be authorized to exceed this total number of employees unless the Administrator submits a report to the congressional defense committees. The amendment would also increase the number of excepted positions to 600 and allow such positions to include contracting and program management. The conferees intend contracting and program management to include budget planning expertise. Finally, the amendment requires the Administrator to ensure that the expertise of the national security laboratories and the nuclear weapons production facilities is available to government agencies by maintaining a robust program of temporary assignments through the Intergovernmental Personnel Act of 1970 (5 U.S.C. 3371 et seq) and other similar programs.

Budget justification materials (sec. 3112)

The House bill contained a provision (sec. 3112) that would require the Administrator for Nuclear Security to include in the annual budget request, beginning with fiscal year 2014, an assessment of how that budget maintains the core nuclear weapons skills of its personnel, including nuclear weapons design, engineering, production, testing, and prediction of stockpile aging.

The Senate amendment contained no similar provision.

The Senate recedes.

National Nuclear Security Administration Council (sec. 3113)

The House bill contained a provision (sec. 3114) that would amend section 4102 of the Atomic Energy Defense Act (50 U.S.C. 2512) to streamline statutory requirements related to the management structure of the National Nuclear Security Administration (NNSA). This section would also reform and broaden the mandate of the Defense Programs Management Council and rename it the ''National Nuclear Security Administration Council''. The Council would advise the Administrator for Nuclear Security on scientific and technical issues related to policy

matters, and on operational concerns, strategic planning, and development of priorities related to the nuclear security enterprise and to the mission and operations of the NNSA. The Council would be composed of the directors of NNSA's national security laboratories and nuclear weapons production facilities. This section would also provide the Council the authority to provide recommendations to the Administrator or the Secretary of Energy, and would require the Administrator or the Secretary to provide a response to the Council within 60 days of receiving such a recommendation.

The Senate amendment included no similar provision.

The Senate recedes with a clarifying amendment.

Replacement project for Chemistry and Metallurgy Research Building, Los Alamos National Laboratory, New Mexico (sec. 3114)

The Senate amendment contained a provision (sec. 3111) that would direct the Secretary of Energy and the Administrator of the National Nuclear Security Administration (NNSA) to construct a building to replace the functions of the existing Chemistry and Metallurgy Research Building at Los Alamos National Laboratory associated with Department of Energy (DOE) Hazard Category 2 special nuclear material operations.

The House bill contained no similar provision.

The House recedes with an amendment that would authorize $70.0 million for restarting design and engineering of the replacement for the Chemistry and Metallurgy Research Building, which was ''deferred for at least 5 years'' in February 2012. The amendment requires that no funds shall be obligated or expended for a plutonium strategy that does not include achieving full operational capability of the replacement facility by December 31, 2026. The Nuclear Weapons Council has stated the replacement facility must be operational by 2028–2030. Furthermore, the amendment directs the Deputy Administrator for Naval Reactors to submit a report on the replacement project to the congressional defense committees not later than 18 months after the date of enactment of this Act analyzing the cost, benefits, and risks with respect to nuclear safety and recommendations on project structure, oversight model, and potential cost savings. Lastly, the amendment allows for the Secretary of Energy to incorporate such recommendations into the project as the Secretary considers appropriate.

Design and use of prototypes of nuclear weapons (sec. 3115)

The House bill contained a provision (sec. 3116) that would require the Administrator for Nuclear Security to develop and carry out a plan for the national nuclear weapons laboratories and nuclear weapons production plants to design and build prototypes of nuclear weapons to further intelligence assessments of foreign nuclear weapons activities. This section would also prohibit the Administrator from conducting any experiment that would produce a nuclear yield.

The Senate amendment contained no similar provision.

The Senate recedes.

Two-year extension of schedule for disposition of weapons-usable plutonium at Savannah River Site, Aiken, South Carolina (sec. 3116)

The House bill contained a provision (sec. 3122) that would provide a 2 year extension to the schedule for the disposition of weapons-usable plutonium at the Savannah River Site, located in Aiken, South Carolina.

The Senate amendment contained a similar provision (sec. 3113).

The House recedes.

Transparency in contractor performance evaluations by the National Nuclear Security Administration leading to award fees (sec. 3117)

The House bill contained a provision (sec. 3157) that expressed the sense of Congress that the use of competition of management and operating contracts at the National Nuclear Security Administration (NNSA) has resulted in significant increases in award fees to the contractors and that the NNSA Administrator should ensure that such fees are as low as possible while maintaining the focus on national service and attracting high quality contractors.

The Senate amendment contained a similar provision (sec. 3117) that would require the NNSA Administrator to publish, to the maximum extent practicable, the performance evaluations developed by its site offices that result in award fees to contractors. The provision also requires that future publications of performance evaluations adhere to a common format to facilitate comparisons of evaluations between similar contracts.

The House recedes with a clarifying amendment.

The conferees direct the NNSA Administrator to provide a report to Congress not later than 180 days after the date of enactment of this Act regarding how the NNSA ensures the fees to its management and operating contractors are as low as possible while maintaining focus on national service and attracting high quality contractors to operate its laboratories and facilities.

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. 3118)

The Senate amendment contained a provision (sec. 3119) that would expand the authority of the Secretary of Energy under section 3132(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108–375) for the Secretary to accept contributions from international partners to all programs within the National Nuclear Security Administration's Defense Nuclear Nonproliferation Program.

The House bill contained no similar provision.

The House recedes.

Limitation on availability of funds for Center of Excellence on Nuclear Security (sec. 3119)

The House bill contained a provision (sec. 3121) that would limit funds that may be obligated or expended by the Secretary of Energy for fiscal year 2013 to not more than $7.0 million for a Center of Excellence on Nuclear Security in the People's Republic of China until the date on which the Secretary of Energy reviews, in coordination with the Secretary of Defense, and submits a report to the Committees on Armed Services of the Senate and the House of Representatives, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives certifying that current and planned nonproliferation activities with China are not directly or indirectly contributing to the proliferation of nuclear weapons development and technology to other nations.

The Senate amendment contained no similar provision.

The Senate recedes.

Improvement and streamlining of the missions and operations of the Department of Energy and National Nuclear Security Administration (sec. 3120)

The House bill contained a provision (sec. 3117) that would require the Secretary of Energy and the Administrator for Nuclear Security to revise various regulations, rules, directives, orders, and policies to improve and streamline the administration, execution, and oversight of the Department of Energy and the National Nuclear Security Administration's missions and operations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require such revision occur to the extent practicable.

Cost-benefit analyses for competition of management and operating contracts (sec. 3121)

The House bill contained a provision (sec. 3118) that would require the Administrator for Nuclear Security to submit a report to the congressional defense committees before the Administrator releases any final request for proposals for competition of any contract to manage and operate a facility of the National Nuclear Security Administration. The report would be required to include a cost-benefit analysis of the competition that includes the expected costs and cost savings resulting from the competition; a description of any disruption or delay in mission activities or deliverables resulting from the competition; a description of any benefits of the proposed competition to mission performance or operations; and an assessment of how the competition complies with the Federal Acquisition Regulation regarding Federally Funded Research and Development Centers, if applicable. This section would also require the Comptroller General of the United States to submit a review of the Administrator's report to the congressional defense committees within 90 days of the Administrator submitting any report pursuant to this section. The requirements of this section would apply to any request for proposals that is released by the Administrator during fiscal years 2012 through 2017.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Administrator to issue a report to the congressional defense committees not later than 30 days after the contract is awarded.

Program on scientific engagement for nonproliferation (sec. 3122)

The House bill contained a provision (sec. 3120) that would provide that not more than $8.0 million authorized to be appropriated for fiscal year 2013 may be obligated or expended for the Global Security through Science Partnerships (GSSP) program, formally known as the Global Initiatives for Proliferation Prevention (GIPP) program, until such time as the Secretary of Energy submits a report to the appropriate congressional committees on the plan to complete the GSSP program by the end of calendar year 2015.

The Senate amendment contained a similar provision (sec. 3114) that would authorize a program for scientific engagement of U.S. scientists with scientists in countries of concern with respect to nonproliferation and require several conditions be met before any expenditure of funds: (1) a nonproliferation threat assessment of the country by the Director of National Intelligence; (2) clear metrics for success so that the program does not become stagnant in the country of concern; and (3) rigorous accounting standards approved by the Government Accountability Office to ensure that there is clear oversight of the funds expended.

The Senate recedes with an amendment that would limit the expenditure of funds for this program to not more than 50 percent of those authorized to be appropriated for fiscal year 2013 until the conditions contained in the Senate provision are met and would authorize the program through fiscal year 2016. The amendment would also require the program's administrator, if the program is

modified for a new country or program element, to report to the congressional defense committees, the Committee on Foreign Affairs of the Senate and the Committee on Foreign Relations of the House of Representatives. The amendment would also require the administrator to report to the specified committees on coordination with respect to other similar nonproliferation programs in the U.S. Government. The conferees expect that the administrator would distribute any and all such reports from this section with other committees of interest in the Congress.

The conferees interpret section b(1)(B) to mean accounting standards already approved and used by the Comptroller General of the United States, and to be incorporated by reference. The conferees expect this program to be separate and distinct from the GIPP, which was started in 1994 and is terminated.

Cost containment for Uranium Capabilities Replacement Project (sec. 3123)

The Senate amendment contained a provision (sec. 3120) that would add enhanced oversight of the Uranium Processing Facility construction project by requiring separate and distinct authorizations for each phase of the project and capping the cost of the first phase of the project, replacing building 9212, at $4.2 billion.

The House bill contained a provision (sec. 2804) that would move the construction phase of the project to the Department of Defense under its military construction authorities.

The House recedes with an amendment that would rename the project the ''Uranium Capabilities Replacement Project'' to recognize the fundamental change to the project inherent in the National Nuclear Security Administration's (NNSA) proposal to phase the project and complete only a portion of the original scope under the cost range previously established for the full project. The conferees expect the NNSA Administrator to expeditiously and efficiently carry out all phases of the project to result in a smaller, more efficient, safer, and more easily-secured infrastructure at NNSA Y–12 production plant. The amendment would also require the Secretary of Energy to procure the services of the Naval Facilities Engineering Command to assist the Secretary with respect to program management, oversight, and design activities of the project. The Deputy Administrator of Naval Reactors would also be required to conduct a study of the project regarding project structure, oversight and potential cost savings. Further, the Department of Defense Office of Cost Analysis and Program Evaluation would be required to submit a report to the congressional defense committees 180 days after enactment of this Act reviewing the cost and schedule of the project. To ensure long-term monitoring of the effort, the amendment would require quarterly reporting by the Government Accountability Office on the project. The conferees also encourage the Department of Energy and the Defense Nuclear Facilities Safety Board to resolve outstanding issues related to the design, construction, and operations of the facility.

Subtitle C—Improvements to National Security Energy Laws

Improvements to the Atomic Energy Defense Act (sec. 3131)

The House bill contained a provision (sec. 3131) that would make changes to the Atomic Energy Defense Act (50 U.S.C. 2501) to streamline the statute, update terminology, clarify definitions, and make technical corrections.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Improvements to the National Nuclear Security Administration Act (sec. 3132)

The House bill contained a provision (sec. 3132) that would make changes to the National Nuclear Security Administration Act (Public Law 106–65) to streamline the statute, repeal expired sections of the code, update terminology, clarify definitions, and make technical corrections.

The Senate amendment contained no similar provision.

The Senate recedes with a clarifying amendment.

Consolidated reporting requirements relating to nuclear stockpile stewardship, management, and infrastructure (sec. 3133)

The House bill contained a provision (sec. 3134) that would consolidate several existing reporting requirements in sections 4202, 4203, 4203A, 4204, 4207, and 4208 of the Atomic Energy Defense Act (Public Law 106–65) with section 3152 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106) into a new section.

The Senate amendment contained no similar provision.

The Senate recedes with a technical amendment.

Repeal of certain reporting requirements (sec. 3134)

The House bill contained a provision (sec. 3135) that would repeal several recurring reporting requirements. First, the provision would repeal the requirement in section 3134 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) for the Comptroller General of the United States to submit a status report every 120 days to the congressional defense committees on the environmental clean-up projects conducted by the Department of Energy's Office of Environmental Management with funds provided by the American Recovery and Reinvestment Act of 2009 (Public Law 111–5). Second, the section would amend section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) to repeal the requirement for the Secretary of Energy to annually submit to Congress an update of the Department of Energy's defense nuclear facilities workforce restructuring plan. Third, the section would amend section 148 of the Atomic Energy Act of 1954 (42 U.S.C. 2168) to eliminate the requirement that the Secretary of Energy prepare a quarterly report that identifies information determined to be Unclassified Controlled Nuclear Information during the quarterly reporting period.

The Senate amendment contained two similar provisions (sec. 3115 and 3135) related to the first and second repeals, but did not have a provision related to the third repeal regarding Unclassified Controlled Nuclear Information.

The Senate recedes.

Subtitle D—Reports

Reports on lifetime extension programs (sec. 3141)

The House bill contained a provision (sec. 3142) that would require that before proceeding beyond phase 6.2 feasibility study and option down-select activities on any life extension activities, the directors of the national nuclear weapons laboratories shall submit to the congressional defense committees a report on the lifetime extension program option for the nuclear physics package, i.e., refurbishment, reuse, and replacement, of that weapon and an assessment of why the option selected was selected, including an assessment of pros and cons of the other two options, including costs and other considerations.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the Nuclear Weapons Council to submit the report with additional clarifying provisions.

The conferees direct the Nuclear Weapons Council to include in the report how cost was considered in the analysis leading to the decision.

Notification of nuclear criticality and non-nuclear incidents (sec. 3142)

The House bill contained a provision (sec. 3141) that would require the Administrator for Nuclear Security and the Secretary of Energy to notify the appropriate congressional committees of any nuclear criticality incident resulting from programs of the National Nuclear Security Administration or the defense environmental cleanup program which results in an injury or fatality or results in the shut-down, or partial shut-down, of a facility of the nuclear security enterprise or of a facility of the Office of Environmental Management, within 15 days of such occurrence. The notification would include a description of the incident, including the cause of the incident, any mission impacts, and any corrective action taken in response to the incident. The provision would also require the Secretary and the Administrator to maintain a record of these nuclear incidents and of any non-nuclear incidents that result in serious bodily injury or a fatality. Finally, the provision would require the Secretary and the Administrator to submit a report to the appropriate congressional committees within 90 days after the date of the enactment of this Act detailing any such incidents that have occurred in the last 10 years.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require only the Secretary Energy to maintain a record of such incidents since the Secretary can share such a record with the Administrator.

Quarterly reports to Congress on financial balances for atomic energy defense activities (sec. 3143)

The Senate bill contained a provision (sec. 3116) that would amend the Atomic Energy Defense Act (division D of Public Law 107–314) to require the Secretary of Energy to provide to the congressional defense committees quarterly obligation and expenditure rates for atomic energy defense programs based on the control points of the conference report accompanying the annual Energy and Water Development and Related Agencies Appropriations Act.

The House bill contained no similar provision.

The House recedes.

National Academy of Sciences study on peer review and design competition related to nuclear weapons (sec. 3144)

The House bill contained a provision (sec. 3143) that would require the Administrator for Nuclear Security to enter into an agreement with the National Academies of Science to conduct a study of peer review and design competition related to nuclear weapons. The Administrator would be required to ensure the National Academies receives full and timely cooperation from the National Nuclear Security Administration and its contractors for the purposes of conducting the study. The Administrator would be required to submit the report and any recommendations of the National Academies, together with any comments or recommendations, to the congressional defense committees by December 15, 2014.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would change the due date for the report to Congress to no later than September 30, 2014.

The conferees direct the Administrator to ensure that the agreement with the National Academy of Sciences is conducted in the most cost-effective manner possible.

Report on defense nuclear nonproliferation programs (sec. 3145)

The House bill contained a provision (sec. 3144) that would require the Administrator of the National Nuclear Security Administration (NNSA) to submit a report to the appropriate congressional committees no later than March 1 of each year from 2013 through 2015, detailing the Defense Nuclear Nonproliferation (DNN) program's budget, objectives, and metrics. This provision would also require an identification and explanation of the foreign countries that are sharing the cost burden of implementing DNN programs, a description of the objectives and measurements for each DNN program, a description of the threat of the proliferation of nuclear weapons and how each DNN program counters these threats, and a description of how the programs are prioritized to meet the most urgent nonproliferation requirements.

The Senate amendment contained no similar provision.

The Senate recedes.

Study on reuse of plutonium pits (sec. 3146)

The House bill contained a provision (sec. 3145) that would require the Administrator for Nuclear Security to conduct a study of the plutonium pits available, those that may become available as a result of nuclear weapon dismantlement, and assess the potential for reuse of these pits in future life extension programs. The study would include an analysis of: the feasibility and practicability of potential full or partial reuse options; the benefits and risks of reusing plutonium pits; the potential costs and cost savings; and the impacts of reuse on the requirements for pit manufacturing. This section would require the Administrator to submit a report on the results of the study to the congressional defense committees within 120 days after the date of the enactment of this Act.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would increase the due date of the report from 120 to 270 days after enactment of this Act, require the Administrator to submit the report in coordination with the Nuclear Weapons Council, add additional technical assessments regarding dynamic loading conditions, the stockpile-to-target sequence and testing facilities required to resolve technical challenges in such an assessment.

The conferees note that pit reuse does not negate the need for a responsive infrastructure to produce additional plutonium pits. The conferees direct the Administrator to provide an interim brief to the congressional defense committees 120 days after the date of enactment of this Act.

Assessment of nuclear weapon pit production requirement (sec. 3147)

The House bill contained a provision (sec. 3155) that would require the Secretary of Defense and the Secretary of Energy, in coordination with the Commander of U.S. Strategic Command, to jointly assess the annual plutonium pit production requirement needed to sustain a safe, secure, and reliable nuclear weapon arsenal. This section would require an update to this report if the report submitted does not incorporate the results of the currently ongoing Nuclear Posture Review Implementation Study.

The Senate amendment contains no similar provision.

The Senate recedes with an amendment that requires, as part of the assessment, an assessment of cost and national security implications for various smaller and larger pit production rates from the current 50–80 pit requirement. The conferees note that rates including 10 to 20 pits per year, 20 to 30 pits per year, 30 to 50 pits per year, 50 to 80 pits per year, and larger should be included as part of the analysis.

Study on a multiagency governance model for national security laboratories (sec. 3148)

The House bill contained a provision (sec. 3146) that would require the Administrator of the National Nuclear Security Administration to commission an independent assessment of transitioning the national security laboratories of the Administration to multiagency federally funded research and development centers. The assessment shall be conducted by a independent nongovernment entity classified by the Internal Revenue Service under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99–514).

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would remove tax classification of the entity.

The conferees direct the Administrator to use the most cost-effective means possible to conduct this assessment.

Report on efficiencies in facilities and functions of the National Nuclear Security Administration (sec. 3149)

The Senate amendment contained a provision (sec. 3132) that would require the Nuclear Weapons Council (NWC) to report to the congressional defense committees no later than 180 days after enactment of this Act, on the feasibility of consolidation in the National Nuclear Security Administration (NNSA) complex if excess facilities exist and consolidation would reduce cost. If the NWC finds further consolidation is feasible, the report would recommend a process for consolidation. Furthermore, the Senate amendment would state that no funds may be spent on phase CD–3 (start of construction) of the Chemistry and Metallurgy Research Replacement (CMRR) building, Department of Energy Project 04–D–125 and the Uranium Processing Facility (UPF), 06–D–141 until such report is transmitted to the congressional defense committees.

The House bill contained no similar provision.

The House recedes with a clarifying amendment that would require the NWC to report on efficiencies in the facilities and functions of the NNSA.

The conferees fully support all modernization efforts underway at the NNSA. Due to the recent design changes at the UPF, causing a year delay in CD–3, and the deferral of the replacement for the CMRR building, the conferees expect the NWC should be able to produce the required report without impact to either project.

Study on regional radiological security zones (sec. 3150)

The Senate amendment contained a provision (sec. 3133) that would require the National Nuclear Security Administration to prepare a report on the feasibility of establishing radiological security zones on a regional basis rather than on a country by country case as is now done. The report would include the estimated costs of establishing and monitoring such zones through centralized monitoring centers. The report would be due no later than 180 days after date of enactment of this Act.

The House bill contained no similar provision.

The House recedes with an amendment that would require the Government Accountability Office to prepare the report.

The conferees recognize the importance of securing radiological sources and do not intend that this study assume that these efforts should be given greater priority than current efforts to remove and secure vulnerable fissile materials.

Report on abandoned uranium mines (sec. 3151)

The Senate amendment contained a provision (sec. 3134) that would require the Secretary of Energy to prepare a report on abandoned uranium mines used by the U.S. atomic weapons program. The report would be due 18 months after the date of enactment of this Act.

The House bill contained no similar provision.

The House recedes with an amendment that would require consultation in preparing the report with the Secretary of Interior and the Administrator of the Environmental Protection Agency and clarify that the provision does not alter the liability of any responsible or affected party.

Subtitle E—Other Matters

Use of probabilistic risk assessment to ensure nuclear safety (sec. 3161)

The House bill contained a provision (sec. 3151) that would require the Administrator for Nuclear Security and the Secretary of Energy to ensure that the methods for certifying and overseeing nuclear safety at defense nuclear facilities of the National Nuclear Security Administration (NNSA) and the Department of Energy's Office of Environmental Management use national and international standards and nuclear industry best practices, including probabilistic risk assessment, for parts, equipment, and systems for which sufficient data exists to support such methods.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would ensure that the use of probabilistic risk assessments do not replace the adequate protection standard outlined in section 182 of the Atomic Energy Act of 1954 (P.L. 83–703 as amended) but to supplement it consistent with the findings of *Union of Concerned Scientists* v. *NRC*, 824 F. 2d 108, 120 (D.C. Circuit, 1987). In addition, the utilization and production of special nuclear material will be in accordance with the common defense and security of the United States.

Submittal to Congress of selected acquisition reports and independent cost estimates on life extension programs and new nuclear facilities (sec. 3162)

The House bill contained a provision (sec. 3154) that would require the Secretary of Defense, acting through the Director of Cost Assessment and Program Evaluation (CAPE) and in coordination with the Administrator for Nuclear Security, to assess the cost of options and alternatives for new life extension programs and new nuclear facilities within the nuclear security enterprise that are expected to cost more than $500.0 million. This section would also require the Secretary of Defense to submit a copy of these cost assessments to the congressional defense committees within 30 days of their completion. Finally, this section would provide the Administrator for Nuclear Security the authority to ask the Secretary of Defense to seek a CAPE assessment on other initiatives of the National Nuclear Security Administration that are expected to cost more than $500.0 million.

The Senate amendment contained a related provision (sec. 3112) that would require the National Nuclear Security Administration to provide selected acquisition reports on each nuclear weapon system undergoing life extension. The reports shall be based on existing provisions in section 2432 of title 10,

United States Code. The provision also recommends independent cost estimates for nuclear weapons undergoing life extension at the completion of phase 6.2A and before entering Phase 6.5 of the unit.

The House recedes with an amendment that would combine the two provisions into one section on Selected Acquisition Reports and cost estimates.

Classification of certain restricted data (sec. 3163)

The House bill contained a provision (sec. 3153) that would amend section 142 of the Atomic Energy Act of 1954 (42 U.S.C. 2162) to permit the Secretary of Energy, in conjunction with the Secretary of Defense or the Director of National Intelligence, to restore certain information related to the design of nuclear weapons back into the Restricted Data category. This provision would also make a technical correction to subsection 142e of the Atomic Energy Act by updating the term ''Director of Central Intelligence'' to ''Director of National Intelligence'' to conform section 142e with the transfer of functions contained in the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458).

The Senate amendment contained a similar provision (sec. 3121).

The House recedes with a clarifying amendment.

Advice to President and Congress regarding safety, security, and reliability of United States nuclear weapons stockpile and nuclear forces (sec. 3164)

The House bill contained a provision (sec. 3152) that would transfer section 7274p of title 42, United States Code, and re-designate it as section 4215 of the Atomic Energy Defense Act (50 U.S.C. Chapter 42). The provision would also amend and clarify the underlying statute to ensure that no person, including representatives of the President, may prevent or constrain a director of a national security laboratory, a director of a nuclear weapons production facility, a member of the Nuclear Weapons Council, or the Commander, U.S. Strategic Command, from sharing his or her professional views with the President, the National Security Council, or Congress. The provision would require the Administrator for Nuclear Security and the Secretary of Defense to establish classified mail channels to enable such information to be transmitted directly to Congress.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that strikes the subsection related to classified mail channels and clarifies that the presentation of information related to the status of and plans for the capabilities and infrastructure that support and sustain the nuclear weapons stockpile and nuclear forces should not be construed to affect the interagency budget process.

As currently required by section 7274 of title 42, United States Code, the conferees believe that all national leaders require access to the objective, independent, and unfiltered professional advice and opinions of the Nation's nuclear weapons experts regarding the safety, security, effectiveness, and reliability of the nuclear weapons stockpile, and reiterate their strong support for ensuring Congress has unconstrained access to such.

Pilot program on technology commercialization (sec. 3165)

The House bill contained a provision (sec. 3158) that would authorize the Secretary of Energy to establish, in coordination with the Technology Transfer Coordinator, a pilot program on technology commercialization.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would limit the pilot program to 2 years in duration and strike the requirement for involvement of a non-profit entity. The amendment would also require the Secretary of Energy to submit a report describing the program or, if it is not carried out, why it was not carried out.

The conferees direct the Secretary to ensure that any pilot program carried out under this section is in the best interests of the National Nuclear Security Administration and to ensure that competitive procedures are used in selecting any private entity to participate in such a program.

Congressional advisory panel on the governance of the nuclear security enterprise (sec. 3166)

The Senate amendment contained a provision (sec. 3161) that would establish a congressional advisory panel to make recommendations with respect to revising the governance structure of the National Nuclear Security Administration (NNSA) to permit the Administration to operate more effectively.

The House bill contained no similar provision.

The House recedes with an amendment that would create a Congressional Advisory Panel on the Governance of the Nuclear Security Enterprise to address the immediate and long-term issues associated with the NNSA. In addition, the amendment appoints four panel members each, by the Committee on Armed Services of the House of Representatives, by the Committee on Armed Services of the Senate, and by the Leadership of the House and Senate.

The conferees note that this Panel is created in lieu of the House receding in sections 3113, 3115, and 3133, and the Senate receding in sections 3131 and 3141 to address many of the issues the House identified in those provisions.

Subtitle F—American Medical Isotopes Production

American Medical Isotopes Act of 2012 (secs. 3171–3178)

The Senate amendment contained nine provisions (sections 3151–3159) that comprised a program to develop a domestic supply of the medical isotope molybdenum–99 (MO–99) using low enriched uranium while phasing out the export of highly enriched uranium for production of medical isotopes. An abbreviated description is as follows.

Section 3151 would provide a short title.

Section 3152 would define terms used throughout the Act.

Section 3153 would direct the Secretary of Energy to establish a technology-neutral, cost-shared program to evaluate and support projects for the domestic production of MO–99 for medical uses without the use of highly enriched uranium.

Section 3154 would amend section 134 of the Atomic Energy Act (AEA) of 1954 (42 U.S.C. 2160d), by striking subsection (c), and by adding 5 new subsections designated (c) through (f). New subsection (c) would prohibit the Nuclear Regulatory Commission from issuing a license for the export of highly enriched uranium for medical isotope production effective 7 years after the date of enactment. New subsection (d) would permit the 7-year period in subsection (c) to be extended for up to 6 additional years if the Secretary certifies that there is insufficient global supply of MO–99 produced without the use of highly enriched uranium to satisfy the domestic market and that the export of highly enriched uranium is the most effective temporary means to increase the domestic supply of MO–99. New subsection (e) would require public notice and comment on the certification. New subsection (f) would provide for the suspension, for up to 12 months, of the prohibition on the export licensing of highly enriched uranium after it has become effective if there is a critical shortage of MO–99, the Secretary certifies that the export of highly enriched uranium is the only effective temporary means to increase the supply, and Congress enacts a joint resolution approving the temporary suspension. New subsection (g) would define terms used in section 134 of the Atomic Energy Act of 1954.

Section 3155 would require the Chairman of the Nuclear Regulatory Commission to submit to Congress a report on the current disposition of previous exports of highly enriched uranium used as targets of fuel in a nuclear research or test reactor.

Section 3156 would add a new section 112 to the AEA to authorize the Nuclear Regulatory Commission to license the use in the United States of highly enriched uranium as a target for medical isotope production only if, in addition to other requirements of the AEA, the Commission determines that no low enriched uranium target can be used in the reactor, and the recipient has provided assurances that if a low enriched uranium target can be used, it will be, and the Secretary certifies that the United States Government is actively supporting the development of low enriched uranium targets for the reactor.

Section 3157 would require the Secretary to report to Congress 1 year after the date of enactment of this Act, and annually for the ensuing 5 years, on actions to support the production of molybdenum–99 for medical uses without the use of highly enriched uranium.

Section 3158 would require the National Academy of Sciences to study the state of MO–99 production and use not later than 5 years after the date of enactment of this Act.

Section 3159 would repeal The Nuclear Safety Research, Development and Demonstration Act of 1980 (42 U.S.C. 9701 et seq.).

The House bill contained no similar provision.

The House recedes with an amendment that would require the Department of Energy, as part of its program to develop a domestic supply of MO–99 (section 3173), to produce MO–99 in a cost effective manner and that the Nuclear Science Advisory Committee, in addition to conducting annual reviews of the program, make recommendations to improve the program's effectiveness. In addition, the conferees expect that in pursuing the program in Section 3173, the Secretary of Energy shall ensure that the program is carried out in a technology neutral manner to reduce the use of highly enriched uranium and produce significant quantities of MO–99 for medical uses. Demonstration of technology necessary to domestically produce significant quantities of MO–99 for medical uses on a commercial scale seeks to address potential civilian use supply issues while also enhancing national security. Section 3173 requires the Secretary to cooperate with non-federal entities and share the costs incurred in the development, demonstration, and commercial application of the technology necessary to achieve the goals of the program, including the civilian medical applications.

The amendment would also make technical changes in section 3174 and add a requirement that the Secretaries of Energy and Health and Human Services must jointly certify that before the provisions in subsections (c) and (d) take effect there is a sufficient supply of MO–99 produced without the use of highly enriched uranium available to meet the needs of the patients in the United States; and that 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. In addition, the joint certification

would be required not later than 7 years after the date of enactment of this Act. If the period referred to in subsection (c) is extended under subsection (d), the 7 year deadline would be extended by a period equal to the period of such extension under subsection (d).

The amendment would also strike the repeal of The Nuclear Safety Research, Development and Demonstration Act of 1980 (42 U.S.C. 9701 et seq.).

LEGISLATIVE PROVISIONS NOT ADOPTED

Contractor governance, oversight, and accountability

The House bill contained a provision (sec. 3113) that would require the Administrator for Nuclear Security to establish a reformed system of governance, management, and oversight of the National Nuclear Security Administration (NNSA). The House bill also contained a provision (sec. 3115) that would require the Administrator to establish policies and procedures for the regulation and oversight of health, safety, and security of the nuclear security enterprise. Lastly, the House bill also contained a provision (sec. 3133) that would clarify the role of the Administrator and reinforce the semi-autonomous nature of the NNSA.

The Senate amendment contained a provision (sec. 3131) that would require the Secretary of Energy to submit a report to the congressional defense committees on the actions required to transition, to the maximum extent practicable, the regulation of non-nuclear operations of the NNSA to federal agencies other than the Department of Energy (DOE). The Senate amendment also contained a provision (sec. 3161) that would express a sense of Congress regarding any efforts to reform oversight of the nuclear security enterprise.

The conference agreement does not include these provisions.

The conferees emphasize that there is widespread recognition that the current system for governance, management, and oversight of the nuclear security enterprise is broken. For instance, in 2009 the bipartisan Congressional Commission on the Strategic Posture of the United States found that ''the governance structure of the NNSA is not delivering the needed results. This governance structure should be changed.'' The Commission elaborated, saying, ''The NNSA was formed to improve management of the weapons program and to shelter that program from what was perceived as a welter of confusing and contradictory DOE directives, policies, and procedures. Despite some success, the NNSA has failed to meet the hopes of its founders. Indeed, it may have become part of the problem, adopting the same micromanagement and unnecessary and obtrusive oversight that it was created to eliminate.'' The Commission concluded ''it is time to consider fundamental changes.'' Recent studies by the Henry L. Stimson Center (''Leveraging Science for Security''), the National Academies of Science (''Managing for High-Quality Science and Engineering at the NNSA National Security Laboratories'' and ''The Comprehensive Nuclear Test Ban Treaty—Technical Issues for the United States'') and other objective, bipartisan groups have reached similar conclusions.

The conferees share the concerns expressed by these myriad groups, and believe the status quo is not working and must not be continued. The weaknesses of the current system, including an overly bureaucratic system, weak accountability, ineffective oversight, insufficient program and budget expertise, and poor contract management have been repeatedly demonstrated—including by recent high-profile failures such as the July 2012 security breach at the Y–12 National Security Complex. These incidents prove that a deeply bureaucratic system is no guarantee of health, safety, and security—and may in fact jeopardize health, safety, and security.

Furthermore, the conferees believe that the current system is not delivering the results required by the military and by the taxpayer. The cost of major stockpile and infrastructure modernization projects has risen to unprecedented levels due, in part, to the overwhelming bureaucracy within the system. Further slippage in project schedules is unacceptable, and could undermine the credibility of the nation's nuclear deterrent. Administrative costs within the NNSA and the nuclear security enterprise must be reduced and the enterprise must be refocused on accomplishing its mission effectively and efficiently, as well as safely and securely.

The conferees expect the advisory panel that would be created elsewhere in this Act to provide a bipartisan solution to fix this system. The conferees expect the advisory panel would provide actionable recommendations that directly address the host of systemic problems identified by previous studies and by the conferees. The conferees believe changes on the margins are not a solution.

Limitation on availability of funds for inertial confinement fusion ignition and high yield campaign

The House bill contained a provision (sec. 3119) that would limit the obligation and expenditure of funds for fusion ignition research and experiments to not more than 50 percent until the Administrator for Nuclear Security certifies to the congressional defense committees that fusion ignition has been achieved at the National Ignition Facility (NIF) or the Administrator submits a report on fusion ignition.

The Senate amendment contained no similar provision.

The House recedes.

The conferees are pleased that the National Nuclear Security Administration has submitted the report required in section 3119 of the House bill regarding a path forward for the NIF, including fusion ignition. The conferees believe that the NIF should continue to balance the goal of achieving ignition with other stockpile needs as part of the life extension programs as well as ongoing work for other agencies and offices in the Department of Energy.

Limitation on availability of funds for nuclear nonproliferation activities with Russian Federation

The House bill contained a provision (sec. 3123) that would limit Cooperative Threat Reduction funding to Russia until the Secretary of Energy, in coordination with the Secretaries of State and Defense, certify to the congressional defense committees that Russia is not providing direct or indirect support to the Syrian government to suppress the Syrian people and that Russia is not providing equipment and technology to Syria, Iran, or North Korea that have the potential to make a material contribution to the development of weapons of mass destruction or cruise or ballistic missile systems controlled under multilateral control lists.

The Senate amendment contained no similar provision.

The House recedes.

Intellectual property related to uranium enrichment

The House bill contained a provision (sec. 3156) that would authorize the Secretary of Energy to make available, from the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013, not more than $150.0 million for the development and demonstration of domestic national security-related enrichment technologies. Thirty days before making such funds available for these purposes, the Secretary of Energy would be required to certify to the congressional defense committees that such funds are needed for national security purposes and describe what those purposes are. If the Secretary chooses to make such funds available, this section would require the Secretary to utilize merit selection procedures and execute an agreement with the recipient of such funds. The agreement would include a requirement for the recipient to achieve specific technical criteria by dates not later than June 30, 2014, and require that immediately upon execution of such agreement that the recipient grant to the Federal Government a royalty-free, nonexclusive license in all enrichment-related intellectual property and associated technical data owned, licensed, or otherwise controlled by the recipient. This section would also require that any existing agreement between the Secretary of Energy and the recipient be amended to permit the Secretary to use or allow third parties to use such intellectual property and associated technical data for national defense purposes.

The Senate amendment contained no similar provision.

The House recedes.

The conferees note that this domestic uranium enrichment project is authorized for $150.0 million within the budget tables for the National Nuclear Security Administration. The conferees understand that the Department of Energy entered into a cooperative agreement for this project and that this cooperative agreement and other associated agreements include taxpayer protections similar to those required by the House provision. The conferees expect that the Department of Energy will continue to take all actions necessary to ensure robust taxpayer protections for the funds invested in this project.

Renewable energy

The Senate amendment contained a provision (sec. 3122) that would amend the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)) by striking ''geothermal'' and inserting ''geothermal (including geothermal heat pumps)''.

The House bill contained no similar provision.

The Senate recedes.

The conferees note that the Department of Defense already accounts for energy derived from geothermal heat pumps under the broader construct of geothermal sources in meeting goals for the use of renewable energy.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

LEGISLATIVE PROVISIONS ADOPTED

Authorization (sec. 3201)

The House bill contained a provision (sec. 3201) that would authorize $31.4 million to be appropriated for the Defense Nuclear Facilities Safety Board (DNFSB), which is $2.0 million above the fiscal year 2013 budget request.

The Senate amendment contained a similar provision (sec. 3201) that would authorize $29.4 million to be appropriated for the DNFSB, which is the fiscal year 2013 budget request.

The House recedes.

Improvements to the Defense Nuclear Facilities Safety Board (sec. 3202)

The House bill contained a provision (sec. 3202) that would amend the enabling statute of the Defense Nuclear Facilities Safety Board (DNFSB) (42 United States Code, section 2286) to provide congressional direction regarding the DNFSB's operation, clarify the DNFSB's mission, and improve collaboration

between the DNFSB and the Department of Energy.

The Senate amendment contained no similar provision.

The Senate recedes with an amendment that would require the sharing of draft recommendations between the DNFSB and the Department of Energy before a final recommendation is published. The provision would also require the DNFSB, where feasible, to account for risk in its recommendations. The conferees believe accounting for risk does not replace the adequate protection standard outlined in section 182 of the Atomic Energy Act (AEA) of 1954 (42 United States Code, section 2011), but to supplement it consistent with the findings of *Union of Concerned Scientists* v. *NRC*, 824 F. 2d 108, 120 (D.C. Circuit, 1987). The amendment would also require the DNFSB to obtain the services of an inspector general consistent with the Inspector General Act of 1978 (5 U.S.C. App.). The conferees intend the procurement of such services shall be in addition to the underlying budget of the DNFSB. Accordingly, the requirement would be established that the procurement of inspector general services shall be a separate budget line in the DNFSB's annual budget submission to the Congress.

The conferees highlight that, per the AEA, the Secretary of Energy has a statutory responsibility to balance national security requirements, cost, and safety of the nuclear security enterprise. Further, section 312(a)(5) of the AEA requires the DNFSB, in making its recommendations, ''to consider the technical and economic feasibility of the recommended measures.'' To better understand how the DNFSB considers such issues, the conferees direct the Chairman of the DNFSB to submit a report to the congressional defense committees by February 15, 2013, regarding how the DNFSB considers the technical and economic feasibility of implementing its recommended measures.

TITLE XXXIV—NAVAL PETROLEUM RESERVES

LEGISLATIVE PROVISION ADOPTED

Authorization of appropriations (sec. 3401)

The House bill contained a provision (sec. 3401) that would authorize $14.9 million for fiscal year 2013 for operation and maintenance of the Naval Petroleum and Oil Reserves.

The Senate amendment contained no similar provision.

The Senate recedes.

TITLE XXXV—MARITIME ADMINISTRATION

LEGISLATIVE PROVISIONS ADOPTED

Authorization of appropriations for national security aspects of the merchant marine for fiscal year 2013 (sec. 3501)

The House bill contained a provision (sec. 3501) that would authorize appropriations for the Maritime Administration of the Department of Transportation for those activities of the Maritime Administration associated with maintaining national defense sealift.

The Senate amendment contained no similar provision.

The Senate recedes.

Application of the Federal Acquisition Regulation (sec. 3502)

The House bill contained a provision (sec. 3502) that would clarify that the appropriate version of the Federal Acquisition Regulations to be applied to a contract for purchase of recycling services is the version in effect at the time the contract is awarded.

The Senate amendment contained no similar provision.

The Senate recedes.

Limitation of National Defense Reserve Fleet vessels to those over 1,500 gross tons (sec. 3503)

The House bill contained a provision (sec. 3503) that would clarify that vessels in the National Defense Reserve Fleet are to be 1,500 gross tons or greater and those vessels the Secretary of Transportation determines are appropriate to be included in the National Defense Reserve Fleet.

The Senate amendment contained no similar provision.

The Senate recedes.

Donation of excess fuel to maritime academies (sec. 3504)

The House bill contained a provision (sec. 3504) that would authorize the Maritime Administration, with the concurrence of the owner of the fuel or excess equipment, to donate excess fuel or equipment on National Defense Reserve Fleet vessels to the State Maritime Academies to carry out training. In the case of Ready Reserve Force vessels, the Maritime Administration would be required to consult with the Secretary of the Navy before donating such fuel or equipment to the Academies.

The Senate amendment contained no similar provision.

The Senate recedes.

Clarification of heading (sec. 3505)

The House bill contained a provision (sec. 3505) that would make a purely technical correction to change the title of section 57103 of title 46, United States Code, from ''Sale of Obsolete Vessels in the National Defense Reserve Fleet'' to ''Donation of Non-Retention Vessels in the National Defense Reserve Fleet.''

The Senate amendment contained no similar provision.

The Senate recedes.

Transfer of vessels to the National Defense Reserve Fleet (sec. 3506)

The House bill contained a provision (sec. 3506) that would clarify the Maritime Administration's authority to receive vessels from the armed forces and other federal entities, thereby enhancing the Administration's ability to efficiently dispose of obsolete Government vessels.

The Senate amendment contained no similar provision.

The Senate recedes.

Amendments relating to the National Defense Reserve Fleet (sec. 3507)

The House bill contained a provision (sec. 3507) that would allow the Maritime Administration to have flexibility in determining when to conduct activations and sea trials of vessels in the National Defense Reserve Fleet, while still ensuring readiness in accordance with Department of Defense readiness requirements.

The Senate amendment contained no similar provision.

The Senate recedes.

Extension of Maritime Security Fleet program (sec. 3508)

The House bill contained a provision (sec. 3508) that would: (1) extend the sunset date for the Maritime Security Fleet Program (MSP) to September 30, 2025; (2) direct the Maritime Administration to offer contracts for extending contracts to current MPS participants before offering them to other contractors; (3) authorize periodic increases to the MSP stipend for participants through fiscal year 2025 to account for inflation; and (4) prioritize new MSP contracts awards according to Department of Defense priorities.

The Senate amendment contained no similar provision.

The Senate recedes.

Container-on-barge transportation (sec. 3509)

The Senate amendment contained a provision (sec. 3502) that would require Maritime Administrator to 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). The Administrator would be required to report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives within 180 days of enactment of this Act.

The House bill contained no similar provision.

The House recedes.

Short sea transportation (sec. 3510)

The Senate amendment contained a provision (sec. 3503) that would clarify certain definitions and applications of provisions related to short sea transportation.

The House bill contained no similar provision.

The House recedes.

Maritime environmental and technical assistance (sec. 3511)

The Senate amendment contained a provision (sec. 3504) that would amend Chapter 503 of title 46, United States Code, to permit the Secretary of Transportation to engage in environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system.

The House bill contained no similar provision.

The House recedes.

Identification of actions to enable qualified United States flag capacity to meet national defense requirements (sec. 3512)

The Senate amendment contained a provision (sec. 3505) that would: (1) clarify the role of the Maritime Administrator in granting waivers to navigation or vessel-inspection laws when such waivers are determined to be in the interest of national defense; and (2) expand the requirements to notify Congress and the public promptly when such waivers are requested or issued.

The House bill contained a similar provision (sec. 3509).

The House recedes.

Maritime workforce study (sec. 3513)

The Senate amendment contained a provision (sec. 3506) that would require the Comptroller General to conduct a study on the training needs of the maritime workforce. The provision would require that the Comptroller General submit a report within 1 year of the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committees on Armed Services of the Senate and the House of Representatives.

The House bill contained no similar provision.

The House recedes.

Maritime administration vessel recycling contract award practices (sec. 3514)

The Senate amendment contained a provision (sec. 3507) that would require the Comptroller General to 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 provision would require that the Comptroller General submit a report not later than 1 year after the date of enactment of this Act to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committees on Armed Services of the Senate and the House of Representatives.

The House bill contained no similar provision.

The House recedes.

Requirement for barge design (sec. 3515)

The Senate amendment contained a provision (sec. 3508) that would require the Maritime Administrator to 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 would be able to utilize roll-on/roll-off, or load-on/load-off technology in marine highway maritime commerce. The provision would require that the Administrator complete that design within 270 days after the date of enactment of this Act.

The House bill contained no similar provision.

The House recedes.

Eligibility to receive surplus training equipment (sec. 3516)

The Senate amendment contained a provision (sec. 3509) that would expand the eligibility to receive surplus training equipment from the Maritime Administration to include training institutions that are instrumentalities of a State, Territory, or Commonwealth of the United States or District of Columbia, or that are instrumentalities of a unit of local government within a State, Territory, or Commonwealth of the United States or District of Columbia.

The House bill contained no similar provision.

The House recedes.

Coordination with other laws (sec. 3517)

The conferees understand that the Senate passed the Coast Guard and Maritime Transportation Act of 2012 (H.R. 2838), clearing the measure for the President. Some provisions in that Act coincide with provisions in title XXXV of this Act. In most cases, the language in the two Acts is identical, but in others it is not.

Therefore, the conference agreement includes a provision that would avoid sending conflicting guidance that could be confusing about congressional intent.

LEGISLATIVE PROVISION NOT ADOPTED

Short title

The Senate amendment contained a provision (sec. 3501) that would establish the title of this section as the ''Maritime Authorization Act for Fiscal Year 2013.''

The House bill contained no similar provision.

The Senate recedes.

DIVISION D—FUNDING TABLES

Authorization of amounts in funding tables (sec. 4001)

The House bill contained a provision (sec. 4001) that would provide for the authorization of projects, programs, and activities in accordance with the tables in Division D.

The Senate amendment contained a similar provision (sec. 4001).

The Senate recedes.

TITLE XLI—PROCUREMENT

SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	AIRCRAFT PROCUREMENT, ARMY										
	FIXED WING										
001	UTILITY F/W AIRCRAFT	2	18,639	2	18,639	2	18,639			2	18,639
003	MQ–1 UAV	19	518,088	19	518,088	19	518,088			19	518,088
004	RQ–11 (RAVEN)	234	25,798	234	25,798	234	25,798			234	25,798
	ROTARY										
006	HELICOPTER, LIGHT UTILITY (LUH)	34	271,983	34	271,983	34	271,983			34	271,983
007	AH–64 APACHE BLOCK IIIA REMAN	40	577,115	40	577,115	40	577,115			40	577,115
008	ADVANCE PROCUREMENT (CY)		107,707		107,707		107,707				107,707
009	AH–64 APACHE BLOCK IIIB NEW BUILD	8	153,993	8	153,993	8	153,993			8	153,993
010	ADVANCE PROCUREMENT (CY)		146,121		146,121		146,121				146,121
013	UH–60 BLACKHAWK M MODEL (MYP)	59	1,107,087	59	1,107,087	59	1,107,087			59	1,107,087
014	ADVANCE PROCUREMENT (CY)		115,113		115,113		115,113				115,113
015	CH–47 HELICOPTER	38	1,076,036	38	1,076,036	38	1,076,036			38	1,076,036
016	ADVANCE PROCUREMENT (CY)		83,346		83,346		83,346				83,346
	MODIFICATION OF AIRCRAFT										
018	MQ–1 PAYLOAD—UAS		231,508		231,508		231,508				231,508
020	GUARDRAIL MODS (MIP)		16,272		16,272		16,272				16,272
021	MULTI SENSOR ABN RECON (MIP)		4,294		4,294		4,294				4,294
022	AH–64 MODS		178,805		178,805		178,805				178,805
023	CH–47 CARGO HELICOPTER MODS (MYP)		39,135		39,135		39,135				39,135
024	UTILITY/CARGO AIRPLANE MODS		24,842		24,842		24,842				24,842
026	UTILITY HELICOPTER MODS		73,804		73,804		73,804				73,804
027	KIOWA WARRIOR MODS		192,484		192,484		192,484				192,484
029	NETWORK AND MISSION PLAN		190,789		190,789		190,789				190,789
030	COMMS, NAV SURVEILLANCE		133,191		133,191		89,191				133,191
	JTRS integration delayed						[–44,000]				
031	GATM ROLLUP		87,280		87,280		87,280				87,280
032	RQ–7 UAV MODS		104,339		104,339		104,339				104,339
	GROUND SUPPORT AVIONICS										
034	AIRCRAFT SURVIVABILITY EQUIPMENT		34,037		34,037		34,037				34,037
036	CMWS		127,751		127,751		127,751				127,751
	OTHER SUPPORT										
037	AVIONICS SUPPORT EQUIPMENT		4,886		4,886		4,886				4,886
038	COMMON GROUND EQUIPMENT		82,511		82,511		82,511				82,511
039	AIRCREW INTEGRATED SYSTEMS		77,381		77,381		77,381				77,381
040	AIR TRAFFIC CONTROL		47,235		47,235		47,235				47,235
041	INDUSTRIAL FACILITIES		1,643		1,643		1,643				1,643
042	LAUNCHER, 2.75 ROCKET		516		516		516				516
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**434**	**5,853,729**	**434**	**5,853,729**	**434**	**5,809,729**			**434**	**5,853,729**
	MISSILE PROCUREMENT, ARMY										
	SURFACE-TO-AIR MISSILE SYSTEM										
001	PATRIOT SYSTEM SUMMARY	84	646,590	84	696,590	84	646,590		50,000	84	696,590
	Additional PAC–3 missiles				[50,000]				[50,000]		
002	MSE MISSILE		12,850		12,850		12,850				12,850
	AIR-TO-SURFACE MISSILE SYSTEM										
004	HELLFIRE SYS SUMMARY		1,401		11,401		1,401				1,401

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Program increase				[10,000]						
	ANTI-TANK/ASSAULT MISSILE SYS										
005	JAVELIN (AAWS-M) SYSTEM SUMMARY	400	81,121	400	81,121	400	81,121			400	81,121
006	TOW 2 SYSTEM SUMMARY	1,403	64,712	1,403	64,712	1,403	64,712			1,403	64,712
007	ADVANCE PROCUREMENT (CY)		19,931		19,931		19,931				19,931
008	GUIDED MLRS ROCKET (GMLRS)	1,608	218,679	1,608	218,679	1,608	218,679			1,608	218,679
009	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	2,430	18,767	2,430	18,767	2,430	18,767			2,430	18,767
010	HIGH MOBILITY ARTILLERY ROCKET SYSTEM		12,051		12,051		12,051				12,051
	MODIFICATIONS										
011	PATRIOT MODS		199,565		199,565		199,565				199,565
013	MLRS MODS		2,466		2,466		2,466				2,466
014	HIMARS MODIFICATIONS		6,068		6,068		6,068				6,068
	SPARES AND REPAIR PARTS										
016	SPARES AND REPAIR PARTS		7,864		7,864		7,864				7,864
	SUPPORT EQUIPMENT & FACILITIES										
017	AIR DEFENSE TARGETS		3,864		3,864		3,864				3,864
018	ITEMS LESS THAN $5 MILLION (MISSILES)		1,560		1,560		1,560				1,560
019	PRODUCTION BASE SUPPORT		5,200		5,200		5,200				5,200
	TOTAL MISSILE PROCUREMENT, ARMY	**5,925**	**1,302,689**	**5,925**	**1,362,689**	**5,925**	**1,302,689**		**50,000**	**5,925**	**1,352,689**
	PROCUREMENT OF W&TCV, ARMY										
	TRACKED COMBAT VEHICLES										
001	STRYKER VEHICLE	58	286,818	58	286,818	58	286,818			58	286,818
	MODIFICATION OF TRACKED COMBAT VEHICLES										
003	STRYKER (MOD)		60,881		60,881		60,881				60,881
004	FIST VEHICLE (MOD)		57,257		57,257		57,257				57,257
005	BRADLEY PROGRAM (MOD)		148,193		288,193		148,193		140,000		288,193
	Program increase				[140,000]				[140,000]		
006	HOWITZER, MED SP FT 155MM M109A6 (MOD)		10,341		10,341		10,341				10,341
007	PALADIN PIM MOD IN SERVICE	17	206,101	17	206,101	17	206,101			17	206,101
008	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	31	107,909	51	169,909	31	230,909	20	62,000	51	169,909
	Program increase			[20]	[62,000]		[123,000]	[20]	[62,000]		
009	ASSAULT BREACHER VEHICLE	10	50,039	10	50,039	10	50,039			10	50,039
010	M88 FOV MODS		29,930		29,930		29,930				29,930
011	M1 ABRAMS TANK (MOD)		129,090		129,090		129,090				129,090
012	ABRAMS UPGRADE PROGRAM		74,433		255,433		74,433		136,000		210,433
	Program increase				[181,000]				[136,000]		
012A	ADVANCE PROCUREMENT (CY)						91,000				0
	Advanced procurement Abrams upgrade program						[91,000]				
	SUPPORT EQUIPMENT & FACILITIES										
013	PRODUCTION BASE SUPPORT (TCV-WTCV)		1,145		1,145		1,145				1,145
	WEAPONS & OTHER COMBAT VEHICLES										
014	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY		506				506				506
	XM25 funding ahead of need				[–506]						
017	LIGHTWEIGHT .50 CALIBER MACHINE GUN	610	25,183	610	25,183			–610	–25,183		0
	Program termination					[–610]	[–25,183]	[–610]	[–25,183]		
019	MORTAR SYSTEMS		8,104		8,104		8,104				8,104
021	XM320 GRENADE LAUNCHER MODULE (GLM)	2,280	14,096	2,280	14,096	2,280	14,096			2,280	14,096
024	CARBINE	12,000	21,272	12,000	21,272	12,000	21,272			12,000	21,272
025	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	2,107	6,598	2,107	6,598	2,107	6,598			2,107	6,598
026	COMMON REMOTELY OPERATED WEAPONS STATION	240	56,725	240	56,725	240	56,725			240	56,725
027	HOWITZER LT WT 155MM (T)		13,827		13,827		13,827				13,827
	MOD OF WEAPONS AND OTHER COMBAT VEH										
029	M777 MODS		26,843		26,843		26,843				26,843
030	M4 CARBINE MODS		27,243		27,243		27,243				27,243
031	M2 50 CAL MACHINE GUN MODS		39,974		39,974		39,974				39,974
032	M249 SAW MACHINE GUN MODS		4,996		4,996		4,996				4,996
033	M240 MEDIUM MACHINE GUN MODS		6,806		6,806		6,806				6,806
034	SNIPER RIFLES MODIFICATIONS		14,113		14,113		14,113				14,113
035	M119 MODIFICATIONS		20,727		20,727		20,727				20,727
036	M16 RIFLE MODS		3,306		3,306		3,306				3,306
037	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)		3,072		3,072		3,072				3,072
	SUPPORT EQUIPMENT & FACILITIES										
038	ITEMS LESS THAN $5 MILLION (WOCV-WTCV)		2,026		2,026		2,026				2,026
039	PRODUCTION BASE SUPPORT (WOCV-WTCV)		10,115		10,115		10,115				10,115
040	INDUSTRIAL PREPAREDNESS		442		442		442				442
041	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)		2,378		2,378		2,378				2,378
	SPARES										
042	SPARES AND REPAIR PARTS (WTCV)		31,217		31,217		31,217				31,217
	TOTAL PROCUREMENT OF W&TCV, ARMY	**17,353**	**1,501,706**	**17,373**	**1,884,200**	**16,743**	**1,690,523**	**–590**	**312,817**	**16,763**	**1,814,523**
	PROCUREMENT OF AMMUNITION, ARMY										
	SMALL/MEDIUM CAL AMMUNITION										
001	CTG, 5.56MM, ALL TYPES		158,313		123,513		158,313		–34,800		123,513
	Unit cost savings				[–34,800]				[–34,800]		
002	CTG, 7.62MM, ALL TYPES		91,438		91,438		91,438				91,438
003	CTG, HANDGUN, ALL TYPES		8,954		8,954		8,954				8,954
004	CTG, .50 CAL, ALL TYPES		109,604		109,604		109,604				109,604
005	CTG, 20MM, ALL TYPES		4,041		4,041		4,041				4,041
006	CTG, 25MM, ALL TYPES		12,654		12,654		12,654				12,654

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
007	CTG, 30MM, ALL TYPES		72,154		54,154		35,154		–18,000		54,154
	Pricing adjustments for target practice round and light-weight dual-purpose round.				[–18,000]		[–37,000]		[–18,000]		
008	CTG, 40MM, ALL TYPES		60,138		60,138				–60,138		0
	Decrease for excess						[–60,138]		[–60,138]		
	MORTAR AMMUNITION										
009	60MM MORTAR, ALL TYPES		44,375		44,375		44,375				44,375
010	81MM MORTAR, ALL TYPES		27,471		27,471		27,471				27,471
011	120MM MORTAR, ALL TYPES		87,811		87,811		87,811				87,811
	TANK AMMUNITION										
012	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES		112,380		112,380		112,380				112,380
	ARTILLERY AMMUNITION										
013	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP		50,861		50,861		50,861				50,861
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES		26,227		26,227		26,227				26,227
015	PROJ 155MM EXTENDED RANGE XM982		110,329		55,329		55,329		–55,000		55,329
	Excalibur I-b round schedule delay				[–55,000]		[–55,000]		[–55,000]		
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL		43,924		43,924		43,924				43,924
	MINES										
017	MINES & CLEARING CHARGES, ALL TYPES		3,775		3,775		3,775				3,775
	NETWORKED MUNITIONS										
018	SPIDER NETWORK MUNITIONS, ALL TYPES		17,408		17,408		3,108				17,408
	Program decrease						[–14,300]				
	ROCKETS										
019	SHOULDER LAUNCHED MUNITIONS, ALL TYPES		1,005		1,005		1,005				1,005
020	ROCKET, HYDRA 70, ALL TYPES		123,433		123,433		123,433				123,433
	OTHER AMMUNITION										
021	DEMOLITION MUNITIONS, ALL TYPES		35,189		35,189		35,189				35,189
022	GRENADES, ALL TYPES		33,477		33,477		33,477				33,477
023	SIGNALS, ALL TYPES		9,991		9,991		9,991				9,991
024	SIMULATORS, ALL TYPES		10,388		10,388		10,388				10,388
	MISCELLANEOUS										
025	AMMO COMPONENTS, ALL TYPES		19,383		19,383		19,383				19,383
026	NON-LETHAL AMMUNITION, ALL TYPES		7,336		7,336		7,336				7,336
027	CAD/PAD ALL TYPES		6,641		6,641		6,641				6,641
028	ITEMS LESS THAN $5 MILLION		15,092		15,092		15,092				15,092
029	AMMUNITION PECULIAR EQUIPMENT		15,692		15,692		15,692				15,692
030	FIRST DESTINATION TRANSPORTATION (AMMO)		14,107		14,107		14,107				14,107
031	CLOSEOUT LIABILITIES		106		106		106				106
	PRODUCTION BASE SUPPORT										
032	PROVISION OF INDUSTRIAL FACILITIES		220,171		220,171		220,171				220,171
033	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL		182,461		182,461		182,461				182,461
034	ARMS INITIATIVE		3,377		3,377		3,377				3,377
	TOTAL PROCUREMENT OF AMMUNITION, ARMY		**1,739,706**		**1,631,906**		**1,573,268**		**–167,938**		**1,571,768**
	OTHER PROCUREMENT, ARMY										
	TACTICAL VEHICLES										
001	SEMITRAILERS, FLATBED:	27	7,097	27	7,097	27	7,097			27	7,097
002	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	1,248	346,115	1,248	346,115	1,248	396,115			1,248	346,115
	Program increase for USAR						[50,000]				
003	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP		19,292		19,292		19,292				19,292
004	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	1,534	52,933	1,534	52,933	1,534	52,933			1,534	52,933
005	PLS ESP		18,035		18,035		18,035				18,035
009	TRUCK, TRACTOR, LINE HAUL, M915/M916	12	3,619	12	3,619	12	3,619			12	3,619
010	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	60	26,859	60	26,859	60	26,859			60	26,859
012	TACTICAL WHEELED VEHICLE PROTECTION KITS	950	69,163	950	69,163	950	69,163			950	69,163
013	MODIFICATION OF IN SVC EQUIP		91,754		91,754		91,754				91,754
	NON-TACTICAL VEHICLES										
018	PASSENGER CARRYING VEHICLES		2,548		2,548		2,548				2,548
019	NONTACTICAL VEHICLES, OTHER		16,791		16,791		16,791				16,791
	COMM—JOINT COMMUNICATIONS										
020	JOINT COMBAT IDENTIFICATION MARKING SYSTEM	7,038	10,061	7,038	10,061	7,038	10,061			7,038	10,061
021	WIN-T—GROUND FORCES TACTICAL NETWORK	2,166	892,635	2,166	872,635	2,166	892,635		–20,000	2,166	872,635
	Program adjustment				[–20,000]				[–20,000]		
022	SIGNAL MODERNIZATION PROGRAM		45,626		45,626		45,626				45,626
023	JCSE EQUIPMENT (USREDCOM)		5,143		5,143		5,143				5,143
	COMM—SATELLITE COMMUNICATIONS										
024	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	23	151,636	23	151,636	23	151,636			23	151,636
025	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS		6,822		6,822		6,822				6,822
026	SHF TERM		9,108		9,108		9,108				9,108
028	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	3,592	27,353	3,592	27,353	3,592	27,353			3,592	27,353
029	SMART-T (SPACE)		98,656		98,656		98,656				98,656
031	GLOBAL BRDCST SVC—GBS		47,131		47,131		47,131				47,131
032	MOD OF IN-SVC EQUIP (TAC SAT)	39	23,281	39	23,281	39	23,281			39	23,281
	COMM—C3 SYSTEM										
034	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)		10,848		10,848		10,848				10,848
	COMM—COMBAT COMMUNICATIONS										
035	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)		979		979		979				979
036	JOINT TACTICAL RADIO SYSTEM	11,059	556,250	11,059	521,250	11,059	526,250		–190,000	11,059	366,250
	Funding ahead of need				[–35,000]		[–30,000]		[–190,000]		
037	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)		86,219		76,219		86,219				86,219

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	Program adjustment				[–10,000]						
038	RADIO TERMINAL SET, MIDS LVT(2)		7,798		7,798		7,798				7,798
039	SINCGARS FAMILY		9,001		9,001		9,001				9,001
040	AMC CRITICAL ITEMS—OPA2	108	24,601	108	24,601	108	24,601			108	24,601
041	TRACTOR DESK		7,779		7,779		7,779				7,779
043	SPIDER APLA REMOTE CONTROL UNIT		34,365		19,365		13,365		–10,000		24,365
	Funding ahead of need				[–15,000]		[–21,000]		[–10,000]		
044	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS		1,833		1,833		1,833				1,833
045	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM		12,984		12,984		12,984				12,984
047	GUNSHOT DETECTION SYSTEM (GDS)	46	2,332	46	2,332	46	2,332			46	2,332
048	RADIO, IMPROVED HF (COTS) FAMILY		1,132		1,132		1,132				1,132
049	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	2,535	22,899	2,535	22,899	2,535	22,899			2,535	22,899
	COMM—INTELLIGENCE COMM										
051	CI AUTOMATION ARCHITECTURE		1,564		1,564		1,564				1,564
052	RESERVE CA/MISO GPF EQUIPMENT	1,540	28,781	1,540	28,781	1,540	28,781			1,540	28,781
	INFORMATION SECURITY										
053	TSEC—ARMY KEY MGT SYS (AKMS)	6,087	23,432	6,087	23,432	6,087	23,432			6,087	23,432
054	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	2,469	43,897	2,469	43,897	2,469	43,897			2,469	43,897
	COMM—LONG HAUL COMMUNICATIONS										
056	TERRESTRIAL TRANSMISSION		2,891		2,891		2,891				2,891
057	BASE SUPPORT COMMUNICATIONS		13,872		13,872		13,872				13,872
058	WW TECH CON IMP PROG (WWTCIP)		9,595		9,595		9,595				9,595
	COMM—BASE COMMUNICATIONS										
059	INFORMATION SYSTEMS		142,133		142,133		142,133				142,133
061	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(		57,727		57,727		57,727				57,727
062	PENTAGON INFORMATION MGT AND TELECOM		5,000		5,000		5,000				5,000
	ELECT EQUIP—TACT INT REL ACT (TIARA)										
065	JTT/CIBS-M		1,641		1,641		1,641				1,641
066	PROPHET GROUND	13	48,797	13	48,797	13	48,797			13	48,797
069	DCGS-A (MIP)	1,743	184,007	1,743	184,007	1,743	184,007			1,743	184,007
070	JOINT TACTICAL GROUND STATION (JTAGS)	5	2,680	5	2,680	5	2,680			5	2,680
071	TROJAN (MIP)		21,483		21,483		21,483				21,483
072	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)		2,412		2,412		2,412				2,412
073	CI HUMINT AUTO REPRINTING AND COLLECTION		7,077		7,077		7,077				7,077
	ELECT EQUIP—ELECTRONIC WARFARE (EW)										
075	LIGHTWEIGHT COUNTER MORTAR RADAR	43	72,594	43	72,594	43	72,594			43	72,594
076	CREW		15,446		15,446		15,446				15,446
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES		1,470		1,470		1,470				1,470
079	CI MODERNIZATION		1,368		1,368		1,368				1,368
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)										
080	FAAD GBS		7,980		7,980		7,980				7,980
081	SENTINEL MODS	70	33,444	70	33,444	70	33,444			70	33,444
082	SENSE THROUGH THE WALL (STTW)		6,212		6,212				–6,212		0
	Slow execution of prior years appropriations						[–6,212]		[–6,212]		
083	NIGHT VISION DEVICES	8,687	166,516	8,687	166,516	8,687	166,516			8,687	166,516
085	NIGHT VISION, THERMAL WPN SIGHT		82,162		82,162		82,162				82,162
086	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF		20,717		20,717		20,717				20,717
089	GREEN LASER INTERDICTION SYSTEM (GLIS)		1,014		1,014		1,014				1,014
090	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS		29,881		29,881		29,881				29,881
091	PROFILER	136	12,482	136	12,482	136	12,482			136	12,482
092	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)		3,075		3,075		3,075				3,075
094	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	1,032	141,385	1,032	141,385	1,032	141,385			1,032	141,385
096	MOD OF IN-SVC EQUIP (LLDR)		22,403		22,403		22,403				22,403
098	MORTAR FIRE CONTROL SYSTEM		29,505		29,505		29,505				29,505
099	COUNTERFIRE RADARS	13	244,409	13	244,409	13	244,409			13	244,409
100	ENHANCED SENSOR & MONITORING SYSTEM (WMD) ENHANCED SENSOR & MONITORING SYSTEM (WMD).		2,426		2,426		2,426				2,426
	ELECT EQUIP—TACTICAL C2 SYSTEMS										
101	TACTICAL OPERATIONS CENTERS	133	30,196	133	30,196	133	30,196			133	30,196
102	FIRE SUPPORT C2 FAMILY	1,642	58,903	1,642	58,903	1,642	58,903			1,642	58,903
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM	445	8,111	445	8,111	445	8,111			445	8,111
104	FAAD C2		5,031		5,031		5,031				5,031
105	AIR & MSL DEFENSE PLANNING & CONTROL SYS	12	64,144	12	64,144	12	64,144			12	64,144
106	KNIGHT FAMILY		11,999		11,999		11,999				11,999
107	LIFE CYCLE SOFTWARE SUPPORT (LCSS)		1,853		1,853		1,853				1,853
108	AUTOMATIC IDENTIFICATION TECHNOLOGY		14,377		14,377		14,377				14,377
111	NETWORK MANAGEMENT INITIALIZATION AND SERVICE		59,821		59,821		59,821				59,821
112	MANEUVER CONTROL SYSTEM (MCS)	721	51,228	721	51,228	721	51,228			721	51,228
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	5,976	176,901	5,976	176,901	5,976	176,901			5,976	176,901
114	RECONNAISSANCE AND SURVEYING INSTRUMENT SET		15,209		15,209		15,209				15,209
	ELECT EQUIP—AUTOMATION										
115	ARMY TRAINING MODERNIZATION		8,866		8,866		8,866				8,866
116	AUTOMATED DATA PROCESSING EQUIP		129,438		129,438		129,438				129,438
117	GENERAL FUND ENTERPRISE BUSINESS SYS FAM		9,184		9,184		9,184				9,184
118	CSS COMMUNICATIONS	2,062	20,639	2,062	20,639	2,062	20,639			2,062	20,639
119	RESERVE COMPONENT AUTOMATION SYS (RCAS)		35,493		35,493		35,493				35,493
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)										
120	ITEMS LESS THAN $5 MILLION (A/V)		8,467		8,467		8,467				8,467
121	ITEMS LESS THAN $5 MILLION	89	5,309	89	5,309	89	5,309			89	5,309
	ELECT EQUIP—SUPPORT										

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
122	PRODUCTION BASE SUPPORT (C-E)		586		586		586				586
	CLASSIFIED PROGRAMS										
124A	CLASSIFIED PROGRAMS		3,435		3,435		3,435				3,435
	CHEMICAL DEFENSIVE EQUIPMENT										
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	1,562	3,960	1,562	3,960	1,562	3,960			1,562	3,960
127	BASE DEFENSE SYSTEMS (BDS)	637	4,374	637	4,374	637	4,374			637	4,374
128	CBRN SOLDIER PROTECTION	219	9,259	219	9,259	219	9,259			219	9,259
	BRIDGING EQUIPMENT										
130	TACTICAL BRIDGING	7	35,499	7	35,499	7	35,499			7	35,499
131	TACTICAL BRIDGE, FLOAT-RIBBON	68	32,893	68	32,893	68	32,893			68	32,893
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT										
134	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)		29,106		29,106		29,106				29,106
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	522	25,459	522	25,459	522	25,459			522	25,459
136	REMOTE DEMOLITION SYSTEMS	364	8,044	364	8,044	364	8,044			364	8,044
137	< $5M, COUNTERMINE EQUIPMENT		3,698		3,698		3,698				3,698
	COMBAT SERVICE SUPPORT EQUIPMENT										
138	HEATERS AND ECU'S	1,332	12,210	1,332	12,210	1,332	12,210			1,332	12,210
139	SOLDIER ENHANCEMENT		6,522		6,522		6,522				6,522
140	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS)		11,222		11,222		11,222				11,222
141	GROUND SOLDIER SYSTEM	5,226	103,317	5,226	103,317	5,226	103,317			5,226	103,317
144	FIELD FEEDING EQUIPMENT	228	27,417	228	27,417	228	27,417			228	27,417
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	8,891	52,065	8,891	52,065	8,891	52,065			8,891	52,065
146	MORTUARY AFFAIRS SYSTEMS		2,358		2,358		2,358				2,358
147	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS	266	31,573	266	31,573	266	31,573			266	31,573
148	ITEMS LESS THAN $5 MILLION	818	14,093	818	14,093	818	14,093			818	14,093
	PETROLEUM EQUIPMENT										
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	208	36,266	208	36,266	208	36,266			208	36,266
	MEDICAL EQUIPMENT										
150	COMBAT SUPPORT MEDICAL	1,938	34,101	1,938	34,101	1,938	34,101			1,938	34,101
151	MEDEVAC MISSON EQUIPMENT PACKAGE (MEP)		20,540		20,540		20,540				20,540
	MAINTENANCE EQUIPMENT										
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	20	2,495	20	2,495	20	2,495			20	2,495
	CONSTRUCTION EQUIPMENT										
154	GRADER, ROAD MTZD, HVY, 6X4 (CCE)		2,028		2,028		2,028				2,028
156	SCRAPERS, EARTHMOVING	9	6,146	9	6,146	9	6,146			9	6,146
157	MISSION MODULES—ENGINEERING	40	31,200	40	31,200	40	31,200			40	31,200
161	TRACTOR, FULL TRACKED	61	20,867	61	20,867	61	20,867			61	20,867
162	ALL TERRAIN CRANES	1	4,003	1	4,003	1	4,003			1	4,003
163	PLANT, ASPHALT MIXING	1	3,679	1	3,679	1	3,679			1	3,679
164	HIGH MOBILITY ENGINEER EXCAVATOR (HMEE)	76	30,042	76	30,042	76	30,042			76	30,042
165	ENHANCED RAPID AIRFIELD CONSTRUCTION CAPA	182	13,725	182	13,725	182	13,725			182	13,725
166	CONST EQUIP ESP	47	13,351	47	13,351	47	13,351			47	13,351
167	ITEMS LESS THAN $5 MILLION (CONST EQUIP)		9,134		9,134		9,134				9,134
	RAIL FLOAT CONTAINERIZATION EQUIPMENT										
170	ITEMS LESS THAN $5 MILLION (FLOAT/RAIL)		10,552		10,552		10,552				10,552
	GENERATORS										
171	GENERATORS AND ASSOCIATED EQUIP	2,074	60,302	2,074	60,302	2,074	60,302			2,074	60,302
	MATERIAL HANDLING EQUIPMENT										
173	FAMILY OF FORKLIFTS	64	5,895	64	5,895	64	5,895			64	5,895
	TRAINING EQUIPMENT										
175	COMBAT TRAINING CENTERS SUPPORT	339	104,649	339	104,649	339	104,649			339	104,649
176	TRAINING DEVICES, NONSYSTEM		125,251		125,251		125,251				125,251
177	CLOSE COMBAT TACTICAL TRAINER	8	19,984	8	19,984	8	19,984			8	19,984
178	AVIATION COMBINED ARMS TACTICAL TRAINER		10,977		10,977		10,977				10,977
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING		4,056		4,056		4,056				4,056
	TEST MEASURE AND DIG EQUIPMENT (TMD)										
180	CALIBRATION SETS EQUIPMENT	3	10,494	3	10,494	3	10,494			3	10,494
181	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE)	1,674	45,508	1,674	45,508	1,674	45,508			1,674	45,508
182	TEST EQUIPMENT MODERNIZATION (TEMOD)	2,786	24,334	2,786	24,334	2,786	24,334			2,786	24,334
	OTHER SUPPORT EQUIPMENT										
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT		5,078		5,078		5,078				5,078
184	PHYSICAL SECURITY SYSTEMS (OPA3)		46,301		46,301		46,301				46,301
185	BASE LEVEL COMMON EQUIPMENT		1,373		1,373		1,373				1,373
186	MODIFICATION OF IN-SVC EQUIPMENT (OPA–3)	248	59,141	248	59,141	248	59,141			248	59,141
187	PRODUCTION BASE SUPPORT (OTH)		2,446		2,446		2,446				2,446
188	SPECIAL EQUIPMENT FOR USER TESTING	206	12,920	206	12,920	206	12,920			206	12,920
189	AMC CRITICAL ITEMS OPA3	1,141	19,180	1,141	19,180	1,141	19,180			1,141	19,180
190	TRACTOR YARD		7,368		7,368		7,368				7,368
191	UNMANNED GROUND VEHICLE	311	83,937	311	83,937	311	71,937			311	83,937
	Transfer to PE 0604641A at Army request						[–12,000]				
	OPA2										
193	INITIAL SPARES—C&E	34	64,507	34	64,507	34	64,507			34	64,507
	PRIOR YEAR SAVINGS										
	UNDISTRIBUTED										
194	EMERGENCY MANAGEMENT MODERNIZATION PROGRAM								52,000		52,000
	Army requested transfer from Operation and Maintenance, Army, line 100.								[52,000]		
	TOTAL OTHER PROCUREMENT, ARMY	**94,966**	**6,326,245**	**94,966**	**6,246,245**	**94,966**	**6,307,033**		**–174,212**	**94,966**	**6,152,033**
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND										

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	STAFF AND INFRASTRUCTURE										
004	OPERATIONS		227,414						–227,414		0
	Transfer of funds to title 15				[–227,414]		[–227,414]		[–227,414]		
	TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		**227,414**						**–227,414**		**0**
	AIRCRAFT PROCUREMENT, NAVY										
	COMBAT AIRCRAFT										
001	EA–18G	12	1,027,443	12	997,443	12	1,027,443		–13,000	12	1,014,443
	Cost growth-CFE electronics, non-recurring costs				[–30,000]						
	Engine cost growth								[–13,000]		
002	ADVANCE PROCUREMENT (CY)				45,000				45,000		45,000
	Program increase				[45,000]				[45,000]		
003	F/A–18E/F (FIGHTER) HORNET	26	2,035,131	26	1,989,131	26	2,035,131		–18,000	26	2,017,131
	Cost growth-CFE electronics, support costs				[–46,000]						
	Engine cost growth								[–12,000]		
	Engineering Change Order excess funding								[–6,000]		
004	ADVANCE PROCUREMENT (CY)		30,296		30,296		90,296				30,296
	Retain option for additional FY 14 aircraft						[60,000]				
005	JOINT STRIKE FIGHTER CV	4	1,007,632	4	1,007,632	4	1,007,632		–18,800	4	988,832
	Excessive weapon system unit cost increase								[–18,800]		
006	ADVANCE PROCUREMENT (CY)		65,180		65,180		65,180				65,180
007	JSF STOVL	6	1,404,737	6	1,404,737	6	1,404,737		–58,800	6	1,345,937
	Excessive weapon system unit cost increase								[–58,800]		
008	ADVANCE PROCUREMENT (CY)		106,199		106,199		106,199				106,199
009	V–22 (MEDIUM LIFT)	17	1,303,120	17	1,303,120	17	1,303,120		–11,740	17	1,291,380
	Flyaway unit cost savings								[–11,740]		
010	ADVANCE PROCUREMENT (CY)		154,202		154,202		154,202				154,202
011	H–1 UPGRADES (UH–1Y/AH–1Z)	27	720,933	27	720,933	27	720,933			27	720,933
012	ADVANCE PROCUREMENT (CY)		69,658		69,658		69,658				69,658
013	MH–60S (MYP)	18	384,792	18	384,792	18	384,792			18	384,792
014	ADVANCE PROCUREMENT (CY)		69,277		69,277		69,277				69,277
015	MH–60R (MYP)	19	656,866	24	826,866	19	656,866		170,000	19	826,866
	Cruiser Retention—Restore 5 helicopters			[5]	[170,000]				[170,000]		
016	ADVANCE PROCUREMENT (CY)		185,896		185,896		185,896				185,896
017	P–8A POSEIDON	13	2,420,755	13	2,420,755	13	2,420,755		–33,703	13	2,387,052
	Excess to need								[–33,703]		
018	ADVANCE PROCUREMENT (CY)		325,679		325,679		325,679				325,679
019	E–2D ADV HAWKEYE	5	861,498	5	861,498	5	861,498			5	861,498
020	ADVANCE PROCUREMENT (CY)		123,179		123,179		123,179				123,179
	TRAINER AIRCRAFT										
022	JPATS	33	278,884	33	278,884	33	278,884		–10,100	33	268,784
	Airframe cost growth								[–10,100]		
	OTHER AIRCRAFT										
023	KC–130J		3,000		3,000		3,000				3,000
024	ADVANCE PROCUREMENT (CY)		22,995		22,995		22,995				22,995
025	ADVANCE PROCUREMENT (CY)—RQ–4 UAV		51,124		51,124		51,124				51,124
026	MQ–8 UAV	6	124,573	6	124,573	6	124,573			6	124,573
027	STUASLO UAV	5	9,593	5	9,593	5	9,593			5	9,593
	MODIFICATION OF AIRCRAFT										
028	EA–6 SERIES		30,062		30,062		30,062				30,062
029	AEA SYSTEMS		49,999		49,999		49,999				49,999
030	AV–8 SERIES		38,703		38,703		38,703				38,703
031	ADVERSARY		4,289		4,289		4,289				4,289
032	F–18 SERIES		647,306		647,306		647,306		–8,000		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		2,343				2,343
034	AH–1W SERIES		8,721		8,721		8,721				8,721
035	H–53 SERIES		45,567		45,567		45,567		–3,200		42,367
	Other Support cost growth								[–3,200]		
036	SH–60 SERIES		83,527		83,527		83,527				83,527
037	H–1 SERIES		6,508		6,508		6,508				6,508
038	EP–3 SERIES		66,374		66,374		66,374				66,374
039	P–3 SERIES		148,405		148,405		148,405				148,405
040	E–2 SERIES		16,322		16,322		16,322				16,322
041	TRAINER A/C SERIES		34,284		34,284		34,284				34,284
042	C–2A		4,743		4,743		4,743				4,743
043	C–130 SERIES		60,302		60,302		60,302				60,302
044	FEWSG		670		670		670				670
045	CARGO/TRANSPORT A/C SERIES		26,311		26,311		26,311				26,311
046	E–6 SERIES		158,332		158,332		158,332		–2,490		155,842
	SLEP kit installation cost growth (OSIP 003–07)								[–2,490]		
047	EXECUTIVE HELICOPTERS SERIES		58,163		58,163		58,163				58,163
048	SPECIAL PROJECT AIRCRAFT		12,421		12,421		12,421				12,421
049	T–45 SERIES		64,488		64,488		64,488		–5,000		59,488
	Avionics Obsolescence kit cost growth								[–2,000]		
	Synthetic Radar kit cost growth								[–3,000]		
050	POWER PLANT CHANGES		21,569		21,569		21,569				21,569
051	JPATS SERIES		1,552		1,552		1,552				1,552
052	AVIATION LIFE SUPPORT MODS		2,473		2,473		2,473				2,473

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
053	COMMON ECM EQUIPMENT		114,690		114,690		114,690				114,690
054	COMMON AVIONICS CHANGES		96,183		96,183		96,183				96,183
056	ID SYSTEMS		39,846		39,846		39,846				39,846
057	P–8 SERIES		5,302		5,302		5,302				5,302
058	MAGTF EW FOR AVIATION		34,127		34,127		34,127				34,127
059	RQ–7 SERIES		49,324		49,324		49,324				49,324
060	V–22 (TILT/ROTOR ACFT) OSPREY		95,856		95,856		95,856				95,856
	AIRCRAFT SPARES AND REPAIR PARTS										
061	SPARES AND REPAIR PARTS		1,166,430		1,126,430		1,166,430		–34,000		1,132,430
	Spares cost growth- F–35C, F–35B, E–2D				[–40,000]				[–34,000]		
	AIRCRAFT SUPPORT EQUIP & FACILITIES										
062	COMMON GROUND EQUIPMENT		387,195		387,195		387,195				387,195
063	AIRCRAFT INDUSTRIAL FACILITIES		23,469		23,469		23,469				23,469
064	WAR CONSUMABLES		43,383		43,383		43,383				43,383
065	OTHER PRODUCTION CHARGES		3,399		3,399		3,399				3,399
066	SPECIAL SUPPORT EQUIPMENT		32,274		32,274		32,274				32,274
067	FIRST DESTINATION TRANSPORTATION		1,742		1,742		1,742				1,742
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**191**	**17,129,296**	**196**	**17,228,296**	**191**	**17,189,296**		**–1,833**	**191**	**17,127,463**
	WEAPONS PROCUREMENT, NAVY										
	MODIFICATION OF MISSILES										
001	TRIDENT II MODS		1,224,683		1,224,683		1,224,683		–10,000		1,214,683
	Tooling, test/support equipment growth								[–10,000]		
	SUPPORT EQUIPMENT & FACILITIES										
002	MISSILE INDUSTRIAL FACILITIES		5,553		5,553		5,553				5,553
	STRATEGIC MISSILES										
003	TOMAHAWK	196	308,970	196	308,970	196	308,970		–10,000	196	298,970
	Contract Savings								[–10,000]		
	TACTICAL MISSILES										
004	AMRAAM	67	102,683	67	109,983	67	102,683		–5,293	67	97,390
	Captive air training missile cost growth								[–5,293]		
	Program decrease				[–2,700]						
	Program increase				[10,000]						
005	SIDEWINDER	150	80,226	150	80,226	150	80,226		–5,959	150	74,267
	All Up Round Missile Cost Growth								[–3,847]		
	Captive Air Training Missile Cost Growth								[–2,112]		
006	JSOW	280	127,609	280	135,109	280	127,609			280	127,609
	Program decrease				[–2,700]						
	Program increase				[10,200]						
007	STANDARD MISSILE	94	399,482	94	399,482	94	399,482			94	399,482
008	RAM	62	66,769	62	66,769	62	66,769			62	66,769
009	HELLFIRE	998	74,501	998	87,301	998	74,501			998	74,501
	Program decrease				[–4,600]						
	Program increase				[17,400]						
011	AERIAL TARGETS		61,518		61,518		61,518				61,518
012	OTHER MISSILE SUPPORT		3,585		3,585		3,585				3,585
	MODIFICATION OF MISSILES										
013	ESSM	37	58,194	37	58,194	37	58,194			37	58,194
014	HARM MODS	100	86,721	100	86,721	100	86,721			100	86,721
	SUPPORT EQUIPMENT & FACILITIES										
016	WEAPONS INDUSTRIAL FACILITIES		2,014		2,014		2,014				2,014
017	FLEET SATELLITE COMM FOLLOW-ON		21,454		21,454		21,454				21,454
	ORDNANCE SUPPORT EQUIPMENT										
018	ORDNANCE SUPPORT EQUIPMENT		54,945		54,945		54,945				54,945
	TORPEDOES AND RELATED EQUIP										
019	SSTD		2,700		2,700		2,700				2,700
020	ASW TARGETS		10,385		10,385		10,385				10,385
	MOD OF TORPEDOES AND RELATED EQUIP										
021	MK–54 TORPEDO MODS	75	74,487	75	74,487	75	74,487			75	74,487
022	MK–48 TORPEDO ADCAP MODS	94	54,281	94	54,281	94	54,281			94	54,281
023	QUICKSTRIKE MINE		6,852		6,852		6,852				6,852
	SUPPORT EQUIPMENT										
024	TORPEDO SUPPORT EQUIPMENT		46,402		46,402		46,402				46,402
025	ASW RANGE SUPPORT		11,927		11,927		11,927				11,927
	DESTINATION TRANSPORTATION										
026	FIRST DESTINATION TRANSPORTATION		3,614		3,614		3,614				3,614
	GUNS AND GUN MOUNTS										
027	SMALL ARMS AND WEAPONS		12,594		12,594		12,594				12,594
	MODIFICATION OF GUNS AND GUN MOUNTS										
028	CIWS MODS		59,303		59,303		67,003		7,700		67,003
	Buy additional ordnance alteration kits						[7,700]		[7,700]		
029	COAST GUARD WEAPONS		19,072		19,072		19,072				19,072
030	GUN MOUNT MODS		54,706		54,706		54,706				54,706
031	CRUISER MODERNIZATION WEAPONS		1,591		19,622		1,591		18,031		19,622
	Cruiser retention—5″/62 Upgrade				[18,031]				[18,031]		
032	AIRBORNE MINE NEUTRALIZATION SYSTEMS		20,607		20,607		20,607				20,607
	SPARES AND REPAIR PARTS										
034	SPARES AND REPAIR PARTS		60,150		60,150		60,150				60,150
	TOTAL WEAPONS PROCUREMENT, NAVY	**2,153**	**3,117,578**	**2,153**	**3,163,209**	**2,153**	**3,125,278**		**–5,521**	**2,153**	**3,112,057**

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	SHIPBUILDING & CONVERSION, NAVY										
	OTHER WARSHIPS										
001	CARRIER REPLACEMENT PROGRAM	1	608,195	1	608,195	1	608,195		–2,900	1	605,295
	SEWIP block 2 growth								[–2,900]		
003	VIRGINIA CLASS SUBMARINE	2	3,217,601	2	3,217,601	2	3,217,601			2	3,217,601
004	ADVANCE PROCUREMENT (CY)		874,878		1,652,878		1,652,557		777,679		1,652,557
	Advance procurement for 2nd SSN in FY 14				[778,000]		[777,679]		[777,679]		
005	CVN REFUELING OVERHAULS	1	1,613,392	1	1,613,392	1	1,613,392		–96,100	1	1,517,292
	Program decrease								[–96,100]		
006	ADVANCE PROCUREMENT (CY)		70,010		70,010		70,010				70,010
008	DDG 1000		669,222		669,222		669,222				669,222
009	DDG–51	2	3,048,658	2	3,048,658	2	3,048,658			2	3,048,658
010	ADVANCE PROCUREMENT (CY)		466,283		581,283		466,283				466,283
	Advance procurement				[115,000]						
011	LITTORAL COMBAT SHIP	4	1,784,959	4	1,784,959	4	1,784,959			4	1,784,959
	AMPHIBIOUS SHIPS										
015	JOINT HIGH SPEED VESSEL	1	189,196	1	189,196	1	189,196			1	189,196
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST										
017	ADVANCE PROCUREMENT (CY)		307,300		307,300		307,300				307,300
018	OUTFITTING		309,648		309,648		309,648				309,648
020	LCAC SLEP	2	47,930	2	47,930	2	47,930			2	47,930
021	COMPLETION OF PY SHIPBUILDING PROGRAMS		372,573		372,573		372,573				372,573
	TOTAL SHIPBUILDING & CONVERSION, NAVY	**13**	**13,579,845**	**13**	**14,472,845**	**13**	**14,357,524**		**678,679**	**13**	**14,258,524**
	PROCUREMENT OF AMMO, NAVY & MC										
	NAVY AMMUNITION										
001	GENERAL PURPOSE BOMBS		27,024		27,024		27,024				27,024
002	AIRBORNE ROCKETS, ALL TYPES		56,575		56,575		56,575				56,575
003	MACHINE GUN AMMUNITION		21,266		21,266		21,266				21,266
004	PRACTICE BOMBS		34,319		34,319		34,319				34,319
005	CARTRIDGES & CART ACTUATED DEVICES		53,755		53,755		53,755				53,755
006	AIR EXPENDABLE COUNTERMEASURES		61,693		61,693		61,693		–1,000		60,693
	ALE–55 cost growth								[–1,000]		
007	JATOS		2,776		2,776		2,776				2,776
008	LRLAP 6″ LONG RANGE ATTACK PROJECTILE		7,102		7,102		7,102				7,102
009	5 INCH/54 GUN AMMUNITION		48,320		48,320		48,320				48,320
010	INTERMEDIATE CALIBER GUN AMMUNITION		25,544		25,544		25,544				25,544
011	OTHER SHIP GUN AMMUNITION		41,624		41,624		41,624		–2,740		38,884
	30MM x 173 linked cartridge contract delay								[–2,740]		
012	SMALL ARMS & LANDING PARTY AMMO		65,893		65,893		65,893		–646		65,247
	M18A1 mine cost growth								[–646]		
013	PYROTECHNIC AND DEMOLITION		11,176		11,176		11,176				11,176
014	AMMUNITION LESS THAN $5 MILLION		4,116		4,116		4,116				4,116
	MARINE CORPS AMMUNITION										
015	SMALL ARMS AMMUNITION		83,733		83,733		83,733				83,733
016	LINEAR CHARGES, ALL TYPES		24,645		24,645		24,645				24,645
017	40 MM, ALL TYPES		16,201		16,201		16,201				16,201
019	81MM, ALL TYPES		13,711		3,711		3,711		–10,000		3,711
	Excess to need				[–10,000]		[–10,000]		[–10,000]		
020	120MM, ALL TYPES		12,557		12,557		12,557				12,557
022	GRENADES, ALL TYPES		7,634		7,134		7,134		–500		7,134
	Excess to need				[–500]		[–500]		[–500]		
023	ROCKETS, ALL TYPES		27,528		27,528		27,528				27,528
024	ARTILLERY, ALL TYPES		93,065		93,065		93,065		–16,606		76,459
	Prior year funds available								[–16,606]		
025	DEMOLITION MUNITIONS, ALL TYPES		2,047				47		–2,047		0
	Excess to need				[–2,047]		[–2,000]		[–2,047]		
026	FUZE, ALL TYPES		5,297		5,297		5,297				5,297
027	NON LETHALS		1,362		1,362		1,362				1,362
028	AMMO MODERNIZATION		4,566		4,566		4,566				4,566
029	ITEMS LESS THAN $5 MILLION		6,010		6,010		6,010				6,010
	PRIOR YEAR SAVINGS										
029B	PRIOR YEAR SAVINGS						–88,300				0
	Ammunition change in requirements						[–88,300]				
	TOTAL PROCUREMENT OF AMMO, NAVY & MC		**759,539**		**746,992**		**658,739**		**–33,539**		**726,000**
	OTHER PROCUREMENT, NAVY										
	SHIP PROPULSION EQUIPMENT										
001	LM–2500 GAS TURBINE		10,658		10,658		10,658				10,658
002	ALLISON 501K GAS TURBINE		8,469		8,469		8,469				8,469
	NAVIGATION EQUIPMENT										
003	OTHER NAVIGATION EQUIPMENT		23,392		23,392		23,392				23,392
	PERISCOPES										
004	SUB PERISCOPES & IMAGING EQUIP		53,809		53,809		53,809				53,809
	OTHER SHIPBOARD EQUIPMENT										
005	DDG MOD		452,371		452,371		452,371				452,371
006	FIREFIGHTING EQUIPMENT		16,958		16,958		16,958				16,958
007	COMMAND AND CONTROL SWITCHBOARD		2,492		2,492		2,492				2,492
008	POLLUTION CONTROL EQUIPMENT		20,707		20,707		20,707				20,707
009	SUBMARINE SUPPORT EQUIPMENT		12,046		12,046		12,046				12,046

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
010	VIRGINIA CLASS SUPPORT EQUIPMENT		79,870		79,870		79,870				79,870
011	LCS CLASS SUPPORT EQUIPMENT		19,865		19,865		19,865				19,865
012	SUBMARINE BATTERIES		41,522		41,522		41,522				41,522
013	LPD CLASS SUPPORT EQUIPMENT		30,543		30,543		30,543				30,543
014	STRATEGIC PLATFORM SUPPORT EQUIP		16,257		16,257		16,257				16,257
015	DSSP EQUIPMENT		3,630		3,630		3,630				3,630
016	CG MODERNIZATION		101,000		184,972		101,000		83,972		184,972
	Cruiser retention				[83,972]				[83,972]		
017	LCAC		16,645		16,645		16,645				16,645
018	UNDERWATER EOD PROGRAMS		35,446		35,446		35,446				35,446
019	ITEMS LESS THAN $5 MILLION		65,998		65,998		65,998				65,998
020	CHEMICAL WARFARE DETECTORS		4,359		4,359		4,359				4,359
021	SUBMARINE LIFE SUPPORT SYSTEM		10,218		10,218		10,218				10,218
	REACTOR PLANT EQUIPMENT										
022	REACTOR POWER UNITS		286,859		286,859		286,859				286,859
023	REACTOR COMPONENTS		278,503		278,503		278,503				278,503
	OCEAN ENGINEERING										
024	DIVING AND SALVAGE EQUIPMENT		8,998		8,998		8,998				8,998
	SMALL BOATS										
025	STANDARD BOATS		30,131		30,131		30,131				30,131
	TRAINING EQUIPMENT										
026	OTHER SHIPS TRAINING EQUIPMENT		29,772		29,772		29,772				29,772
	PRODUCTION FACILITIES EQUIPMENT										
027	OPERATING FORCES IPE		64,346		64,346		64,346				64,346
	OTHER SHIP SUPPORT										
028	NUCLEAR ALTERATIONS		154,652		154,652		154,652				154,652
029	LCS COMMON MISSION MODULES EQUIPMENT		31,319		31,319		31,319				31,319
030	LCS MCM MISSION MODULES		38,392		38,392		38,392				38,392
031	LCS SUW MISSION MODULES		32,897		32,897		32,897				32,897
	LOGISTIC SUPPORT										
032	LSD MIDLIFE		49,758		49,758		49,758				49,758
	SHIP SONARS										
034	SPQ–9B RADAR		19,777		19,777		19,777				19,777
035	AN/SQQ–89 SURF ASW COMBAT SYSTEM		89,201		89,201		89,201				89,201
036	SSN ACOUSTICS		190,874		190,874		190,874				190,874
037	UNDERSEA WARFARE SUPPORT EQUIPMENT		17,035		17,035		17,035				17,035
038	SONAR SWITCHES AND TRANSDUCERS		13,410		13,410		13,410				13,410
	ASW ELECTRONIC EQUIPMENT										
040	SUBMARINE ACOUSTIC WARFARE SYSTEM		21,489		21,489		21,489		–1,957		19,532
	Contract award delays for launch tube and MK3								[–1,957]		
041	SSTD		10,716		10,716		10,716				10,716
042	FIXED SURVEILLANCE SYSTEM		98,896		98,896		98,896				98,896
043	SURTASS		2,774		2,774		2,774				2,774
044	MARITIME PATROL AND RECONNSAISANCE FORCE		18,428		18,428		18,428				18,428
	ELECTRONIC WARFARE EQUIPMENT										
045	AN/SLQ–32		92,270		92,270		92,270				92,270
	RECONNAISSANCE EQUIPMENT										
046	SHIPBOARD IW EXPLOIT		107,060		108,185		107,060				107,060
	Cruiser Retention				[1,125]						
047	AUTOMATED IDENTIFICATION SYSTEM (AIS)		914		914		914				914
	SUBMARINE SURVEILLANCE EQUIPMENT										
048	SUBMARINE SUPPORT EQUIPMENT PROG		34,050		34,050		34,050				34,050
	OTHER SHIP ELECTRONIC EQUIPMENT										
049	COOPERATIVE ENGAGEMENT CAPABILITY		27,881		27,881		27,881		–5,690		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		448				448
051	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)		35,732		35,732		35,732				35,732
053	NAVY COMMAND AND CONTROL SYSTEM (NCCS)		9,533		9,533		9,533				9,533
054	MINESWEEPING SYSTEM REPLACEMENT		60,111		60,111		60,111				60,111
055	SHALLOW WATER MCM		6,950		6,950		6,950				6,950
056	NAVSTAR GPS RECEIVERS (SPACE)		9,089		9,089		9,089				9,089
057	AMERICAN FORCES RADIO AND TV SERVICE		7,768		7,768		7,768				7,768
058	STRATEGIC PLATFORM SUPPORT EQUIP		3,614		3,614		3,614				3,614
	TRAINING EQUIPMENT										
059	OTHER TRAINING EQUIPMENT		42,911		42,911		42,911				42,911
	AVIATION ELECTRONIC EQUIPMENT										
060	MATCALS		5,861		5,861		5,861				5,861
061	SHIPBOARD AIR TRAFFIC CONTROL		8,362		8,362		8,362				8,362
062	AUTOMATIC CARRIER LANDING SYSTEM		15,685		15,685		15,685				15,685
063	NATIONAL AIR SPACE SYSTEM		16,919		16,919		16,919				16,919
064	FLEET AIR TRAFFIC CONTROL SYSTEMS		6,828		6,828		6,828				6,828
065	LANDING SYSTEMS		7,646		7,646		7,646				7,646
066	ID SYSTEMS		35,474		35,474		35,474				35,474
067	NAVAL MISSION PLANNING SYSTEMS		9,958		9,958		9,958				9,958
	OTHER SHORE ELECTRONIC EQUIPMENT										
068	DEPLOYABLE JOINT COMMAND AND CONT		9,064		9,064		9,064				9,064

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
069	MARITIME INTEGRATED BROADCAST SYSTEM		16,026		16,026		16,026				16,026
070	TACTICAL/MOBILE C4I SYSTEMS		11,886		11,886		11,886				11,886
071	DCGS-N		11,887		11,887		11,887				11,887
072	CANES		341,398		344,848		341,398		–20,524		320,874
	Contract delay (DDG–51 class)								[–7,734]		
	Contract delay (LHD–7)								[–8,305]		
	Cruiser Retention				[3,450]						
	Excess ADNS installation (afloat) funding								[–2,070]		
	Excess ADNS installation (ashore) funding								[–2,415]		
073	RADIAC		8,083		8,083		8,083				8,083
074	CANES-INTELL		79,427		79,427		79,427				79,427
075	GPETE		6,083		6,083		6,083				6,083
076	INTEG COMBAT SYSTEM TEST FACILITY		4,495		4,495		4,495				4,495
077	EMI CONTROL INSTRUMENTATION		4,767		4,767		4,767				4,767
078	ITEMS LESS THAN $5 MILLION		81,755		81,755		81,755				81,755
	SHIPBOARD COMMUNICATIONS										
080	SHIP COMMUNICATIONS AUTOMATION		56,870		58,023		56,870				56,870
	Cruiser Retention				[1,153]						
081	MARITIME DOMAIN AWARENESS (MDA)		1,063		1,063		1,063				1,063
082	COMMUNICATIONS ITEMS UNDER $5M		28,522		28,522		28,522				28,522
	SUBMARINE COMMUNICATIONS										
083	SUBMARINE BROADCAST SUPPORT		4,183		4,183		4,183				4,183
084	SUBMARINE COMMUNICATION EQUIPMENT		69,025		69,025		69,025				69,025
	SATELLITE COMMUNICATIONS										
085	SATELLITE COMMUNICATIONS SYSTEMS		49,294		49,294		51,294		2,000		51,294
	SPIDERNet/Spectral Warrior Hardware						[2,000]		[2,000]		
086	NAVY MULTIBAND TERMINAL (NMT)		184,825		186,540		184,825				184,825
	Cruiser Retention				[1,715]						
	SHORE COMMUNICATIONS										
087	JCS COMMUNICATIONS EQUIPMENT		2,180		2,180		2,180				2,180
088	ELECTRICAL POWER SYSTEMS		1,354		1,354		1,354				1,354
	CRYPTOGRAPHIC EQUIPMENT										
090	INFO SYSTEMS SECURITY PROGRAM (ISSP)		144,104		144,104		144,104				144,104
	CRYPTOLOGIC EQUIPMENT										
091	CRYPTOLOGIC COMMUNICATIONS EQUIP		12,604		12,604		12,604				12,604
	OTHER ELECTRONIC SUPPORT										
092	COAST GUARD EQUIPMENT		6,680		6,680		6,680				6,680
	SONOBUOYS										
095	SONOBUOYS—ALL TYPES		104,677		104,677		104,677				104,677
	AIRCRAFT SUPPORT EQUIPMENT										
096	WEAPONS RANGE SUPPORT EQUIPMENT		70,753		70,753		70,753				70,753
097	EXPEDITIONARY AIRFIELDS		8,678		8,678		8,678				8,678
098	AIRCRAFT REARMING EQUIPMENT		11,349		11,349		11,349				11,349
099	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT		82,618		82,618		82,618		–638		81,980
	ADMACS installation cost growth								[–638]		
100	METEOROLOGICAL EQUIPMENT		18,339		18,339		18,339				18,339
101	DCRS/DPL		1,414		1,414		1,414				1,414
102	AVIATION LIFE SUPPORT		40,475		40,475		40,475				40,475
103	AIRBORNE MINE COUNTERMEASURES		61,552		61,552		61,552				61,552
104	LAMPS MK III SHIPBOARD EQUIPMENT		18,771		18,771		18,771				18,771
105	PORTABLE ELECTRONIC MAINTENANCE AIDS		7,954		7,954		7,954				7,954
106	OTHER AVIATION SUPPORT EQUIPMENT		10,023		10,023		10,023				10,023
107	AUTONOMIC LOGISTICS INFORMATION SYSTEM (ALIS)		3,826		3,826		3,826				3,826
	SHIP GUN SYSTEM EQUIPMENT										
108	NAVAL FIRES CONTROL SYSTEM		3,472		3,472		3,472				3,472
109	GUN FIRE CONTROL EQUIPMENT		4,528		4,528		4,528				4,528
	SHIP MISSILE SYSTEMS EQUIPMENT										
110	NATO SEASPARROW		8,960		8,960		8,960				8,960
111	RAM GMLS		1,185		1,185		1,185				1,185
112	SHIP SELF DEFENSE SYSTEM		55,371		55,371		55,371				55,371
113	AEGIS SUPPORT EQUIPMENT		81,614		81,614		81,614				81,614
114	TOMAHAWK SUPPORT EQUIPMENT		77,767		77,767		77,767		–5,500		72,267
	Production support funding growth								[–5,500]		
115	VERTICAL LAUNCH SYSTEMS		754		754		754				754
116	MARITIME INTEGRATED PLANNING SYSTEM-MIPS		4,965		4,965		4,965				4,965
	FBM SUPPORT EQUIPMENT										
117	STRATEGIC MISSILE SYSTEMS EQUIP		181,049		181,049		181,049				181,049
	ASW SUPPORT EQUIPMENT										
118	SSN COMBAT CONTROL SYSTEMS		71,316		71,316		71,316				71,316
119	SUBMARINE ASW SUPPORT EQUIPMENT		4,018		4,018		4,018				4,018
120	SURFACE ASW SUPPORT EQUIPMENT		6,465		6,465		6,465				6,465
121	ASW RANGE SUPPORT EQUIPMENT		47,930		47,930		47,930				47,930
	OTHER ORDNANCE SUPPORT EQUIPMENT										
122	EXPLOSIVE ORDNANCE DISPOSAL EQUIP		3,579		3,579		3,579				3,579
123	ITEMS LESS THAN $5 MILLION		3,125		3,125		3,125				3,125
	OTHER EXPENDABLE ORDNANCE										
124	ANTI-SHIP MISSILE DECOY SYSTEM		31,743		42,981		31,743		–2,000		29,743
	Cruiser Retention				[1,238]						
	Program increase for NULKA decoys				[10,000]						
	Support funding growth								[–2,000]		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
125	SURFACE TRAINING DEVICE MODS		34,174		34,174		34,174				34,174
126	SUBMARINE TRAINING DEVICE MODS		23,450		23,450		23,450				23,450
	CIVIL ENGINEERING SUPPORT EQUIPMENT										
127	PASSENGER CARRYING VEHICLES		7,158		7,158		7,158				7,158
128	GENERAL PURPOSE TRUCKS		3,325		3,325		3,325				3,325
129	CONSTRUCTION & MAINTENANCE EQUIP		8,692		8,692		8,692				8,692
130	FIRE FIGHTING EQUIPMENT		14,533		14,533		14,533				14,533
131	TACTICAL VEHICLES		15,330		15,330		15,330				15,330
132	AMPHIBIOUS EQUIPMENT		10,803		10,803		10,803				10,803
133	POLLUTION CONTROL EQUIPMENT		7,265		7,265		7,265				7,265
134	ITEMS UNDER $5 MILLION		15,252		15,252		15,252				15,252
135	PHYSICAL SECURITY VEHICLES		1,161		1,161		1,161				1,161
	SUPPLY SUPPORT EQUIPMENT										
136	MATERIALS HANDLING EQUIPMENT		15,204		15,204		15,204				15,204
137	OTHER SUPPLY SUPPORT EQUIPMENT		6,330		6,330		6,330				6,330
138	FIRST DESTINATION TRANSPORTATION		6,539		6,539		6,539				6,539
139	SPECIAL PURPOSE SUPPLY SYSTEMS		34,804		34,804		34,804				34,804
	TRAINING DEVICES										
140	TRAINING SUPPORT EQUIPMENT		25,444		25,444		25,444				25,444
	COMMAND SUPPORT EQUIPMENT										
141	COMMAND SUPPORT EQUIPMENT		43,165		43,165		43,165				43,165
142	EDUCATION SUPPORT EQUIPMENT		2,251		2,251		2,251				2,251
143	MEDICAL SUPPORT EQUIPMENT		3,148		3,148		3,148				3,148
146	NAVAL MIP SUPPORT EQUIPMENT		3,502		3,502		3,502				3,502
148	OPERATING FORCES SUPPORT EQUIPMENT		15,696		15,696		15,696				15,696
149	C4ISR EQUIPMENT		4,344		4,344		4,344				4,344
150	ENVIRONMENTAL SUPPORT EQUIPMENT		19,492		19,492		19,492				19,492
151	PHYSICAL SECURITY EQUIPMENT		177,149		177,149		177,149				177,149
152	ENTERPRISE INFORMATION TECHNOLOGY		183,995		183,995		183,995				183,995
	CLASSIFIED PROGRAMS										
152A	CLASSIFIED PROGRAMS		13,063		13,063		13,063				13,063
	SPARES AND REPAIR PARTS										
153	SPARES AND REPAIR PARTS		250,718		250,718		250,718				250,718
	TOTAL OTHER PROCUREMENT, NAVY		**6,169,378**		**6,272,031**		**6,171,378**		**49,663**		**6,219,041**
	PROCUREMENT, MARINE CORPS										
	TRACKED COMBAT VEHICLES										
001	AAV7A1 PIP		16,089		16,089		16,089				16,089
002	LAV PIP		186,216		45,316		46,216		–140,874		45,342
	Budget adjustment per USMC				[–140,900]		[–140,000]		[–140,874]		
	ARTILLERY AND OTHER WEAPONS										
003	EXPEDITIONARY FIRE SUPPORT SYSTEM		2,502		2,502		2,502				2,502
004	155MM LIGHTWEIGHT TOWED HOWITZER		17,913		17,913		17,913				17,913
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM		47,999		47,999		47,999				47,999
006	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION		17,706		17,706		17,706				17,706
	OTHER SUPPORT										
007	MODIFICATION KITS		48,040		48,040		48,040				48,040
008	WEAPONS ENHANCEMENT PROGRAM		4,537		4,537		4,537				4,537
	GUIDED MISSILES										
009	GROUND BASED AIR DEFENSE		11,054		11,054		11,054				11,054
011	FOLLOW ON TO SMAW		19,650		19,650		19,650				19,650
012	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)		20,708		20,708		20,708				20,708
	COMMAND AND CONTROL SYSTEMS										
014	UNIT OPERATIONS CENTER		1,420		1,420		1,420				1,420
	REPAIR AND TEST EQUIPMENT										
015	REPAIR AND TEST EQUIPMENT		25,127		25,127		25,127				25,127
	OTHER SUPPORT (TEL)										
016	COMBAT SUPPORT SYSTEM		25,822		25,822		25,822				25,822
017	MODIFICATION KITS		2,831		2,831		2,831				2,831
	COMMAND AND CONTROL SYSTEM (NON-TEL)										
018	ITEMS UNDER $5 MILLION (COMM & ELEC)		5,498		5,498		5,498				5,498
019	AIR OPERATIONS C2 SYSTEMS		11,290		11,290		11,290				11,290
	RADAR + EQUIPMENT (NON-TEL)										
020	RADAR SYSTEMS		128,079		128,079		128,079				128,079
021	RQ–21 UAS	5	27,619	5	27,619	5	27,619			5	27,619
	INTELL/COMM EQUIPMENT (NON-TEL)										
022	FIRE SUPPORT SYSTEM		7,319		7,319		7,319				7,319
023	INTELLIGENCE SUPPORT EQUIPMENT		7,466		7,466		7,466				7,466
025	RQ–11 UAV		2,318		2,318		2,318				2,318
026	DCGS-MC		18,291		18,291		18,291				18,291
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)										
029	NIGHT VISION EQUIPMENT		48,084		48,084		48,084				48,084
	OTHER SUPPORT (NON-TEL)										
030	COMMON COMPUTER RESOURCES		206,708		206,708		206,708				206,708
031	COMMAND POST SYSTEMS		35,190		35,190		35,190				35,190
032	RADIO SYSTEMS		89,059		89,059		89,059				89,059
033	COMM SWITCHING & CONTROL SYSTEMS		22,500		22,500		22,500				22,500
034	COMM & ELEC INFRASTRUCTURE SUPPORT		42,625		42,625		42,625				42,625
	CLASSIFIED PROGRAMS										
035A	CLASSIFIED PROGRAMS		2,290		2,290		2,290				2,290

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	ADMINISTRATIVE VEHICLES										
035	COMMERCIAL PASSENGER VEHICLES		2,877		2,877		2,877				2,877
036	COMMERCIAL CARGO VEHICLES		13,960		13,960		13,960				13,960
	TACTICAL VEHICLES										
037	5/4T TRUCK HMMWV (MYP)		8,052		8,052		8,052				8,052
038	MOTOR TRANSPORT MODIFICATIONS		50,269		50,269		50,269				50,269
040	LOGISTICS VEHICLE SYSTEM REP	8	37,262	8	37,262	8	37,262			8	37,262
041	FAMILY OF TACTICAL TRAILERS		48,160		48,160		48,160				48,160
	OTHER SUPPORT										
043	ITEMS LESS THAN $5 MILLION		6,705		6,705		6,705				6,705
	ENGINEER AND OTHER EQUIPMENT										
044	ENVIRONMENTAL CONTROL EQUIP ASSORT		13,576		13,576		13,576				13,576
045	BULK LIQUID EQUIPMENT		16,869		16,869		16,869				16,869
046	TACTICAL FUEL SYSTEMS		19,108		19,108		19,108				19,108
047	POWER EQUIPMENT ASSORTED		56,253		56,253		56,253				56,253
048	AMPHIBIOUS SUPPORT EQUIPMENT		13,089		13,089		13,089				13,089
049	EOD SYSTEMS		73,699		73,699		73,699				73,699
	MATERIALS HANDLING EQUIPMENT										
050	PHYSICAL SECURITY EQUIPMENT		3,510		3,510		3,510				3,510
051	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE)		11,490		11,490		11,490				11,490
052	MATERIAL HANDLING EQUIP		20,659		20,659		20,659				20,659
053	FIRST DESTINATION TRANSPORTATION		132		132		132				132
	GENERAL PROPERTY										
054	FIELD MEDICAL EQUIPMENT		31,068		31,068		31,068				31,068
055	TRAINING DEVICES		45,895		45,895		45,895				45,895
056	CONTAINER FAMILY		5,801		5,801		5,801				5,801
057	FAMILY OF CONSTRUCTION EQUIPMENT		23,939		23,939		23,939				23,939
060	RAPID DEPLOYABLE KITCHEN		8,365		8,365		8,365				8,365
	OTHER SUPPORT										
061	ITEMS LESS THAN $5 MILLION		7,077		7,077		7,077				7,077
	SPARES AND REPAIR PARTS										
062	SPARES AND REPAIR PARTS		3,190		3,190		3,190				3,190
	PRIOR YEAR SAVINGS										
062A	PRIOR YEAR SAVINGS						–135,200				0
	LAV procurement acquisition objective change PY						[–135,200]				
	TOTAL PROCUREMENT, MARINE CORPS	**13**	**1,622,955**	**13**	**1,482,055**	**13**	**1,347,755**		**–140,874**	**13**	**1,482,081**
	AIRCRAFT PROCUREMENT, AIR FORCE										
	TACTICAL FORCES										
001	F–35	19	3,124,302	19	3,124,302	19	3,124,302			19	3,124,302
002	ADVANCE PROCUREMENT (CY)		293,400		229,400		293,400				293,400
	Excess advance procurement				[–64,000]						
	OTHER AIRLIFT										
005	C–130J		68,373		68,373		68,373				68,373
007	HC–130J	1	152,212	1	152,212	1	152,212			1	152,212
009	MC–130J	4	374,866	4	374,866	4	374,866			4	374,866
012	C–27J				115,000						0
	C–27J buy-back				[115,000]						
	HELICOPTERS										
015	HH–60 LOSS REPLACEMENT/RECAP		60,596		60,596		60,596				60,596
017	CV–22 (MYP)	4	294,220	4	294,220	4	294,220			4	294,220
018	ADVANCE PROCUREMENT (CY)		15,000		15,000		15,000				15,000
	MISSION SUPPORT AIRCRAFT										
019	CIVIL AIR PATROL A/C	5	2,498	5	2,498	5	2,498			5	2,498
	OTHER AIRCRAFT										
024	TARGET DRONES	15	129,866	15	129,866	15	129,866			15	129,866
026	RQ–4		75,000		180,200		75,000		105,200		180,200
	Sustain current force structure				[105,200]				[105,200]		
028	AC–130J	2	163,970	2	163,970	2	163,970			2	163,970
030	MQ–9	24	553,530	36	712,430	24	553,530	12	155,000	36	708,530
	Additional aircraft			[12]	[158,900]			[12]	[155,000]		
031	RQ–4 BLOCK 40 PROC		11,654		11,654		11,654				11,654
	STRATEGIC AIRCRAFT										
032	B–2A		82,296		82,296		82,296				82,296
033	B–1B		149,756		149,756		149,756				149,756
034	B–52		9,781		9,781		9,781				9,781
035	LARGE AIRCRAFT INFRARED COUNTERMEASURES		28,800		28,800		28,800				28,800
	TACTICAL AIRCRAFT										
036	A–10		89,919		89,919		89,919		84,000		173,919
	Retain A–10 force structure								[84,000]		
037	F–15		148,378		148,378		148,378				148,378
038	F–16		6,896		6,896		6,896				6,896
039	F–22A		283,871		283,871		283,871				283,871
040	F–35 MODIFICATIONS		147,995		147,995		147,995				147,995
	AIRLIFT AIRCRAFT										
041	C–5		6,967		6,967		6,967				6,967
043	C–5M		944,819		944,819		944,819		–65,000		879,819
	Inflation adjustment and installation efficiencies								[–65,000]		
044	ADVANCE PROCUREMENT (CY)		175,800		175,800		175,800				175,800
046	C–17A		205,079		205,079		205,079				205,079

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
047	C–21		199		199		199				199
048	C–32A		1,750		1,750		1,750				1,750
049	C–37A		445		445		445				445
	TRAINER AIRCRAFT										
051	GLIDER MODS		126		126		126				126
052	T–6		15,494		15,494		15,494				15,494
053	T–1		272		272		272				272
054	T–38		20,455		20,455		20,455				20,455
	OTHER AIRCRAFT										
056	U–2 MODS		44,477		44,477		44,477				44,477
057	KC–10A (ATCA)		46,921		46,921		46,921				46,921
058	C–12		1,876		1,876		1,876				1,876
059	MC–12W		17,054		17,054		17,054				17,054
060	C–20 MODS		243		243		243				243
061	VC–25A MOD		11,185		11,185		11,185				11,185
062	C–40		243		243		243				243
063	C–130		67,853		67,853		67,853				67,853
065	C–130J MODS		70,555		70,555		70,555				70,555
066	C–135		46,707		46,707		46,707				46,707
067	COMPASS CALL MODS		50,024		50,024		50,024				50,024
068	RC–135		165,237		165,237		165,237				165,237
069	E–3		193,099		193,099		193,099				193,099
070	E–4		47,616		47,616		47,616				47,616
071	E–8		59,320		59,320		71,320				59,320
	Restart production line for the JSTARS re-engining program.						[12,000]				
072	H–1		5,449		5,449		5,449				5,449
073	H–60		26,227		26,227		26,227				26,227
074	RQ–4 MODS		9,257		9,257		9,257				9,257
075	HC/MC–130 MODIFICATIONS		22,326		22,326		22,326				22,326
076	OTHER AIRCRAFT		18,832		18,832		18,832				18,832
077	MQ–1 MODS		30,861		30,861		30,861				30,861
078	MQ–9 MODS		238,360		238,360		238,360				238,360
079	MQ–9 UAS PAYLOADS		93,461		93,461		93,461				93,461
080	CV–22 MODS		23,881		23,881		23,881				23,881
	AIRCRAFT SPARES AND REPAIR PARTS										
081	INITIAL SPARES/REPAIR PARTS		729,691		728,291		729,691				729,691
	Premature request for deployment spares packages for F–35.				[–23,000]						
	Support additional MQ–9 aircraft				[21,600]						
	COMMON SUPPORT EQUIPMENT										
082	AIRCRAFT REPLACEMENT SUPPORT EQUIP		56,542		56,542		56,542				56,542
	POST PRODUCTION SUPPORT										
083	A–10		5,100		5,100		5,100				5,100
084	B–1		965		965		965				965
086	B–2A		47,580		47,580		47,580				47,580
088	KC–10A (ATCA)		13,100		13,100		13,100				13,100
089	C–17A		181,703		181,703		181,703				181,703
090	C–130		31,830		31,830		31,830				31,830
091	C–135		13,434		13,434		13,434				13,434
092	F–15		2,363		2,363		2,363				2,363
093	F–16		8,506		8,506		8,506		–2,600		5,906
	Production line shutdown—excess to need								[–2,600]		
096	OTHER AIRCRAFT		9,522		9,522		9,522				9,522
	INDUSTRIAL PREPAREDNESS										
097	INDUSTRIAL RESPONSIVENESS		20,731		20,731		20,731				20,731
	WAR CONSUMABLES										
098	WAR CONSUMABLES		89,727		89,727		89,727				89,727
	OTHER PRODUCTION CHARGES										
099	OTHER PRODUCTION CHARGES		842,392		842,392		842,392				842,392
	CLASSIFIED PROGRAMS										
103A	CLASSIFIED PROGRAMS		20,164		20,164		20,164				20,164
	PRIOR YEAR SAVINGS										
103B	PRIOR YEAR SAVINGS						–920,748				0
	C–130 AMP cancellation						[–207,163]				
	Common vertical lift support platform (CVLSP) cancellation.						[–52,800]				
	Light attack armed reconnaissance (LAAR) cancellation.						[–115,049]				
	Light mobiilty aircraft cancellation						[–65,296]				
	RQ–4 Global Hawk Block 30 cancellation						[–480,440]				
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE	**74**	**11,002,999**	**86**	**11,316,699**	**74**	**10,094,251**	**12**	**276,600**	**86**	**11,279,599**
	PROCUREMENT OF AMMUNITION, AIR FORCE										
	ROCKETS										
001	ROCKETS		8,927		8,927		8,927				8,927
	CARTRIDGES										
002	CARTRIDGES		118,075		118,075		118,075				118,075
	BOMBS										
003	PRACTICE BOMBS		32,393		32,393		32,393				32,393

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
004	GENERAL PURPOSE BOMBS		163,467		163,467		163,467				163,467
005	JOINT DIRECT ATTACK MUNITION	3,259	101,921	3,259	101,921	3,259	101,921			3,259	101,921
	FLARE, IR MJU–7B										
006	CAD/PAD		43,829		43,829		43,829				43,829
007	EXPLOSIVE ORDNANCE DISPOSAL (EOD)		7,515		7,515		7,515				7,515
008	SPARES AND REPAIR PARTS		1,003		1,003		1,003				1,003
009	MODIFICATIONS		5,321		5,321		5,321				5,321
010	ITEMS LESS THAN $5 MILLION		5,066		5,066		5,066				5,066
	FUZES										
011	FLARES		46,010		46,010		46,010				46,010
012	FUZES		36,444		36,444		36,444				36,444
	SMALL ARMS										
013	SMALL ARMS		29,223		29,223		29,223				29,223
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	**3,259**	**599,194**	**3,259**	**599,194**	**3,259**	**599,194**			**3,259**	**599,194**
	MISSILE PROCUREMENT, AIR FORCE										
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC										
001	MISSILE REPLACEMENT EQ-BALLISTIC		56,906		56,906		56,906				56,906
	TACTICAL										
002	JASSM	157	240,399	157	240,399	157	240,399			157	240,399
003	SIDEWINDER (AIM–9X)	164	88,020	164	88,020	164	88,020			164	88,020
004	AMRAAM	113	229,637	113	244,637	113	229,637		–22,700	113	206,937
	Missile unit cost adjustment								[–22,700]		
	Program increase				[15,000]						
005	PREDATOR HELLFIRE MISSILE	413	47,675	413	47,675	413	47,675			413	47,675
006	SMALL DIAMETER BOMB	144	42,000	144	42,000	144	42,000			144	42,000
	INDUSTRIAL FACILITIES										
007	INDUSTR'L PREPAREDNS/POL PREVENTION		744		744		744				744
	CLASS IV										
009	MM III MODIFICATIONS		54,794		54,794		54,794				54,794
010	AGM–65D MAVERICK		271		271		271				271
011	AGM–88A HARM		23,240		23,240		23,240				23,240
012	AIR LAUNCH CRUISE MISSILE (ALCM)		13,620		13,620		13,620				13,620
013	SMALL DIAMETER BOMB		5,000		5,000		5,000				5,000
	MISSILE SPARES AND REPAIR PARTS										
014	INITIAL SPARES/REPAIR PARTS		74,373		74,373		74,373				74,373
	SPACE PROGRAMS										
015	ADVANCED EHF		557,205		557,205		557,205		–10,000		547,205
	Schedule Delay Due to Late AP Award								[–10,000]		
017	WIDEBAND GAPFILLER SATELLITES(SPACE)		36,835		36,835		36,835				36,835
019	GPS III SPACE SEGMENT	2	410,294	2	410,294	2	410,294			2	410,294
020	ADVANCE PROCUREMENT (CY)		82,616		82,616		82,616				82,616
021	SPACEBORNE EQUIP (COMSEC)		10,554		10,554		10,554				10,554
022	GLOBAL POSITIONING (SPACE)		58,147		58,147		58,147				58,147
023	DEF METEOROLOGICAL SAT PROG(SPACE)		89,022		89,022		89,022				89,022
024	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	4	1,679,856	4	1,679,856	4	1,679,856			4	1,679,856
025	SBIR HIGH (SPACE)	2	454,251	2	454,251	2	454,251			2	454,251
	SPECIAL PROGRAMS										
030	SPECIAL UPDATE PROGRAMS		138,904		138,904		138,904				138,904
	CLASSIFIED PROGRAMS										
030A	CLASSIFIED PROGRAMS		1,097,483		1,097,483		1,097,483				1,097,483
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**999**	**5,491,846**	**999**	**5,506,846**	**999**	**5,491,846**		**–32,700**	**999**	**5,459,146**
	OTHER PROCUREMENT, AIR FORCE										
	PASSENGER CARRYING VEHICLES										
001	PASSENGER CARRYING VEHICLES		1,905		1,905		1,905				1,905
	CARGO AND UTILITY VEHICLES										
002	MEDIUM TACTICAL VEHICLE		18,547		18,547		18,547				18,547
003	CAP VEHICLES		932		932		932				932
004	ITEMS LESS THAN $5 MILLION		1,699		1,699		1,699				1,699
	SPECIAL PURPOSE VEHICLES										
005	SECURITY AND TACTICAL VEHICLES		10,850		10,850		10,850				10,850
006	ITEMS LESS THAN $5 MILLION		9,246		9,246		9,246				9,246
	FIRE FIGHTING EQUIPMENT										
007	FIRE FIGHTING/CRASH RESCUE VEHICLES		23,148		23,148		23,148				23,148
	MATERIALS HANDLING EQUIPMENT										
008	ITEMS LESS THAN $5 MILLION		18,323		18,323		18,323				18,323
	BASE MAINTENANCE SUPPORT										
009	RUNWAY SNOW REMOV AND CLEANING EQU		1,685		1,685		1,685				1,685
010	ITEMS LESS THAN $5 MILLION		17,014		17,014		17,014				17,014
	COMM SECURITY EQUIPMENT(COMSEC)										
012	COMSEC EQUIPMENT		166,559		166,559		166,559				166,559
013	MODIFICATIONS (COMSEC)		1,133		1,133		1,133				1,133
	INTELLIGENCE PROGRAMS										
014	INTELLIGENCE TRAINING EQUIPMENT		2,749		2,749		2,749				2,749
015	INTELLIGENCE COMM EQUIPMENT		32,876		32,876		32,876				32,876
016	ADVANCE TECH SENSORS		877		877		877				877
017	MISSION PLANNING SYSTEMS		15,295		15,295		15,295				15,295
	ELECTRONICS PROGRAMS										
018	AIR TRAFFIC CONTROL & LANDING SYS		21,984		21,984		21,984				21,984

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
019	NATIONAL AIRSPACE SYSTEM		30,698		30,698		30,698				30,698
020	BATTLE CONTROL SYSTEM—FIXED		17,368		17,368		17,368				17,368
021	THEATER AIR CONTROL SYS IMPROVEMENTS		23,483		23,483		23,483				23,483
022	WEATHER OBSERVATION FORECAST		17,864		17,864		17,864				17,864
023	STRATEGIC COMMAND AND CONTROL		53,995		53,995		53,995		–19,000		34,995
	Early to need								[–19,000]		
024	CHEYENNE MOUNTAIN COMPLEX		14,578		14,578		14,578				14,578
025	TAC SIGINT SPT		208		208		208				208
	SPCL COMM-ELECTRONICS PROJECTS										
027	GENERAL INFORMATION TECHNOLOGY		69,743		69,743		69,743				69,743
028	AF GLOBAL COMMAND & CONTROL SYS		15,829		15,829		15,829		47,200		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		11,023				11,023
030	AIR FORCE PHYSICAL SECURITY SYSTEM		64,521		64,521		64,521				64,521
031	COMBAT TRAINING RANGES		18,217		18,217		18,217				18,217
032	C3 COUNTERMEASURES		11,899		11,899		11,899				11,899
033	GCSS-AF FOS		13,920		13,920		13,920				13,920
034	THEATER BATTLE MGT C2 SYSTEM		9,365		9,365		9,365				9,365
035	AIR & SPACE OPERATIONS CTR-WPN SYS		33,907		33,907		33,907				33,907
	AIR FORCE COMMUNICATIONS										
036	INFORMATION TRANSPORT SYSTEMS		52,464		52,464		52,464				52,464
038	AFNET		125,788		125,788		125,788				125,788
039	VOICE SYSTEMS		16,811		16,811		16,811				16,811
040	USCENTCOM		32,138		32,138		32,138				32,138
	DISA PROGRAMS										
041	SPACE BASED IR SENSOR PGM SPACE		47,135		47,135		47,135				47,135
042	NAVSTAR GPS SPACE		2,031		2,031		2,031				2,031
043	NUDET DETECTION SYS SPACE		5,564		5,564		5,564				5,564
044	AF SATELLITE CONTROL NETWORK SPACE		44,219		44,219		44,219				44,219
045	SPACELIFT RANGE SYSTEM SPACE		109,545		109,545		109,545				109,545
046	MILSATCOM SPACE		47,592		47,592		47,592				47,592
047	SPACE MODS SPACE		47,121		47,121		47,121				47,121
048	COUNTERSPACE SYSTEM		20,961		20,961		20,961				20,961
	ORGANIZATION AND BASE										
049	TACTICAL C-E EQUIPMENT		126,131		126,131		126,131				126,131
050	COMBAT SURVIVOR EVADER LOCATER		23,707		23,707		23,707				23,707
051	RADIO EQUIPMENT		12,757		12,757		12,757				12,757
052	CCTV/AUDIOVISUAL EQUIPMENT		10,716		10,716		10,716				10,716
053	BASE COMM INFRASTRUCTURE		74,528		74,528		74,528				74,528
	MODIFICATIONS										
054	COMM ELECT MODS		43,507		43,507		43,507				43,507
	PERSONAL SAFETY & RESCUE EQUIP										
055	NIGHT VISION GOGGLES		22,693		22,693		22,693				22,693
056	ITEMS LESS THAN $5 MILLION		30,887		30,887		30,887				30,887
	DEPOT PLANT+MTRLS HANDLING EQ										
057	MECHANIZED MATERIAL HANDLING EQUIP		2,850		2,850		2,850				2,850
	BASE SUPPORT EQUIPMENT										
058	BASE PROCURED EQUIPMENT		8,387		8,387		8,387				8,387
059	CONTINGENCY OPERATIONS		10,358		10,358		10,358				10,358
060	PRODUCTIVITY CAPITAL INVESTMENT		3,473		3,473		3,473				3,473
062	MOBILITY EQUIPMENT		14,471		14,471		14,471				14,471
063	ITEMS LESS THAN $5 MILLION		1,894		1,894		1,894				1,894
	SPECIAL SUPPORT PROJECTS										
065	DARP RC135		24,176		24,176		24,176				24,176
066	DCGS-AF		142,928		142,928		142,928				142,928
068	SPECIAL UPDATE PROGRAM		479,446		479,446		479,446				479,446
069	DEFENSE SPACE RECONNAISSANCE PROG.		39,155		39,155		39,155				39,155
	CLASSIFIED PROGRAMS										
069A	CLASSIFIED PROGRAMS		14,331,312		14,331,312		14,331,312				14,331,312
	SPARES AND REPAIR PARTS										
071	SPARES AND REPAIR PARTS		14,663		14,663		14,663				14,663
	TOTAL OTHER PROCUREMENT, AIR FORCE		**16,720,848**		**16,720,848**		**16,720,848**		**28,200**		**16,749,048**
	PROCUREMENT, DEFENSE-WIDE										
	MAJOR EQUIPMENT, DCAA										
002	ITEMS LESS THAN $5 MILLION		1,486		1,486		1,486				1,486
	MAJOR EQUIPMENT, DCMA										
003	MAJOR EQUIPMENT		2,129		2,129		2,129				2,129
	MAJOR EQUIPMENT, DHRA										
005	PERSONNEL ADMINISTRATION		6,147		6,147		6,147				6,147
	MAJOR EQUIPMENT, DISA										
012	INFORMATION SYSTEMS SECURITY		12,708		12,708		12,708				12,708
014	GLOBAL COMBAT SUPPORT SYSTEM		3,002		3,002		3,002				3,002
015	TELEPORT PROGRAM		46,992		46,992		46,992				46,992
016	ITEMS LESS THAN $5 MILLION		108,462		108,462		108,462				108,462
017	NET CENTRIC ENTERPRISE SERVICES (NCES)		2,865		2,865		2,865				2,865
018	DEFENSE INFORMATION SYSTEM NETWORK		116,906		116,906		116,906				116,906
019	PUBLIC KEY INFRASTRUCTURE		1,827		1,827		1,827				1,827

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
021	CYBER SECURITY INITIATIVE		10,319		10,319		10,319				10,319
	MAJOR EQUIPMENT, DLA										
022	MAJOR EQUIPMENT		9,575		9,575		9,575				9,575
	MAJOR EQUIPMENT, DMACT										
023	MAJOR EQUIPMENT	6	15,179	6	15,179	6	15,179			6	15,179
	MAJOR EQUIPMENT, DODEA										
024	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS		1,458		1,458		1,458				1,458
	MAJOR EQUIPMENT, DSS										
026	MAJOR EQUIPMENT		2,522		2,522		2,522				2,522
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY										
027	VEHICLES	1	50	1	50	1	50			1	50
028	OTHER MAJOR EQUIPMENT	3	13,096	3	13,096	3	13,096			3	13,096
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY										
030	THAAD	36	460,728	48	587,728	36	560,728			36	460,728
	Procure additional THAAD interceptors			[12]	[127,000]		[100,000]				
031	AEGIS BMD	29	389,626	29	389,626	29	389,626			29	389,626
032	BMDS AN/TPY–2 RADARS	1	217,244	2	387,244	1	217,244	1	163,000	2	380,244
	Procure additional AN/TPY–2 radar			[1]	[170,000]			[1]	[163,000]		
033	RADAR SPARES		10,177		10,177		10,177				10,177
	MAJOR EQUIPMENT, NSA										
041	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)		6,770		6,770		6,770				6,770
	MAJOR EQUIPMENT, OSD										
042	MAJOR EQUIPMENT, OSD		45,938		45,938		45,938				45,938
043	MAJOR EQUIPMENT, INTELLIGENCE		17,582		17,582		17,582				17,582
	MAJOR EQUIPMENT, TJS										
044	MAJOR EQUIPMENT, TJS		21,878		21,878		21,878				21,878
	MAJOR EQUIPMENT, WHS										
045	MAJOR EQUIPMENT, WHS		26,550		26,550		26,550				26,550
	CLASSIFIED PROGRAMS										
045A	CLASSIFIED PROGRAMS		555,787		555,787		555,787				555,787
	AVIATION PROGRAMS										
046	ROTARY WING UPGRADES AND SUSTAINMENT		74,832		74,832		74,832				74,832
048	MH–60 MODERNIZATION PROGRAM		126,780		126,780		126,780				126,780
049	NON-STANDARD AVIATION	7	99,776	7	36,976	7	37,000		–62,776	7	37,000
	Transfer to Line 051—Mission Shift				[–62,800]		[–62,776]		[–62,776]		
051	U–28		7,530		116,930		116,906		109,376		116,906
	Transfer from Line 049—Mission Shift				[62,800]		[62,776]		[62,776]		
	USSOCOM UFR				[46,600]		[46,600]		[46,600]		
052	MH–47 CHINOOK	7	134,785	7	134,785	7	134,785			7	134,785
053	RQ–11 UNMANNED AERIAL VEHICLE		2,062		2,062		2,062				2,062
054	CV–22 MODIFICATION	4	139,147	4	139,147	4	139,147			4	139,147
055	MQ–1 UNMANNED AERIAL VEHICLE		3,963		26,963		26,963		23,000		26,963
	USSOCOM UFR				[23,000]		[23,000]		[23,000]		
056	MQ–9 UNMANNED AERIAL VEHICLE		3,952		39,352		39,352		35,400		39,352
	USSOCOM UFR				[35,400]		[35,400]		[35,400]		
058	STUASL0		12,945		12,945		12,945				12,945
059	PRECISION STRIKE PACKAGE		73,013		73,013		73,013				73,013
060	AC/MC–130J		51,484		51,484		51,484				51,484
062	C–130 MODIFICATIONS		25,248		25,248		25,248				25,248
063	AIRCRAFT SUPPORT		5,314		5,314		5,314				5,314
	SHIPBUILDING										
064	UNDERWATER SYSTEMS		23,037		23,037		15,037		–8,000		15,037
	Transfer to RDDW Line 272 at USSOCOM request						[–8,000]		[–8,000]		
	AMMUNITION PROGRAMS										
066	ORDNANCE REPLENISHMENT		113,183		113,183		113,183				113,183
067	ORDNANCE ACQUISITION		36,981		36,981		36,981				36,981
	OTHER PROCUREMENT PROGRAMS										
068	COMMUNICATIONS EQUIPMENT AND ELECTRONICS		99,838		103,738		103,738		3,900		103,738
	USSOCOM UFR				[3,900]		[3,900]		[3,900]		
069	INTELLIGENCE SYSTEMS		71,428		71,428		71,428				71,428
070	SMALL ARMS AND WEAPONS		27,108		27,108		27,108				27,108
071	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS		12,767		12,767		15,967		3,200		15,967
	USSOCOM UFR						[3,200]		[3,200]		
074	COMBATANT CRAFT SYSTEMS		42,348		42,348		42,348				42,348
075	SPARES AND REPAIR PARTS		600		600		600				600
077	TACTICAL VEHICLES		37,421		37,421		37,421				37,421
078	MISSION TRAINING AND PREPARATION SYSTEMS		36,949		41,949		41,949		5,000		41,949
	USSOCOM UFR				[5,000]		[5,000]		[5,000]		
079	COMBAT MISSION REQUIREMENTS		20,255		20,255		26,255		6,000		26,255
	AC–130 electro-optical and infrared sensors						[6,000]		[6,000]		
080	MILCON COLLATERAL EQUIPMENT		17,590		17,590		17,590				17,590
082	AUTOMATION SYSTEMS		66,573		66,573		66,573				66,573
083	GLOBAL VIDEO SURVEILLANCE ACTIVITIES		6,549		6,549		6,549				6,549
084	OPERATIONAL ENHANCEMENTS INTELLIGENCE		32,335		32,335		32,335				32,335
085	SOLDIER PROTECTION AND SURVIVAL SYSTEMS		15,153		15,153		15,153				15,153
086	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS		33,920		33,920		33,920				33,920
087	TACTICAL RADIO SYSTEMS		75,132		75,132		75,132				75,132
090	MISCELLANEOUS EQUIPMENT		6,667		6,667		6,667				6,667
091	OPERATIONAL ENHANCEMENTS		217,972		243,272		243,272		25,300		243,272
	USSOCOM UFR				[25,300]		[25,300]		[25,300]		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
092	MILITARY INFORMATION SUPPORT OPERATIONS		27,417		27,417		27,417				27,417
	CBDP										
093	INSTALLATION FORCE PROTECTION		24,025		24,025		24,025				24,025
094	INDIVIDUAL PROTECTION		73,720		73,720		73,720				73,720
095	DECONTAMINATION		506		506		506				506
096	JOINT BIO DEFENSE PROGRAM (MEDICAL)		32,597		32,597		32,597				32,597
097	COLLECTIVE PROTECTION		3,144		3,144		3,144				3,144
098	CONTAMINATION AVOIDANCE		164,886		164,886		164,886				164,886
	TOTAL PROCUREMENT, DEFENSE-WIDE	**94**	**4,187,935**	**107**	**4,624,135**	**94**	**4,428,335**	**1**	**303,400**	**95**	**4,491,335**
	JOINT URGENT OPERATIONAL NEEDS FUND										
	JOINT URGENT OPERATIONAL NEEDS FUND										
001	JOINT URGENT OPERATIONAL NEEDS FUND		99,477				99,477		–99,477		0
	Program reduction				[–99,477]				[–99,477]		
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND		**99,477**				**99,477**		**–99,477**		**0**
	NATIONAL GUARD & RESERVE EQUIPMENT										
	UNDISTRIBUTED										
999	MISCELLANEOUS EQUIPMENT								150,000		150,000
	Program increase								[150,000]		
	TOTAL NATIONAL GUARD & RESERVE EQUIPMENT								**150,000**		**150,000**
	TOTAL PROCUREMENT	**125,474**	**97,432,379**	**125,524**	**99,111,919**	**124,864**	**96,967,163**	**–577**	**965,851**	**124,897**	**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		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	AIRCRAFT PROCUREMENT, ARMY										
	ROTARY										
009	AH–64 APACHE BLOCK IIIB NEW BUILD	2	71,000	2	71,000					2	71,000
	Funding ahead of need					[–2]	[–71,000]				
012	KIOWA WARRIOR (OH–58F) WRA	16	183,900	16	183,900	16	183,900			16	183,900
015	CH–47 HELICOPTER	6	231,300	6	231,300	6	231,300			6	231,300
	TOTAL AIRCRAFT PROCUREMENT, ARMY	**24**	**486,200**	**24**	**486,200**	**22**	**415,200**			**24**	**486,200**
	MISSILE PROCUREMENT, ARMY										
	AIR-TO-SURFACE MISSILE SYSTEM										
004	HELLFIRE SYS SUMMARY	161	29,100	161	29,100	161	29,100			161	29,100
	ANTI-TANK/ASSAULT MISSILE SYS										
008	GUIDED MLRS ROCKET (GMLRS)	186	20,553	186	20,553	186	20,553			186	20,553
	TOTAL MISSILE PROCUREMENT, ARMY	**347**	**49,653**	**347**	**49,653**	**347**	**49,653**			**347**	**49,653**
	PROCUREMENT OF W&TCV, ARMY										
	MOD OF WEAPONS AND OTHER COMBAT VEH										
036	M16 RIFLE MODS		15,422		15,422		15,422				15,422
	TOTAL PROCUREMENT OF W&TCV, ARMY		**15,422**		**15,422**		**15,422**				**15,422**
	PROCUREMENT OF AMMUNITION, ARMY										
	SMALL/MEDIUM CAL AMMUNITION										
003	CTG, HANDGUN, ALL TYPES		1,500		1,500		1,500				1,500
004	CTG, .50 CAL, ALL TYPES		10,000		10,000		10,000				10,000
007	CTG, 30MM, ALL TYPES		80,000		61,000		80,000		–19,000		61,000
	Pricing adjustments for target practice round and light-weight dual purpose round.				[–19,000]				[–19,000]		
	MORTAR AMMUNITION										
009	60MM MORTAR, ALL TYPES		14,000		14,000		14,000				14,000
010	81MM MORTAR, ALL TYPES		6,000		6,000		6,000				6,000
011	120MM MORTAR, ALL TYPES		56,000		56,000		56,000				56,000
	ARTILLERY AMMUNITION										
013	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP		29,956		29,956		29,956				29,956
014	ARTILLERY PROJECTILE, 155MM, ALL TYPES		37,044		37,044		37,044				37,044
015	PROJ 155MM EXTENDED RANGE XM982		12,300		12,300		12,300				12,300
016	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL		17,000		17,000		17,000				17,000
	MINES										
017	MINES & CLEARING CHARGES, ALL TYPES		12,000		12,000		12,000				12,000
	ROCKETS										
020	ROCKET, HYDRA 70, ALL TYPES		63,635		63,635		63,635				63,635
	OTHER AMMUNITION										
023	SIGNALS, ALL TYPES		16,858		16,858		16,858				16,858
	MISCELLANEOUS										
028	ITEMS LESS THAN $5 MILLION		1,200		1,200		1,200				1,200
	TOTAL PROCUREMENT OF AMMUNITION, ARMY		**357,493**		**338,493**		**357,493**		**–19,000**		**338,493**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	OTHER PROCUREMENT, ARMY										
	TACTICAL VEHICLES										
002	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	223	28,247	223	28,247	223	28,247			223	28,247
004	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)		2,050		2,050		2,050				2,050
011	HMMWV RECAPITALIZATION PROGRAM	2,128	271,000	2,128	271,000	2,128	271,000			2,128	271,000
014	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS		927,400		927,400		927,400				927,400
	COMM—INTELLIGENCE COMM										
052	RESERVE CA/MISO GPF EQUIPMENT		8,000		8,000		8,000				8,000
	COMM—BASE COMMUNICATIONS										
061	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(		25,000		25,000		65,000		40,000		65,000
	Transfer from OMA OCO at SOUTHCOM request						[40,000]		[40,000]		
	ELECT EQUIP—TACT INT REL ACT (TIARA)										
069	DCGS-A (MIP)	960	90,355	960	90,355	960	90,355			960	90,355
073	CI HUMINT AUTO REPRINTING AND COLLECTION		6,516		6,516		6,516				6,516
	ELECT EQUIP—ELECTRONIC WARFARE (EW)										
075	LIGHTWEIGHT COUNTER MORTAR RADAR		27,646		27,646		27,646				27,646
077	FMLY OF PERSISTENT SURVEILLANCE CAPABILITIES		52,000		52,000		52,000				52,000
078	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES		205,209		205,209		205,209				205,209
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)										
092	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)		14,600		14,600		14,600				14,600
099	COUNTERFIRE RADARS	4	54,585	4	54,585	4	54,585			4	54,585
	ELECT EQUIP—TACTICAL C2 SYSTEMS										
102	FIRE SUPPORT C2 FAMILY		22,430		22,430		22,430				22,430
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM		2,400		2,400		2,400				2,400
112	MANEUVER CONTROL SYSTEM (MCS)		6,400		6,400		6,400				6,400
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)		5,160		5,160		5,160				5,160
	CHEMICAL DEFENSIVE EQUIPMENT										
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)		15,000		15,000		15,000				15,000
127	BASE DEFENSE SYSTEMS (BDS)	7,193	66,100	7,193	66,100	7,193	66,100			7,193	66,100
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT										
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)		3,565		3,565		3,565				3,565
	COMBAT SERVICE SUPPORT EQUIPMENT										
143	FORCE PROVIDER	1	39,700	1	39,700	1	39,700			1	39,700
145	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM	15	650	15	650	15	650			15	650
	PETROLEUM EQUIPMENT										
149	DISTRIBUTION SYSTEMS, PETROLEUM & WATER	13	2,119	13	2,119	13	2,119			13	2,119
	MAINTENANCE EQUIPMENT										
152	MOBILE MAINTENANCE EQUIPMENT SYSTEMS	4	428	4	428	4	428			4	428
153	ITEMS LESS THAN $5 MILLION (MAINT EQ)		30		30		30				30
	TRAINING EQUIPMENT										
175	COMBAT TRAINING CENTERS SUPPORT		7,000		7,000		7,000				7,000
176	TRAINING DEVICES, NONSYSTEM	1,275	27,250	1,275	27,250	1,275	27,250			1,275	27,250
178	AVIATION COMBINED ARMS TACTICAL TRAINER		1,000		1,000		1,000				1,000
179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING		5,900		5,900		5,900				5,900
	OTHER SUPPORT EQUIPMENT										
183	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT		98,167		60,167		91,167		20,000		118,167
	Rapid equipping force delayed execution rates				[–38,000]		[–37,000]		[–10,000]		
	Solar power units						[30,000]		[30,000]		
	TOTAL OTHER PROCUREMENT, ARMY	**11,816**	**2,015,907**	**11,816**	**1,977,907**	**11,816**	**2,048,907**		**60,000**	**11,816**	**2,075,907**
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND										
	NETWORK ATTACK										
001	ATTACK THE NETWORK		950,500		950,500		850,500		–25,500		925,000
	Program decrease—under execution						[–100,000]		[–25,500]		
	JIEDDO DEVICE DEFEAT										
002	DEFEAT THE DEVICE		400,000		400,000		350,000		–25,000		375,000
	Program decrease—under execution & program delays						[–50,000]		[–25,000]		
	FORCE TRAINING										
003	TRAIN THE FORCE		149,500		149,500		128,500		–5,000		144,500
	Program decrease—under execution & program delays						[–21,000]		[–5,000]		
	STAFF AND INFRASTRUCTURE										
004	OPERATIONS		175,400		402,800		373,814		222,414		397,814
	Program decrease—under execution & program delays						[–29,000]		[–5,000]		
	Transfer from title 1				[227,400]		[227,414]		[227,414]		
	TOTAL JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		**1,675,400**		**1,902,800**		**1,702,814**		**166,914**		**1,842,314**
	AIRCRAFT PROCUREMENT, NAVY										
	COMBAT AIRCRAFT										
011	H–1 UPGRADES (UH–1Y/AH–1Z)	1	29,800	1	29,800	1	29,800			1	29,800
	MODIFICATION OF AIRCRAFT										
030	AV–8 SERIES		42,238		42,238		42,238				42,238
032	F–18 SERIES		41,243		41,243		41,243				41,243
035	H–53 SERIES		15,870		15,870		15,870				15,870
038	EP–3 SERIES		13,030		13,030		13,030				13,030
043	C–130 SERIES		16,737		16,737		16,737				16,737
048	SPECIAL PROJECT AIRCRAFT		2,714		2,714		2,714				2,714
054	COMMON AVIONICS CHANGES		570		570		570				570
	AIRCRAFT SUPPORT EQUIP & FACILITIES										
062	COMMON GROUND EQUIPMENT		2,380		2,380		2,380				2,380
	TOTAL AIRCRAFT PROCUREMENT, NAVY	**1**	**164,582**	**1**	**164,582**	**1**	**164,582**			**1**	**164,582**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	WEAPONS PROCUREMENT, NAVY										
	TACTICAL MISSILES										
009	HELLFIRE	212	17,000	212	17,000	212	17,000			212	17,000
010	STAND OFF PRECISION GUIDED MUNITIONS (SOPGM)	50	6,500	50	6,500	50	6,500			50	6,500
	TOTAL WEAPONS PROCUREMENT, NAVY	**262**	**23,500**	**262**	**23,500**	**262**	**23,500**			**262**	**23,500**
	PROCUREMENT OF AMMO, NAVY & MC										
	NAVY AMMUNITION										
001	GENERAL PURPOSE BOMBS		18,000		18,000		18,000				18,000
002	AIRBORNE ROCKETS, ALL TYPES		80,200		80,200		80,200				80,200
003	MACHINE GUN AMMUNITION		21,500		21,500		21,500				21,500
006	AIR EXPENDABLE COUNTERMEASURES		20,303		20,303		20,303				20,303
011	OTHER SHIP GUN AMMUNITION		532		532		532				532
012	SMALL ARMS & LANDING PARTY AMMO		2,643		2,643		2,643				2,643
013	PYROTECHNIC AND DEMOLITION		2,322		2,322		2,322				2,322
014	AMMUNITION LESS THAN $5 MILLION		6,308		6,308		6,308				6,308
	MARINE CORPS AMMUNITION										
015	SMALL ARMS AMMUNITION		10,948		10,948		10,948				10,948
016	LINEAR CHARGES, ALL TYPES		9,940		9,940		9,940				9,940
017	40 MM, ALL TYPES		5,963		5,963		5,963				5,963
020	120MM, ALL TYPES		11,605		11,605		11,605				11,605
021	CTG 25MM, ALL TYPES		2,831		2,831		2,831				2,831
022	GRENADES, ALL TYPES		2,359		2,359		2,359				2,359
023	ROCKETS, ALL TYPES		3,051		3,051		3,051				3,051
024	ARTILLERY, ALL TYPES		54,886		54,886		54,886				54,886
025	DEMOLITION MUNITIONS, ALL TYPES		1,391		1,391		1,391				1,391
026	FUZE, ALL TYPES		30,945		30,945		30,945				30,945
027	NON LETHALS		8		8		8				8
029	ITEMS LESS THAN $5 MILLION		12		12		12				12
	TOTAL PROCUREMENT OF AMMO, NAVY & MC		**285,747**		**285,747**		**285,747**				**285,747**
	OTHER PROCUREMENT, NAVY										
	OTHER SHORE ELECTRONIC EQUIPMENT										
070	TACTICAL/MOBILE C4I SYSTEMS		3,603		3,603		3,603				3,603
	AIRCRAFT SUPPORT EQUIPMENT										
097	EXPEDITIONARY AIRFIELDS		58,200		58,200		58,200				58,200
	CIVIL ENGINEERING SUPPORT EQUIPMENT										
127	PASSENGER CARRYING VEHICLES		3,901		3,901		3,901				3,901
128	GENERAL PURPOSE TRUCKS		852		852		852				852
129	CONSTRUCTION & MAINTENANCE EQUIP		2,436		2,436		2,436				2,436
130	FIRE FIGHTING EQUIPMENT		3,798		3,798		3,798				3,798
131	TACTICAL VEHICLES		13,394		13,394		13,394				13,394
134	ITEMS UNDER $5 MILLION		375		375		375				375
	COMMAND SUPPORT EQUIPMENT										
149	C4ISR EQUIPMENT		3,000		3,000		3,000				3,000
151	PHYSICAL SECURITY EQUIPMENT		9,323		9,323		9,323				9,323
	TOTAL OTHER PROCUREMENT, NAVY		**98,882**		**98,882**		**98,882**				**98,882**
	PROCUREMENT, MARINE CORPS										
	TRACKED COMBAT VEHICLES										
002	LAV PIP		10,000		10,000		10,000				10,000
	ARTILLERY AND OTHER WEAPONS										
005	HIGH MOBILITY ARTILLERY ROCKET SYSTEM		108,860		108,860		108,860				108,860
	GUIDED MISSILES										
010	JAVELIN		29,158		29,158		29,158				29,158
	OTHER SUPPORT										
013	MODIFICATION KITS		41,602		41,602		41,602				41,602
	REPAIR AND TEST EQUIPMENT										
015	REPAIR AND TEST EQUIPMENT		13,632		13,632		13,632				13,632
	OTHER SUPPORT (TEL)										
017	MODIFICATION KITS		2,831		2,831		2,831				2,831
	COMMAND AND CONTROL SYSTEM (NON-TEL)										
019	AIR OPERATIONS C2 SYSTEMS	51	15,575	51	15,575	51	15,575			51	15,575
	RADAR + EQUIPMENT (NON-TEL)										
020	RADAR SYSTEMS		8,015		8,015		8,015				8,015
	INTELL/COMM EQUIPMENT (NON-TEL)										
023	INTELLIGENCE SUPPORT EQUIPMENT		35,310		35,310		35,310				35,310
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)										
029	NIGHT VISION EQUIPMENT	332	652	332	652	332	652			332	652
	OTHER SUPPORT (NON-TEL)										
030	COMMON COMPUTER RESOURCES	25	19,807	25	19,807	25	19,807			25	19,807
032	RADIO SYSTEMS	74	36,482	74	36,482	74	36,482			74	36,482
033	COMM SWITCHING & CONTROL SYSTEMS	4	41,295	4	41,295	4	41,295			4	41,295
	TACTICAL VEHICLES										
039	MEDIUM TACTICAL VEHICLE REPLACEMENT	32	10,466	32	10,466	32	10,466			32	10,466
041	FAMILY OF TACTICAL TRAILERS		7,642		7,642		7,642				7,642
	ENGINEER AND OTHER EQUIPMENT										
045	BULK LIQUID EQUIPMENT		18,239		18,239		18,239				18,239
046	TACTICAL FUEL SYSTEMS		51,359		51,359		51,359				51,359

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
047	POWER EQUIPMENT ASSORTED		20,247		20,247		20,247				20,247
049	EOD SYSTEMS	207	362,658	207	362,658	207	362,658			207	362,658
	MATERIALS HANDLING EQUIPMENT										
050	PHYSICAL SECURITY EQUIPMENT		55,500		55,500		55,500				55,500
052	MATERIAL HANDLING EQUIP		19,100		19,100		19,100				19,100
	GENERAL PROPERTY										
054	FIELD MEDICAL EQUIPMENT		15,751		15,751		15,751				15,751
055	TRAINING DEVICES		3,602		3,602		3,602				3,602
057	FAMILY OF CONSTRUCTION EQUIPMENT		15,900		15,900		15,900				15,900
	TOTAL PROCUREMENT, MARINE CORPS	**725**	**943,683**	**725**	**943,683**	**725**	**943,683**			**725**	**943,683**
	AIRCRAFT PROCUREMENT, AIR FORCE										
	STRATEGIC AIRCRAFT										
035	LARGE AIRCRAFT INFRARED COUNTERMEASURES		139,800		139,800		139,800				139,800
	OTHER AIRCRAFT										
055	U–2 MODS		46,800		46,800		46,800				46,800
063	C–130		11,400		11,400		11,400				11,400
067	COMPASS CALL MODS		14,000		14,000		14,000				14,000
068	RC–135		8,000		8,000		8,000				8,000
075	HC/MC–130 MODIFICATIONS		4,700		4,700		4,700				4,700
	AIRCRAFT SPARES AND REPAIR PARTS										
081	INITIAL SPARES/REPAIR PARTS		21,900		21,900		21,900				21,900
	OTHER PRODUCTION CHARGES										
099	OTHER PRODUCTION CHARGES		59,000		59,000		59,000				59,000
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE		**305,600**		**305,600**		**305,600**				**305,600**
	PROCUREMENT OF AMMUNITION, AIR FORCE										
	CARTRIDGES										
002	CARTRIDGES		13,592		13,592		13,592				13,592
	BOMBS										
004	GENERAL PURPOSE BOMBS		23,211		23,211		23,211				23,211
005	JOINT DIRECT ATTACK MUNITION	1,419	53,923	1,419	53,923	1,419	53,923			1,419	53,923
	FLARE, IR MJU–7B										
006	CAD/PAD		2,638		2,638		2,638				2,638
010	ITEMS LESS THAN $5 MILLION		2,600		2,600		2,600				2,600
	FUZES										
011	FLARES		11,726		11,726		11,726				11,726
012	FUZES		8,513		8,513		8,513				8,513
	TOTAL PROCUREMENT OF AMMUNITION, AIR FORCE	**1,419**	**116,203**	**1,419**	**116,203**	**1,419**	**116,203**			**1,419**	**116,203**
	MISSILE PROCUREMENT, AIR FORCE										
	TACTICAL										
005	PREDATOR HELLFIRE MISSILE	304	34,350	304	34,350	304	34,350			304	34,350
	TOTAL MISSILE PROCUREMENT, AIR FORCE	**304**	**34,350**	**304**	**34,350**	**304**	**34,350**			**304**	**34,350**
	OTHER PROCUREMENT, AIR FORCE										
	CARGO AND UTILITY VEHICLES										
002	MEDIUM TACTICAL VEHICLE		2,010		2,010		2,010				2,010
004	ITEMS LESS THAN $5 MILLION		2,675		2,675		2,675				2,675
	SPECIAL PURPOSE VEHICLES										
006	ITEMS LESS THAN $5 MILLION		2,557		2,557		2,557				2,557
	MATERIALS HANDLING EQUIPMENT										
008	ITEMS LESS THAN $5 MILLION		4,329		4,329		4,329				4,329
	BASE MAINTENANCE SUPPORT										
009	RUNWAY SNOW REMOV AND CLEANING EQU		984		984		984				984
010	ITEMS LESS THAN $5 MILLION		9,120		9,120		9,120				9,120
	ELECTRONICS PROGRAMS										
022	WEATHER OBSERVATION FORECAST		5,600		5,600		5,600				5,600
	SPCL COMM-ELECTRONICS PROJECTS										
027	GENERAL INFORMATION TECHNOLOGY		11,157		11,157		11,157				11,157
	ORGANIZATION AND BASE										
049	TACTICAL C-E EQUIPMENT		7,000		7,000		7,000				7,000
053	BASE COMM INFRASTRUCTURE		10,654		10,654		10,654				10,654
	MODIFICATIONS										
054	COMM ELECT MODS		8,000		8,000		8,000				8,000
	PERSONAL SAFETY & RESCUE EQUIP										
055	NIGHT VISION GOGGLES		902		902		902				902
	BASE SUPPORT EQUIPMENT										
059	CONTINGENCY OPERATIONS		60,090		60,090		60,090				60,090
062	MOBILITY EQUIPMENT		9,400		9,400		9,400				9,400
063	ITEMS LESS THAN $5 MILLION		9,175		9,175		9,175				9,175
	CLASSIFIED PROGRAMS										
069A	CLASSIFIED PROGRAMS		2,672,317		2,672,317		2,672,317				2,672,317
	SPARES AND REPAIR PARTS										
071	SPARES AND REPAIR PARTS		2,300		2,300		2,300				2,300
	TOTAL OTHER PROCUREMENT, AIR FORCE		**2,818,270**		**2,818,270**		**2,818,270**				**2,818,270**
	PROCUREMENT, DEFENSE-WIDE										
	MAJOR EQUIPMENT, DISA										
015	TELEPORT PROGRAM		5,260		5,260		5,260				5,260

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request		House Authorized		Senate Authorized		Conference Change		Conference Authorized	
		Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost	Qty	Cost
	CLASSIFIED PROGRAMS										
045A	CLASSIFIED PROGRAMS		126,201		126,201		126,201				126,201
	AVIATION PROGRAMS										
061	MQ–8 UAV		16,500		16,500		16,500				16,500
	OTHER PROCUREMENT PROGRAMS										
068	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	4	151	4	151	4	151			4	151
069	INTELLIGENCE SYSTEMS	41	30,528	41	30,528	41	30,528			41	30,528
077	TACTICAL VEHICLES	54	1,843	54	1,843	54	1,843			54	1,843
082	AUTOMATION SYSTEMS	1	1,000	1	1,000	1	1,000			1	1,000
086	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS	12	108	12	108	12	108			12	108
091	OPERATIONAL ENHANCEMENTS	31	14,758	31	14,758	31	14,758			31	14,758
	TOTAL PROCUREMENT, DEFENSE-WIDE	**143**	**196,349**	**143**	**196,349**	**143**	**196,349**			**143**	**196,349**
	JOINT URGENT OPERATIONAL NEEDS FUND										
	JOINT URGENT OPERATIONAL NEEDS FUND										
001	JOINT URGENT OPERATIONAL NEEDS FUND		100,000		50,000		100,000		–100,000		0
	Program reduction				[–50,000]				[–100,000]		
	TOTAL JOINT URGENT OPERATIONAL NEEDS FUND		**100,000**		**50,000**		**100,000**		**–100,000**		**0**
	NATIONAL GUARD & RESERVE EQUIPMENT										
	UNDISTRIBUTED										
999	MISCELLANEOUS EQUIPMENT				500,000				350,000		350,000
	Program increase				[500,000]				[350,000]		
	TOTAL NATIONAL GUARD & RESERVE EQUIPMENT				**500,000**				**350,000**		**350,000**
	TOTAL PROCUREMENT	**15,041**	**9,687,241**	**15,041**	**10,307,641**	**15,039**	**9,676,655**		**457,914**	**15,041**	**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	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY					
		BASIC RESEARCH					
001	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	20,860	20,860	20,860		20,860
002	0601102A	DEFENSE RESEARCH SCIENCES	219,180	219,180	219,180		219,180
003	0601103A	UNIVERSITY RESEARCH INITIATIVES	80,986	80,986	80,986		80,986
004	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	123,045	123,045	123,045		123,045
		SUBTOTAL BASIC RESEARCH	**444,071**	**444,071**	**444,071**		**444,071**
		APPLIED RESEARCH					
005	0602105A	MATERIALS TECHNOLOGY	29,041	39,291	29,041	10,000	39,041
		Advanced coating technologies for corrosion mitigation		[10,250]		[10,000]	
006	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	45,260	45,260	45,260		45,260
007	0602122A	TRACTOR HIP	22,439	22,439	22,439		22,439
008	0602211A	AVIATION TECHNOLOGY	51,607	51,607	51,607		51,607
009	0602270A	ELECTRONIC WARFARE TECHNOLOGY	15,068	15,068	15,068		15,068
010	0602303A	MISSILE TECHNOLOGY	49,383	49,383	49,383		49,383
011	0602307A	ADVANCED WEAPONS TECHNOLOGY	25,999	25,999	25,999		25,999
012	0602308A	ADVANCED CONCEPTS AND SIMULATION	23,507	23,507	23,507		23,507
013	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	69,062	69,062	69,062		69,062
014	0602618A	BALLISTICS TECHNOLOGY	60,823	60,823	60,823		60,823
015	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY	4,465	4,465	4,465		4,465
016	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	7,169	7,169	7,169		7,169
017	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	35,218	35,218	35,218		35,218
018	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	60,300	60,300	60,300		60,300
019	0602709A	NIGHT VISION TECHNOLOGY	53,244	53,244	53,244		53,244
020	0602712A	COUNTERMINE SYSTEMS	18,850	18,850	18,850		18,850
021	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	19,872	19,872	19,872		19,872
022	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	20,095	20,095	20,095		20,095
023	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	28,852	28,852	28,852		28,852
024	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	9,830	9,830	9,830		9,830

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
025	0602784A	MILITARY ENGINEERING TECHNOLOGY	70,693	70,693	70,693		70,693
026	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	17,781	17,781	17,781		17,781
027	0602786A	WARFIGHTER TECHNOLOGY	28,281	28,281	28,281		28,281
028	0602787A	MEDICAL TECHNOLOGY	107,891	107,891	107,891		107,891
		SUBTOTAL APPLIED RESEARCH	**874,730**	**884,980**	**874,730**	**10,000**	**884,730**
		ADVANCED TECHNOLOGY DEVELOPMENT					
029	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	39,359	39,359	39,359		39,359
030	0603002A	MEDICAL ADVANCED TECHNOLOGY	69,580	69,580	69,580		69,580
031	0603003A	AVIATION ADVANCED TECHNOLOGY	64,215	64,215	64,215		64,215
032	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	67,613	67,613	67,613		67,613
033	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY	104,359	104,359	104,359		104,359
034	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY	4,157	4,157	4,157		4,157
035	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY	9,856	9,856	9,856		9,856
036	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	50,661	50,661	50,661		50,661
037	0603009A	TRACTOR HIKE	9,126	9,126	9,126		9,126
038	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	17,257	17,257	17,257		17,257
039	0603020A	TRACTOR ROSE	9,925	9,925	9,925		9,925
040	0603105A	MILITARY HIV RESEARCH	6,984	6,984	6,984		6,984
041	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT	9,716	9,716	9,716		9,716
042	0603130A	TRACTOR NAIL	3,487	3,487	3,487		3,487
043	0603131A	TRACTOR EGGS	2,323	2,323	2,323		2,323
044	0603270A	ELECTRONIC WARFARE TECHNOLOGY	21,683	21,683	21,683		21,683
045	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	71,111	71,111	71,111		71,111
046	0603322A	TRACTOR CAGE	10,902	10,902	10,902		10,902
047	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	180,582	180,582	180,582		180,582
048	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	27,204	27,204	27,204		27,204
049	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	6,095	6,095	6,095		6,095
050	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	37,217	37,217	37,217		37,217
051	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	13,626	13,626	13,626		13,626
052	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	28,458	28,458	28,458		28,458
053	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY	25,226	25,226	25,226		25,226
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**890,722**	**890,722**	**890,722**		**890,722**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES					
054	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	14,505	14,505	14,505		14,505
055	0603308A	ARMY SPACE SYSTEMS INTEGRATION	9,876	9,876	9,876		9,876
056	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	5,054	5,054	5,054		5,054
057	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS-ADV DEV	2,725	2,725	2,725		2,725
058	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	30,560	30,560	30,560		30,560
059	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	14,347	14,347	14,347		14,347
060	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	10,073	10,073	10,073		10,073
061	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	8,660	8,660	8,660		8,660
062	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	10,715	10,715	10,715		10,715
063	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	4,631	4,631	4,631		4,631
064	0603782A	WARFIGHTER INFORMATION NETWORK-TACTICAL—DEM/VAL	278,018	278,018	278,018		278,018
065	0603790A	NATO RESEARCH AND DEVELOPMENT	4,961	4,961	4,961		4,961
066	0603801A	AVIATION—ADV DEV	8,602	8,602	8,602		8,602
067	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	14,605	14,605	14,605		14,605
068	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS.	5,054	5,054	5,054		5,054
069	0603807A	MEDICAL SYSTEMS—ADV DEV	24,384	24,384	24,384		24,384
070	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	32,050	32,050	32,050		32,050
071	0603850A	INTEGRATED BROADCAST SERVICE	96	96	96		96
072	0604115A	TECHNOLOGY MATURATION INITIATIVES	24,868	24,868	24,868		24,868
073	0604131A	TRACTOR JUTE	59	59	59		59
075	0604319A	INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2–INTERCEPT (IFPC2).	76,039	76,039	76,039		76,039
077	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4)	4,043	4,043	4,043		4,043
078	0305205A	ENDURANCE UAVS	26,196	17,196	26,196	–5,999	20,197
		Program decrease		[–9,000]		[–5,999]	
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**610,121**	**601,121**	**610,121**	**–5,999**	**604,122**
		SYSTEM DEVELOPMENT & DEMONSTRATION					
079	0604201A	AIRCRAFT AVIONICS	78,538	78,538	78,538		78,538
080	0604220A	ARMED, DEPLOYABLE HELOS	90,494	90,494	90,494		90,494

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
081	0604270A	ELECTRONIC WARFARE DEVELOPMENT	181,347	176,347	181,347	–5,000	176,347
		Program adjustment		[–5,000]		[–5,000]	
083	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)	12,636	12,636	12,636		12,636
084	0604321A	ALL SOURCE ANALYSIS SYSTEM	5,694	5,694	5,694		5,694
085	0604328A	TRACTOR CAGE	32,095	32,095	32,095		32,095
086	0604601A	INFANTRY SUPPORT WEAPONS	96,478	93,078	96,478	–3,400	93,078
		XM25 funding ahead of need		[–3,400]		[–3,400]	
087	0604604A	MEDIUM TACTICAL VEHICLES	3,006	3,006	3,006		3,006
089	0604611A	JAVELIN	5,040	5,040	5,040		5,040
090	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	3,077	3,077	3,077		3,077
091	0604633A	AIR TRAFFIC CONTROL	9,769	9,769	9,769		9,769
092	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	13,141	13,141	25,141		13,141
		Transfer from OPA line 191 at Army request			[12,000]		
099	0604710A	NIGHT VISION SYSTEMS—ENG DEV	32,621	32,621	32,621		32,621
100	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT	2,132	2,132	2,132		2,132
101	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV	44,787	44,787	44,787		44,787
102	0604716A	TERRAIN INFORMATION—ENG DEV	1,008	1,008	1,008		1,008
103	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV	73,333	73,333	73,333		73,333
104	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT	28,937	28,937	28,937		28,937
105	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT	10,815	10,815	10,815		10,815
106	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV	13,926	13,926	13,926		13,926
107	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE	17,797	17,797	17,797		17,797
108	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION	214,270	214,270	214,270		214,270
109	0604802A	WEAPONS AND MUNITIONS—ENG DEV	14,581	14,581	14,581		14,581
110	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV	43,706	43,706	43,706		43,706
111	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV	20,776	20,776	20,776		20,776
112	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV.	43,395	43,395	43,395		43,395
113	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV	104,983	104,983	104,983		104,983
114	0604814A	ARTILLERY MUNITIONS—EMD	4,346	4,346	4,346		4,346
116	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE	77,223	77,223	77,223		77,223
117	0604820A	RADAR DEVELOPMENT	3,486	3,486	3,486		3,486
118	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS)	9,963	9,963	27,163	17,200	27,163
		GFEBS realignment per Army request			[17,200]	[17,200]	
119	0604823A	FIREFINDER	20,517	20,517	20,517		20,517
120	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL	51,851	51,851	51,851		51,851
121	0604854A	ARTILLERY SYSTEMS—EMD	167,797	167,797	167,797		167,797
122	0604869A	PATRIOT/MEADS COMBINED AGGREGATE PROGRAM (CAP)	400,861			–400,861	0
		Prohibition of funds for MEADS		[–400,861]	[–400,861]	[–400,861]	
123	0604870A	NUCLEAR ARMS CONTROL MONITORING SENSOR NETWORK	7,922	7,922	7,922		7,922
124	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT	51,463	51,463	51,463		51,463
125	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A)	158,646	158,646	158,646		158,646
126	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM)	10,000	10,000	10,000		10,000
128	0605456A	PAC–3/MSE MISSILE	69,029	69,029	69,029		69,029
129	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD)	277,374	277,374	315,374	38,000	315,374
		DRFM countermeasures studies			[38,000]	[38,000]	
130	0605625A	MANNED GROUND VEHICLE	639,874	639,874	639,874		639,874
131	0605626A	AERIAL COMMON SENSOR	47,426	47,426	47,426		47,426
132	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	72,295	72,295	72,295		72,295
133	0303032A	TROJAN—RH12	4,232	4,232	4,232		4,232
134	0304270A	ELECTRONIC WARFARE DEVELOPMENT	13,942	13,942	13,942		13,942
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**3,286,629**	**2,877,368**	**2,952,968**	**–354,061**	**2,932,568**
		RDT&E MANAGEMENT SUPPORT					
135	0604256A	THREAT SIMULATOR DEVELOPMENT	18,090	18,090	18,090		18,090
136	0604258A	TARGET SYSTEMS DEVELOPMENT	14,034	14,034	14,034		14,034
137	0604759A	MAJOR T&E INVESTMENT	37,394	37,394	37,394		37,394
138	0605103A	RAND ARROYO CENTER	21,026	21,026	21,026		21,026
139	0605301A	ARMY KWAJALEIN ATOLL	176,816	176,816	176,816		176,816
140	0605326A	CONCEPTS EXPERIMENTATION PROGRAM	27,902	27,902	27,902		27,902
142	0605601A	ARMY TEST RANGES AND FACILITIES	369,900	369,900	369,900		369,900
143	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS	69,183	69,183	69,183		69,183
144	0605604A	SURVIVABILITY/LETHALITY ANALYSIS	44,753	44,753	44,753		44,753
146	0605606A	AIRCRAFT CERTIFICATION	5,762	5,762	5,762		5,762
147	0605702A	METEOROLOGICAL SUPPORT TO RDT&E ACTIVITIES	7,402	7,402	7,402		7,402

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
148	0605706A	MATERIEL SYSTEMS ANALYSIS	19,954	19,954	19,954		19,954
149	0605709A	EXPLOITATION OF FOREIGN ITEMS	5,535	5,535	5,535		5,535
150	0605712A	SUPPORT OF OPERATIONAL TESTING	67,789	67,789	67,789		67,789
151	0605716A	ARMY EVALUATION CENTER	62,765	62,765	62,765		62,765
152	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG	1,545	1,545	1,545		1,545
153	0605801A	PROGRAMWIDE ACTIVITIES	83,422	83,422	83,422		83,422
154	0605803A	TECHNICAL INFORMATION ACTIVITIES	50,820	50,820	50,820		50,820
155	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY	46,763	46,763	46,763		46,763
156	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT	4,601	4,601	4,601		4,601
157	0605898A	MANAGEMENT HQ—R&D	18,524	18,524	18,524		18,524
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**1,153,980**	**1,153,980**	**1,153,980**		**1,153,980**
		OPERATIONAL SYSTEMS DEVELOPMENT					
159	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM	143,005	143,005	143,005		143,005
161	0607865A	PATRIOT PRODUCT IMPROVEMENT	109,978	109,978	109,978		109,978
162	0102419A	AEROSTAT JOINT PROJECT OFFICE	190,422	150,422	190,422	–30,500	159,922
		Program decrease		[–40,000]		[–30,500]	
164	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	32,556	32,556	32,556		32,556
165	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	253,959	253,959	253,959		253,959
166	0203740A	MANEUVER CONTROL SYSTEM	68,325	68,325	68,325		68,325
167	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS	280,247	226,147	226,247	–54,100	226,147
		Funding ahead of need		[–54,100]	[–54,000]	[–54,100]	
168	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	898	898	898		898
169	0203758A	DIGITIZATION	35,180	35,180	35,180		35,180
171	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM	20,733	20,733	20,733		20,733
172	0203808A	TRACTOR CARD	63,243	63,243	63,243		63,243
173	0208053A	JOINT TACTICAL GROUND SYSTEM	31,738	31,738	31,738		31,738
174	0208058A	JOINT HIGH SPEED VESSEL (JHSV)	35	35	35		35
176	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES	7,591	7,591	7,591		7,591
177	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM	15,961	15,961	15,961		15,961
178	0303141A	GLOBAL COMBAT SUPPORT SYSTEM	120,927	120,927	120,927		120,927
179	0303142A	SATCOM GROUND ENVIRONMENT (SPACE)	15,756	15,756	15,756		15,756
180	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	14,443	14,443	14,443		14,443
182	0305204A	TACTICAL UNMANNED AERIAL VEHICLES	31,303	31,303	31,303		31,303
183	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	40,876	40,876	40,876		40,876
184	0305219A	MQ–1 SKY WARRIOR A UAV	74,618	74,618	74,618		74,618
185	0305232A	RQ–11 UAV	4,039	4,039	4,039		4,039
186	0305233A	RQ–7 UAV	31,158	31,158	31,158		31,158
187	0305235A	VERTICAL UAS	2,387	2,387	2,387		2,387
188	0307665A	BIOMETRICS ENABLED INTELLIGENCE	15,248	15,248	15,248		15,248
189	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES	59,908	59,908	59,908		59,908
189A	9999999999	CLASSIFIED PROGRAMS	4,628	4,628	4,628		4,628
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**1,669,162**	**1,575,062**	**1,615,162**	**–84,600**	**1,584,562**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	**8,929,415**	**8,427,304**	**8,541,754**	**–434,660**	**8,494,755**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY					
		BASIC RESEARCH					
001	0601103N	UNIVERSITY RESEARCH INITIATIVES	113,690	123,690	113,690	10,000	123,690
		Increase Defense University Research Instrumentation Program		[10,000]		[10,000]	
002	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,261	18,261	18,261		18,261
003	0601153N	DEFENSE RESEARCH SCIENCES	473,070	473,070	473,070		473,070
003A	0601XXXN	SCIENCE AND TECHNOLOGY		3,450			0
		Transfer from PE 0205658N		[3,450]			
		SUBTOTAL BASIC RESEARCH	**605,021**	**618,471**	**605,021**	**10,000**	**615,021**
		APPLIED RESEARCH					
004	0602114N	POWER PROJECTION APPLIED RESEARCH	89,189	89,189	89,189		89,189
005	0602123N	FORCE PROTECTION APPLIED RESEARCH	143,301	143,301	143,301		143,301
006	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	46,528	46,528	46,528		46,528
007	0602235N	COMMON PICTURE APPLIED RESEARCH	41,696	41,696	41,696		41,696
008	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	44,127	44,127	44,127		44,127
009	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	78,228	78,228	78,228		78,228
010	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	49,635	49,635	49,635		49,635
011	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	5,973	5,973	5,973		5,973
012	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	96,814	96,814	96,814		96,814

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
013	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	162,417	162,417	162,417		162,417
014	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	32,394	32,394	32,394		32,394
		SUBTOTAL APPLIED RESEARCH	**790,302**	**790,302**	**790,302**		**790,302**
		ADVANCED TECHNOLOGY DEVELOPMENT					
015	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	56,543	56,543	56,543		56,543
016	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	18,616	18,616	18,616		18,616
019	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	54,858	54,858	54,858		54,858
020	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	130,598	130,598	130,598		130,598
021	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	11,706	11,706	11,706		11,706
022	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT	256,382	256,382	256,382		256,382
023	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	3,880	3,880	3,880		3,880
025	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	51,819	51,819	51,819		51,819
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**584,402**	**584,402**	**584,402**		**584,402**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES					
028	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	34,085	34,085	34,085		34,085
029	0603216N	AVIATION SURVIVABILITY	8,783	8,783	8,783		8,783
030	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL	3,773	3,773	3,773		3,773
031	0603251N	AIRCRAFT SYSTEMS	24,512	24,512	24,512		24,512
032	0603254N	ASW SYSTEMS DEVELOPMENT	8,090	8,090	8,090		8,090
033	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	5,301	5,301	5,301		5,301
034	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,506	1,506	1,506		1,506
035	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	190,622	190,622	190,622	–2,000	188,622
		Excess to need				[–2,000]	
036	0603506N	SURFACE SHIP TORPEDO DEFENSE	93,346	93,346	93,346		93,346
037	0603512N	CARRIER SYSTEMS DEVELOPMENT	108,871	108,871	108,871		108,871
039	0603525N	PILOT FISH	101,169	101,169	101,169		101,169
040	0603527N	RETRACT LARCH	74,312	74,312	74,312		74,312
041	0603536N	RETRACT JUNIPER	90,730	90,730	90,730		90,730
042	0603542N	RADIOLOGICAL CONTROL	777	777	777		777
043	0603553N	SURFACE ASW	6,704	6,704	6,704		6,704
044	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	555,123	929,523	555,123		555,123
		Program increase		[374,400]			
045	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	9,368	9,368	9,368		9,368
046	0603563N	SHIP CONCEPT ADVANCED DESIGN	24,609	24,609	24,609		24,609
047	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	13,710	13,710	13,710		13,710
048	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	249,748	249,748	249,748		249,748
049	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	29,897	29,897	29,897		29,897
050	0603576N	CHALK EAGLE	509,988	509,988	509,988		509,988
051	0603581N	LITTORAL COMBAT SHIP (LCS)	429,420	429,420	429,420		429,420
052	0603582N	COMBAT SYSTEM INTEGRATION	56,551	56,551	56,551		56,551
053	0603609N	CONVENTIONAL MUNITIONS	7,342	7,342	7,342		7,342
054	0603611M	MARINE CORPS ASSAULT VEHICLES	95,182	95,182	95,182		95,182
055	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	10,496	10,496	10,496		10,496
056	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	52,331	52,331	52,331		52,331
057	0603658N	COOPERATIVE ENGAGEMENT	56,512	56,512	56,512		56,512
058	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	7,029	7,029	7,029		7,029
059	0603721N	ENVIRONMENTAL PROTECTION	21,080	21,080	21,080		21,080
060	0603724N	NAVY ENERGY PROGRAM	55,324	55,324	55,324		55,324
061	0603725N	FACILITIES IMPROVEMENT	3,401	3,401	3,401		3,401
062	0603734N	CHALK CORAL	45,966	45,966	45,966		45,966
063	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,811	3,811	3,811		3,811
064	0603746N	RETRACT MAPLE	341,305	341,305	341,305		341,305
065	0603748N	LINK PLUMERIA	181,220	181,220	181,220		181,220
066	0603751N	RETRACT ELM	174,014	174,014	174,014		174,014
068	0603764N	LINK EVERGREEN	68,654	68,654	68,654		68,654
069	0603787N	SPECIAL PROCESSES	44,487	44,487	44,487		44,487
070	0603790N	NATO RESEARCH AND DEVELOPMENT	9,389	9,389	9,389		9,389
071	0603795N	LAND ATTACK TECHNOLOGY	16,132	16,132	16,132		16,132
072	0603851M	JOINT NON-LETHAL WEAPONS TESTING	44,994	44,994	44,994		44,994
073	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL	137,369	137,369	137,369		137,369
076	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	73,934	73,934	73,934		73,934
077	0604279N	ASE SELF-PROTECTION OPTIMIZATION	711	711	711		711

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
078	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW).	71,300	71,300	71,300		71,300
079	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	5,654	5,654	5,654		5,654
080	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	31,549	31,549	31,549		31,549
082	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT	86,801	86,801	86,801		86,801
083	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	44,500	44,500	44,500		44,500
084	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	13,172	13,172	13,172		13,172
086	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	643	643	643		643
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**4,335,297**	**4,709,697**	**4,335,297**	**–2,000**	**4,333,297**
		SYSTEM DEVELOPMENT & DEMONSTRATION					
087	0604212N	OTHER HELO DEVELOPMENT	33,978	33,978	33,978		33,978
088	0604214N	AV–8B AIRCRAFT—ENG DEV	32,789	32,789	32,789		32,789
089	0604215N	STANDARDS DEVELOPMENT	84,988	84,988	84,988	–2,000	82,988
		Program behind in execution				[–2,000]	
090	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	6,866	6,866	6,866		6,866
091	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	4,060	4,060	4,060		4,060
092	0604221N	P–3 MODERNIZATION PROGRAM	3,451	3,451	3,451		3,451
093	0604230N	WARFARE SUPPORT SYSTEM	13,071	13,071	13,071		13,071
094	0604231N	TACTICAL COMMAND SYSTEM	71,645	71,645	71,645		71,645
095	0604234N	ADVANCED HAWKEYE	119,065	119,065	119,065		119,065
096	0604245N	H–1 UPGRADES	31,105	31,105	31,105		31,105
097	0604261N	ACOUSTIC SEARCH SENSORS	34,299	34,299	34,299		34,299
098	0604262N	V–22A	54,412	54,412	54,412		54,412
099	0604264N	AIR CREW SYSTEMS DEVELOPMENT	2,717	2,717	2,717		2,717
100	0604269N	EA–18	13,009	13,009	13,009		13,009
101	0604270N	ELECTRONIC WARFARE DEVELOPMENT	51,304	51,304	51,304		51,304
102	0604273N	VH–71A EXECUTIVE HELO DEVELOPMENT	61,163	61,163	61,163		61,163
103	0604274N	NEXT GENERATION JAMMER (NGJ)	187,024	187,024	187,024		187,024
104	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY)	337,480	337,480	337,480		337,480
105	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING	260,616	510,616	260,616	250,000	510,616
		Cruiser Retention		[250,000]		[250,000]	
106	0604311N	LPD–17 CLASS SYSTEMS INTEGRATION	824	824	824		824
107	0604329N	SMALL DIAMETER BOMB (SDB)	31,064	31,064	31,064		31,064
108	0604366N	STANDARD MISSILE IMPROVEMENTS	63,891	63,891	63,891	–5,500	58,391
		Program execution				[–5,500]	
109	0604373N	AIRBORNE MCM	73,246	73,246	73,246		73,246
110	0604376M	MARINE AIR GROUND TASK FORCE (MAGTF) ELECTRONIC WARFARE (EW) FOR AVIATION.	10,568	10,568	10,568		10,568
111	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING.	39,974	39,974	39,974		39,974
112	0604404N	UNMANNED CARRIER LAUNCHED AIRBORNE SURVEILLANCE AND STRIKE (UCLASS) SYSTEM.	122,481	47,481	122,481		122,481
		Transfer from RDN 112 to RDN 167		[–75,000]			
113	0604501N	ADVANCED ABOVE WATER SENSORS	255,516	255,516	255,516		255,516
114	0604503N	SSN–688 AND TRIDENT MODERNIZATION	82,620	82,620	82,620		82,620
115	0604504N	AIR CONTROL	5,633	5,633	5,633		5,633
116	0604512N	SHIPBOARD AVIATION SYSTEMS	55,826	55,826	55,826		55,826
117	0604518N	COMBAT INFORMATION CENTER CONVERSION	918	918	918		918
118	0604558N	NEW DESIGN SSN	165,230	165,230	165,230		165,230
119	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	49,141	49,141	49,141		49,141
120	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	196,737	196,737	196,737		196,737
121	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,889	3,889	3,889		3,889
122	0604601N	MINE DEVELOPMENT	8,335	8,335	8,335		8,335
123	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	49,818	49,818	49,818		49,818
124	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	10,099	10,099	10,099		10,099
125	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	7,348	7,348	7,348		7,348
126	0604727N	JOINT STANDOFF WEAPON SYSTEMS	5,518	5,518	5,518		5,518
127	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	87,662	87,662	87,662		87,662
128	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	64,079	64,079	64,079		64,079
129	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	151,489	152,614	151,489		151,489
		Cruiser Retention		[1,125]			
131	0604771N	MEDICAL DEVELOPMENT	12,707	12,707	12,707		12,707
132	0604777N	NAVIGATION/ID SYSTEM	47,764	47,764	47,764		47,764

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
133	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD	737,149	737,149	737,149	–3,200	733,949
		Block IV development ahead of need				[–3,200]	
134	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	743,926	743,926	743,926	–3,200	740,726
		Block IV development ahead of need				[–3,200]	
135	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT	12,143	12,143	12,143		12,143
136	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT	72,209	72,209	72,209		72,209
138	0605212N	CH–53K RDTE	606,204	606,204	606,204		606,204
140	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA)	421,102	421,102	421,102		421,102
141	0204202N	DDG–1000	124,655	124,655	124,655		124,655
142	0304231N	TACTICAL COMMAND SYSTEM—MIP	1,170	1,170	1,170		1,170
144	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS	23,255	23,255	23,255		23,255
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**5,747,232**	**5,923,357**	**5,747,232**	**236,100**	**5,983,332**
		RDT&E MANAGEMENT SUPPORT					
146	0604256N	THREAT SIMULATOR DEVELOPMENT	30,790	30,790	30,790		30,790
147	0604258N	TARGET SYSTEMS DEVELOPMENT	59,221	59,221	59,221		59,221
148	0604759N	MAJOR T&E INVESTMENT	35,894	35,894	35,894		35,894
149	0605126N	JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION	7,573	7,573	7,573		7,573
150	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY	20,963	20,963	20,963		20,963
151	0605154N	CENTER FOR NAVAL ANALYSES	46,856	46,856	46,856		46,856
153	0605804N	TECHNICAL INFORMATION SERVICES	796	796	796		796
154	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT	32,782	32,782	32,782		32,782
155	0605856N	STRATEGIC TECHNICAL SUPPORT	3,306	3,306	3,306		3,306
156	0605861N	RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT	70,302	70,302	70,302		70,302
157	0605863N	RDT&E SHIP AND AIRCRAFT SUPPORT	144,033	144,033	144,033		144,033
158	0605864N	TEST AND EVALUATION SUPPORT	342,298	342,298	342,298		342,298
159	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY	16,399	16,399	16,399		16,399
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	4,579	4,579	4,579		4,579
161	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT	8,000	8,000	8,000		8,000
162	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT	18,490	18,490	18,490		18,490
163	0305885N	TACTICAL CRYPTOLOGIC ACTIVITIES	2,795	2,795	2,795		2,795
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**845,077**	**845,077**	**845,077**		**845,077**
		OPERATIONAL SYSTEMS DEVELOPMENT					
167	0604402N	UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT.	142,282	217,282	142,282		142,282
		Transfer from RDN 112 to RDN 167		[75,000]			
170	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT	105,892	105,892	105,892		105,892
171	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM	34,729	34,729	34,729		34,729
172	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT	1,434	1,434	1,434		1,434
173	0101402N	NAVY STRATEGIC COMMUNICATIONS	19,208	19,208	19,208		19,208
174	0203761N	RAPID TECHNOLOGY TRANSITION (RTT)	25,566	25,566	25,566		25,566
175	0204136N	F/A–18 SQUADRONS	188,299	188,299	188,299	–18,000	170,299
		Program behind in execution				[–18,000]	
176	0204152N	E–2 SQUADRONS	8,610	8,610	8,610		8,610
177	0204163N	FLEET TELECOMMUNICATIONS (TACTICAL)	15,695	15,695	15,695		15,695
178	0204228N	SURFACE SUPPORT	4,171	4,171	4,171		4,171
179	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC)	11,265	11,265	11,265		11,265
180	0204311N	INTEGRATED SURVEILLANCE SYSTEM	45,922	45,922	45,922		45,922
181	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT)	8,435	8,435	8,435		8,435
182	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR)	75,088	75,088	75,088		75,088
183	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT	20,229	20,229	20,229		20,229
184	0204574N	CRYPTOLOGIC DIRECT SUPPORT	1,756	1,756	1,756		1,756
185	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT	19,843	19,843	19,843		19,843
186	0205601N	HARM IMPROVEMENT	11,477	11,477	11,477		11,477
187	0205604N	TACTICAL DATA LINKS	118,818	118,818	118,818		118,818
188	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION	27,342	27,342	27,342		27,342
189	0205632N	MK–48 ADCAP	28,717	28,717	28,717		28,717
190	0205633N	AVIATION IMPROVEMENTS	89,157	89,157	89,157		89,157
191	0205658N	NAVY SCIENCE ASSISTANCE PROGRAM	3,450		3,450		3,450
		Transfer to Science and Technology (RDN 003A)		[–3,450]			
192	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	86,435	86,435	86,435		86,435
193	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	219,054	219,054	219,054		219,054
194	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS	181,693	181,693	181,693		181,693
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	58,393	58,393	58,393		58,393
196	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	22,966	22,966	22,966		22,966

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
197	0207161N	TACTICAL AIM MISSILES	21,107	21,107	21,107		21,107
198	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	2,857	2,857	2,857		2,857
199	0208058N	JOINT HIGH SPEED VESSEL (JHSV)	1,932	1,932	1,932		1,932
204	0303109N	SATELLITE COMMUNICATIONS (SPACE)	188,482	188,482	188,482		188,482
205	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES)	16,749	16,749	16,749		16,749
206	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	26,307	26,307	26,307		26,307
207	0303150M	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	500	500	500		500
210	0305149N	COBRA JUDY	17,091	17,091	17,091		17,091
211	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC)	810	810	810		810
212	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	8,617	8,617	8,617		8,617
213	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	9,066	9,066	9,066		9,066
215	0305207N	MANNED RECONNAISSANCE SYSTEMS	30,654	30,654	30,654		30,654
216	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	25,917	25,917	25,917		25,917
217	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	14,676	14,676	14,676		14,676
218	0305220N	RQ–4 UAV	657,483	657,483	657,483		657,483
219	0305231N	MQ–8 UAV	99,600	99,600	99,600		99,600
220	0305232M	RQ–11 UAV	495	495	495		495
221	0305233N	RQ–7 UAV	863	863	863		863
223	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	9,734	9,734	9,734		9,734
225	0305239M	RQ–21A	22,343	22,343	22,343		22,343
226	0308601N	MODELING AND SIMULATION SUPPORT	5,908	5,908	5,908		5,908
227	0702207N	DEPOT MAINTENANCE (NON-IF)	27,391	27,391	27,391		27,391
229	0708011N	INDUSTRIAL PREPAREDNESS	54,879	54,879	54,879		54,879
230	0708730N	MARITIME TECHNOLOGY (MARITECH)	5,000	5,000	5,000		5,000
230A	9999999999	CLASSIFIED PROGRAMS	1,151,159	1,351,159	1,151,159	200,000	1,351,159
		Program increase		[200,000]		[200,000]	
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**3,975,546**	**4,247,096**	**3,975,546**	**182,000**	**4,157,546**
		PRIOR YEAR SAVINGS					
230B	9999999999	PRIOR YEAR SAVINGS			–8,832		0
		Medium range maritime UAS cancellation			[–8,832]		
		SUBTOTAL PRIOR YEAR SAVINGS			**–8,832**		**0**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	**16,882,877**	**17,718,402**	**16,874,045**	**426,100**	**17,308,977**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF					
		BASIC RESEARCH					
001	0601102F	DEFENSE RESEARCH SCIENCES	361,787	361,787	361,787		361,787
002	0601103F	UNIVERSITY RESEARCH INITIATIVES	141,153	141,153	141,153		141,153
003	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	13,094	13,094	13,094		13,094
		SUBTOTAL BASIC RESEARCH	**516,034**	**516,034**	**516,034**		**516,034**
		APPLIED RESEARCH					
004	0602102F	MATERIALS	114,166	114,166	114,166		114,166
005	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	120,719	120,719	120,719		120,719
006	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	89,319	89,319	89,319		89,319
007	0602203F	AEROSPACE PROPULSION	232,547	232,547	232,547		232,547
008	0602204F	AEROSPACE SENSORS	127,637	127,637	127,637		127,637
009	0602601F	SPACE TECHNOLOGY	98,375	98,375	98,375		98,375
010	0602602F	CONVENTIONAL MUNITIONS	77,175	77,175	77,175		77,175
011	0602605F	DIRECTED ENERGY TECHNOLOGY	106,196	106,196	106,196		106,196
012	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	104,362	104,362	104,362		104,362
013	0602890F	HIGH ENERGY LASER RESEARCH	38,557	38,557	38,557		38,557
		SUBTOTAL APPLIED RESEARCH	**1,109,053**	**1,109,053**	**1,109,053**		**1,109,053**
		ADVANCED TECHNOLOGY DEVELOPMENT					
014	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	47,890	57,890	47,890	10,000	57,890
		Increase Materials Affordability Initiative program		[10,000]		[10,000]	
015	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	6,565	6,565	6,565		6,565
016	0603203F	ADVANCED AEROSPACE SENSORS	37,657	37,657	37,657		37,657
017	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	81,376	81,376	81,376		81,376
018	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	151,152	151,152	151,152		151,152
019	0603270F	ELECTRONIC COMBAT TECHNOLOGY	32,941	32,941	32,941		32,941
020	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	64,557	64,557	64,557		64,557
021	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	29,256	29,256	29,256		29,256
022	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT	21,523	21,523	21,523		21,523

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
023	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	36,352	36,352	36,352		36,352
024	0603605F	ADVANCED WEAPONS TECHNOLOGY	19,004	19,004	19,004		19,004
025	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	37,045	37,045	37,045		37,045
026	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION	31,419	31,419	31,419		31,419
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT	**596,737**	**606,737**	**596,737**	**10,000**	**606,737**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES					
028	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	3,866	3,866	3,866		3,866
029	0603287F	PHYSICAL SECURITY EQUIPMENT	3,704	3,704	3,704		3,704
030	0603430F	ADVANCED EHF MILSATCOM (SPACE)	229,171	227,671	227,671	–1,500	227,671
		Project decrease		[–1,500]	[–1,500]	[–1,500]	
031	0603432F	POLAR MILSATCOM (SPACE)	120,676	120,676	120,676		120,676
032	0603438F	SPACE CONTROL TECHNOLOGY	25,144	23,144	23,144	–2,000	23,144
		Project decrease		[–2,000]	[–2,000]	[–2,000]	
033	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	32,243	32,243	32,243		32,243
034	0603790F	NATO RESEARCH AND DEVELOPMENT	4,507	4,507	4,507		4,507
035	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D	652	652	652		652
036	0603830F	SPACE PROTECTION PROGRAM (SPP)	10,429	10,429	10,429		10,429
037	0603850F	INTEGRATED BROADCAST SERVICE—DEM/VAL	19,938	19,938	19,938		19,938
038	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	71,181	71,181	71,181		71,181
039	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE)	12,027	12,027	12,027		12,027
040	0603859F	POLLUTION PREVENTION—DEM/VAL	2,054	2,054	2,054		2,054
041	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL	57,975	57,975	57,975		57,975
042	0604015F	LONG RANGE STRIKE	291,742	291,742	291,742		291,742
043	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	114,417	114,417	114,417		114,417
044	0604317F	TECHNOLOGY TRANSFER	2,576	2,576	2,576		2,576
045	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	16,711	16,711	16,711		16,711
047	0604337F	REQUIREMENTS ANALYSIS AND MATURATION	16,343	16,343	16,343		16,343
048	0604422F	WEATHER SATELLITE FOLLOW-ON	2,000	2,000	2,000		2,000
050	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	9,423	9,423	9,423		9,423
054	0604857F	OPERATIONALLY RESPONSIVE SPACE		25,000	45,000	45,000	45,000
		Restore Operationally Responsive Space		[25,000]	[45,000]	[45,000]	
055	0604858F	TECH TRANSITION PROGRAM	37,558	34,558	34,558	–3,000	34,558
		Project decrease		[–3,000]	[–3,000]	[–3,000]	
056	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	96,840	96,840	96,840		96,840
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**1,181,177**	**1,199,677**	**1,219,677**	**38,500**	**1,219,677**
		SYSTEM DEVELOPMENT & DEMONSTRATION					
058	0603840F	GLOBAL BROADCAST SERVICE (GBS)	14,652	14,652	14,652		14,652
059	0604222F	NUCLEAR WEAPONS SUPPORT	25,713	25,713	25,713		25,713
060	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	6,583	6,583	6,583	–1,600	4,983
		Program delays				[–1,600]	
061	0604270F	ELECTRONIC WARFARE DEVELOPMENT	1,975	1,975	1,975		1,975
062	0604280F	JOINT TACTICAL RADIO	2,594	2,594	2,594		2,594
063	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	24,534	24,534	24,534		24,534
064	0604287F	PHYSICAL SECURITY EQUIPMENT	51	51	51		51
065	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	143,000	143,000	143,000		143,000
066	0604421F	COUNTERSPACE SYSTEMS	28,797	28,797	28,797		28,797
067	0604425F	SPACE SITUATION AWARENESS SYSTEMS	267,252	267,252	247,252	–20,000	247,252
		C-Band Radar re-location			[3,000]	[3,000]	
		Excess funding			[–20,000]	[–20,000]	
		Undistributed reduction			[–3,000]	[–3,000]	
068	0604429F	AIRBORNE ELECTRONIC ATTACK	4,118	4,118	4,118		4,118
069	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	448,594	446,594	446,594	–2,000	446,594
		Project decrease		[–2,000]	[–2,000]	[–2,000]	
070	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	9,951	9,951	9,951		9,951
071	0604604F	SUBMUNITIONS	2,567	2,567	2,567		2,567
072	0604617F	AGILE COMBAT SUPPORT	13,059	13,059	13,059		13,059
073	0604706F	LIFE SUPPORT SYSTEMS	9,720	9,720	9,720		9,720
074	0604735F	COMBAT TRAINING RANGES	9,222	9,222	9,222		9,222
076	0604750F	INTELLIGENCE EQUIPMENT	803	803	803		803
077	0604800F	F–35—EMD	1,210,306	1,210,306	1,210,306	–2,307	1,207,999
		Block 4—early to need				[–2,307]	
078	0604851F	INTERCONTINENTAL BALLISTIC MISSILE—EMD	135,437	135,437	135,437		135,437
079	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD	7,980	7,980	7,980		7,980

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
080	0604932F	LONG RANGE STANDOFF WEAPON	2,004	2,004	2,004		2,004
081	0604933F	ICBM FUZE MODERNIZATION	73,512	73,512	73,512		73,512
082	0605213F	F–22 MODERNIZATION INCREMENT 3.2B	140,100	140,100	140,100		140,100
083	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT	1,815,588	1,815,588	1,728,458	–77,100	1,738,488
		Excess prior year funds			[–87,130]	[–77,100]	
084	0605229F	CSAR HH–60 RECAPITALIZATION	123,210	123,210	123,210		123,210
085	0605278F	HC/MC–130 RECAP RDT&E	19,039	19,039	19,039		19,039
086	0605931F	B–2 DEFENSIVE MANAGEMENT SYSTEM	281,056	281,056	281,056		281,056
087	0101125F	NUCLEAR WEAPONS MODERNIZATION	80,200	80,200	80,200		80,200
089	0207604F	READINESS TRAINING RANGES, OPERATIONS AND MAINTENANCE	310	310	310		310
090	0207701F	FULL COMBAT MISSION TRAINING	14,861	14,861	14,861		14,861
091	0305230F	MC–12	19,949	19,949	19,949		19,949
092	0401138F	C–27J AIRLIFT SQUADRONS		25,000			0
		Joint Cargo Aircraft		[25,000]			
093	0401318F	CV–22	28,027	28,027	28,027		28,027
094	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S)	1,960	1,960	1,960		1,960
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**4,966,724**	**4,989,724**	**4,857,594**	**–103,007**	**4,863,717**
		RDT&E MANAGEMENT SUPPORT					
095	0604256F	THREAT SIMULATOR DEVELOPMENT	22,812	22,812	22,812		22,812
096	0604759F	MAJOR T&E INVESTMENT	42,236	42,236	42,236		42,236
097	0605101F	RAND PROJECT AIR FORCE	25,579	25,579	25,579		25,579
099	0605712F	INITIAL OPERATIONAL TEST & EVALUATION	16,197	16,197	16,197		16,197
100	0605807F	TEST AND EVALUATION SUPPORT	722,071	722,071	722,071		722,071
101	0605860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE)	16,200	16,200	16,200		16,200
102	0605864F	SPACE TEST PROGRAM (STP)	10,051	45,001	45,051	35,000	45,051
		Restore Space Test Program		[34,950]	[35,000]	[35,000]	
103	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT.	42,597	42,597	42,597		42,597
104	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT	27,301	27,301	27,301		27,301
105	0606323F	MULTI-SERVICE SYSTEMS ENGINEERING INITIATIVE	13,964	13,964	13,964		13,964
106	0606392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE	203,766	203,766	203,766		203,766
107	0702806F	ACQUISITION AND MANAGEMENT SUPPORT	42,430	42,430	42,430		42,430
108	0804731F	GENERAL SKILL TRAINING	1,294	1,294	1,294		1,294
111	1001004F	INTERNATIONAL ACTIVITIES	3,851	3,851	3,851		3,851
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**1,190,349**	**1,225,299**	**1,225,349**	**35,000**	**1,225,349**
		OPERATIONAL SYSTEMS DEVELOPMENT					
112	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT	371,595	370,095	370,095	–1,500	370,095
		Project decrease		[–1,500]	[–1,500]	[–1,500]	
114	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS)	91,697	91,697	91,697		91,697
115	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	17,037	17,037	17,037		17,037
117	0101113F	B–52 SQUADRONS	53,208	53,208	53,208		53,208
118	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	431	431	431		431
119	0101126F	B–1B SQUADRONS	16,265	16,265	16,265		16,265
120	0101127F	B–2 SQUADRONS	35,970	35,970	20,970		35,970
		Efficiencies			[–15,000]		
121	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	30,889	30,889	30,889		30,889
122	0101314F	NIGHT FIST—USSTRATCOM	10	10	10		10
124	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	5,609	5,609	5,609		5,609
126	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND.	15,098	15,098	15,098		15,098
127	0205219F	MQ–9 UAV	147,971	147,971	147,971		147,971
128	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT	49,848	49,848	49,848		49,848
129	0207131F	A–10 SQUADRONS	13,538	13,538	13,538		13,538
130	0207133F	F–16 SQUADRONS	190,257	190,257	190,257		190,257
131	0207134F	F–15E SQUADRONS	192,677	192,677	192,677		192,677
132	0207136F	MANNED DESTRUCTIVE SUPPRESSION	13,683	13,683	13,683		13,683
133	0207138F	F–22A SQUADRONS	371,667	371,667	371,667		371,667
134	0207142F	F–35 SQUADRONS	8,117	8,117	8,117		8,117
135	0207161F	TACTICAL AIM MISSILES	8,234	8,234	8,234		8,234
136	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	87,041	87,041	87,041		87,041
137	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	1,472	1,472	1,472		1,472
138	0207224F	COMBAT RESCUE AND RECOVERY	2,095	2,095	2,095		2,095
139	0207227F	COMBAT RESCUE—PARARESCUE	1,119	1,119	1,119		1,119

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
140	0207247F	AF TENCAP	63,853	63,853	63,853		63,853
141	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	1,063	1,063	1,063		1,063
142	0207253F	COMPASS CALL	12,094	12,094	12,094		12,094
143	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	187,984	187,984	187,984		187,984
145	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	7,950	7,950	7,950		7,950
146	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	76,315	76,315	76,315		76,315
147	0207412F	CONTROL AND REPORTING CENTER (CRC)	8,653	8,653	8,653		8,653
148	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	65,200	65,200	65,200		65,200
149	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS	5,767	5,767	5,767		5,767
152	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES	5,756	5,756	5,756		5,756
154	0207444F	TACTICAL AIR CONTROL PARTY-MOD	16,226	16,226	16,226		16,226
156	0207448F	C2ISR TACTICAL DATA LINK	1,633	1,633	1,633		1,633
157	0207449F	COMMAND AND CONTROL (C2) CONSTELLATION	18,086	18,086	18,086		18,086
158	0207452F	DCAPES	15,690	15,690	15,690		15,690
159	0207581F	JOINT SURVEILLANCE/TARGET ATTACK RADAR SYSTEM (JSTARS)	24,241	24,241	24,241		24,241
160	0207590F	SEEK EAGLE	22,654	22,654	22,654		22,654
161	0207601F	USAF MODELING AND SIMULATION	15,501	15,501	15,501		15,501
162	0207605F	WARGAMING AND SIMULATION CENTERS	5,699	5,699	5,699		5,699
163	0207697F	DISTRIBUTED TRAINING AND EXERCISES	4,425	4,425	4,425		4,425
164	0208006F	MISSION PLANNING SYSTEMS	69,377	69,377	69,377		69,377
165	0208021F	INFORMATION WARFARE SUPPORT	7,159	7,159	7,159		7,159
166	0208059F	CYBER COMMAND ACTIVITIES	66,888	66,888	66,888		66,888
174	0301400F	SPACE SUPERIORITY INTELLIGENCE	12,056	12,056	12,056		12,056
175	0302015F	E–4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC)	4,159	4,159	4,159		4,159
176	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	20,124	20,124	20,124		20,124
177	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM	69,133	69,133	69,133		69,133
178	0303141F	GLOBAL COMBAT SUPPORT SYSTEM	6,512	6,512	6,512		6,512
179	0303150F	GLOBAL COMMAND AND CONTROL SYSTEM	4,316	4,316	4,316	–2,000	2,316
		Underexecution				[–2,000]	
180	0303601F	MILSATCOM TERMINALS	107,237	107,237	107,237		107,237
182	0304260F	AIRBORNE SIGINT ENTERPRISE	129,106	129,106	129,106		129,106
185	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM)	4,461	4,461	4,461		4,461
186	0305103F	CYBER SECURITY INITIATIVE	2,055	2,055	2,055		2,055
187	0305105F	DOD CYBER CRIME CENTER	285	285	285		285
188	0305110F	SATELLITE CONTROL NETWORK (SPACE)	33,773	33,773	33,773		33,773
189	0305111F	WEATHER SERVICE	29,048	29,048	29,048		29,048
190	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS)	43,187	43,187	43,187		43,187
191	0305116F	AERIAL TARGETS	50,496	50,496	50,496		50,496
194	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES	354	354	354		354
195	0305145F	ARMS CONTROL IMPLEMENTATION	4,000	4,000	4,000		4,000
196	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES	342	342	342		342
198	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE)	29,621	29,621	29,621		29,621
199	0305165F	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE AND CONTROL SEGMENTS).	14,335	14,335	14,335		14,335
201	0305173F	SPACE AND MISSILE TEST AND EVALUATION CENTER	3,680	3,680	3,680		3,680
202	0305174F	SPACE INNOVATION AND DEVELOPMENT CENTER	2,430	2,430	2,430		2,430
203	0305182F	SPACELIFT RANGE SYSTEM (SPACE)	8,760	8,760	8,760		8,760
205	0305202F	DRAGON U–2	23,644	23,644	23,644		23,644
206	0305205F	ENDURANCE UNMANNED AERIAL VEHICLES	21,000	21,000	21,000		21,000
207	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS	96,735	96,735	96,735		96,735
208	0305207F	MANNED RECONNAISSANCE SYSTEMS	13,316	13,316	13,316		13,316
209	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	63,501	63,501	63,501		63,501
210	0305219F	MQ–1 PREDATOR A UAV	9,122	9,122	9,122		9,122
211	0305220F	RQ–4 UAV	236,265	236,265	236,265		236,265
212	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING	7,367	7,367	7,367		7,367
213	0305236F	COMMON DATA LINK (CDL)	38,094	38,094	38,094		38,094
214	0305238F	NATO AGS	210,109	210,109	210,109		210,109
215	0305240F	SUPPORT TO DCGS ENTERPRISE	24,500	24,500	24,500		24,500
216	0305265F	GPS III SPACE SEGMENT	318,992	318,992	318,992		318,992
217	0305614F	JSPOC MISSION SYSTEM	54,645	54,645	54,645		54,645
218	0305881F	RAPID CYBER ACQUISITION	4,007	4,007	4,007		4,007
219	0305887F	INTELLIGENCE SUPPORT TO INFORMATION WARFARE	13,357	13,357	13,357		13,357
220	0305913F	NUDET DETECTION SYSTEM (SPACE)	64,965	64,965	64,965	–1,600	63,365
		ICADS—early to need				[–1,600]	
221	0305940F	SPACE SITUATION AWARENESS OPERATIONS	19,586	19,586	19,586		19,586

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
223	0308699F	SHARED EARLY WARNING (SEW)	1,175	1,175	1,175		1,175
224	0401115F	C–130 AIRLIFT SQUADRON	5,000	5,000	5,000		5,000
225	0401119F	C–5 AIRLIFT SQUADRONS (IF)	35,115	35,115	35,115		35,115
226	0401130F	C–17 AIRCRAFT (IF)	99,225	99,225	99,225		99,225
227	0401132F	C–130J PROGRAM	30,652	30,652	30,652		30,652
228	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	7,758	7,758	7,758		7,758
229	0401139F	LIGHT MOBILITY AIRCRAFT (LIMA)	100	100	100	–100	0
		Program termination				[–100]	
231	0401219F	KC–10S	24,022	24,022	24,022		24,022
232	0401314F	OPERATIONAL SUPPORT AIRLIFT	7,471	7,471	7,471		7,471
234	0408011F	SPECIAL TACTICS / COMBAT CONTROL	4,984	4,984	4,984		4,984
235	0702207F	DEPOT MAINTENANCE (NON-IF)	1,588	1,588	1,588		1,588
236	0708012F	LOGISTICS SUPPORT ACTIVITIES	577	577	577		577
237	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT)	119,327	119,327	119,327	–20,000	99,327
		Program delays				[–20,000]	
238	0708611F	SUPPORT SYSTEMS DEVELOPMENT	15,873	15,873	15,873		15,873
240	0804743F	OTHER FLIGHT TRAINING	349	349	349		349
242	0808716F	OTHER PERSONNEL ACTIVITIES	117	117	117		117
243	0901202F	JOINT PERSONNEL RECOVERY AGENCY	2,018	2,018	2,018		2,018
244	0901218F	CIVILIAN COMPENSATION PROGRAM	1,561	1,561	1,561		1,561
245	0901220F	PERSONNEL ADMINISTRATION	7,634	7,634	7,634		7,634
246	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY	1,175	1,175	1,175		1,175
247	0901279F	FACILITIES OPERATION—ADMINISTRATIVE	3,491	3,491	3,491		3,491
248	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT	100,160	100,160	100,160		100,160
249A	9999999999	CLASSIFIED PROGRAMS	11,172,183	11,172,183	11,149,583		11,172,183
		Classified reduction			[–22,600]		
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**15,867,972**	**15,866,472**	**15,828,872**	**–25,200**	**15,842,772**
		PRIOR YEAR SAVINGS					
249B	9999999999	PRIOR YEAR SAVINGS			–78,426		0
		C–130 AMP cancellation			[–6,509]		
		Global Hawk Block 30 cancellation			[–64,000]		
		MALD II Cancellation			[–7,917]		
		SUBTOTAL PRIOR YEAR SAVINGS			**–78,426**		**0**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**25,428,046**	**25,512,996**	**25,274,890**	**–44,707**	**25,383,339**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW					
		BASIC RESEARCH					
001	0601000BR	DTRA BASIC RESEARCH INITIATIVE	45,071	45,071	45,071		45,071
002	0601101E	DEFENSE RESEARCH SCIENCES	309,051	309,051	309,051		309,051
003	0601110D8Z	BASIC RESEARCH INITIATIVES	19,405	19,405	19,405		19,405
004	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	39,676	39,676	39,676		39,676
005	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	87,979	87,979	87,979		87,979
006	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	50,566	50,566	50,566		50,566
		SUBTOTAL BASIC RESEARCH	**551,748**	**551,748**	**551,748**		**551,748**
		APPLIED RESEARCH					
007	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	20,615	20,615	20,615		20,615
008	0602115E	BIOMEDICAL TECHNOLOGY	110,900	110,900	110,900		110,900
009	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE		10,000		10,000	10,000
		Program increase		[10,000]		[10,000]	
010	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	36,826	36,826	36,826		36,826
011	0602250D8Z	SYSTEMS 2020 APPLIED RESEARCH	7,898	7,898	7,898		7,898
012	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	392,421	392,421	392,421		392,421
013	0602304E	COGNITIVE COMPUTING SYSTEMS	30,424	30,424	30,424		30,424
015	0602383E	BIOLOGICAL WARFARE DEFENSE	19,236	19,236	19,236		19,236
016	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	223,269	223,269	223,269		223,269
017	0602663D8Z	DATA TO DECISIONS APPLIED RESEARCH	13,753	13,753	13,753	–4,000	9,753
		Excessive growth				[–4,000]	
018	0602668D8Z	CYBER SECURITY RESEARCH	18,985	18,985	18,985	–6,000	12,985
		Excessive growth				[–6,000]	
019	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH.	6,771	6,771	6,771		6,771
020	0602702E	TACTICAL TECHNOLOGY	233,209	233,209	233,209		233,209
021	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	166,067	166,067	166,067		166,067

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
022	0602716E	ELECTRONICS TECHNOLOGY	222,416	222,416	222,416		222,416
023	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	172,352	172,352	172,352		172,352
024	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	28,739	28,739	28,739		28,739
		SUBTOTAL APPLIED RESEARCH	**1,703,881**	**1,713,881**	**1,703,881**		**1,703,881**
		ADVANCED TECHNOLOGY DEVELOPMENT (ATD)					
025	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	25,612	25,612	25,612	–4,000	21,612
		Excessive growth				[–4,000]	
026	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	26,324	26,324	26,324		26,324
027	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	77,144	77,144	65,844		77,144
		Reduction due to duplication of effort			[–11,300]		
028	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT.	275,022	275,022	275,022		275,022
029	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	79,975	79,975	79,975		79,975
031	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	20,032	20,032	20,032		20,032
032	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY.	3,892	3,892	3,892		3,892
033	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	36,685	36,685	36,685		36,685
034	0603286E	ADVANCED AEROSPACE SYSTEMS	174,316	149,316	174,316	–15,000	159,316
		Program decrease		[–25,000]		[–15,000]	
035	0603287E	SPACE PROGRAMS AND TECHNOLOGY	159,704	159,704	159,704		159,704
036	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	234,280	229,280	234,280		234,280
		Program decrease		[–5,000]			
037	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	6,983	6,983	6,983		6,983
038	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	158,263	158,263	158,263		158,263
039	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	25,393	25,393	25,393		25,393
040	0603663D8Z	DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT	13,754	13,754	13,754	–4,000	9,754
		Excessive growth				[–4,000]	
042	0603668D8Z	CYBER SECURITY ADVANCED RESEARCH	19,935	19,935	19,935	–6,000	13,935
		Excessive growth				[–6,000]	
043	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT.	8,235	8,235	8,235		8,235
044	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	21,966	21,966	51,966	30,000	51,966
		Industrial Base Innovation Fund			[30,000]	[30,000]	
045	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT	24,662	24,662	24,662		24,662
047	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	24,605	24,605	24,605		24,605
048	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY	30,678	30,678	30,678		30,678
049	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	65,282	65,282	65,282		65,282
050	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT	72,234	82,234	69,234	–10,000	62,234
		.90nm Next Generation Foundry-early to need				[–10,000]	
		DMEA upgrade reduction			[–3,000]		
		Program increase		[10,000]			
051	0603727D8Z	JOINT WARFIGHTING PROGRAM	8,403	8,403	8,403		8,403
052	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	111,008	111,008	111,008		111,008
054	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	237,859	212,859	237,859	–8,000	229,859
		Program reduction		[–25,000]		[–8,000]	
055	0603765E	CLASSIFIED DARPA PROGRAMS	3,000	3,000	3,000		3,000
056	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	236,883	236,883	236,883		236,883
057	0603767E	SENSOR TECHNOLOGY	299,438	299,438	299,438		299,438
058	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	12,195	12,195	12,195		12,195
059	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	30,036	30,036	30,036		30,036
060	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	107,002	107,002	107,002	–15,000	92,002
		Excessive growth				[–15,000]	
062	0603828J	JOINT EXPERIMENTATION	21,230	21,230	21,230		21,230
063	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE	47,433	47,433	47,433		47,433
064	0603901C	DIRECTED ENERGY RESEARCH	46,944	76,944	46,944	–5,000	41,944
		Program increase		[30,000]			
		Unjustified request				[–5,000]	
065	0603902C	NEXT GENERATION AEGIS MISSILE	224,077	224,077	224,077		224,077
066	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	92,602	92,602	92,602		92,602
068	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	26,244	26,244	26,244		26,244
069	0303310D8Z	CWMD SYSTEMS	53,946	53,946	53,946	–15,000	38,946
		Program reduction				[–15,000]	
070	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT	45,317	45,317	45,317		45,317

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
071	1160422BB	AVIATION ENGINEERING ANALYSIS	861	861	861		861
072	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY.	4,959	4,959	4,959		4,959
		SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT (ATD)	**3,194,413**	**3,179,413**	**3,210,113**	**–52,000**	**3,142,413**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES					
073	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	33,234	33,234	33,234		33,234
074	0603527D8Z	RETRACT LARCH	21,023	21,023	21,023		21,023
075	0603600D8Z	WALKOFF	94,624	94,624	94,624		94,624
077	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM	16,958	16,958	18,958	2,000	18,958
		Reverse cuts to testing			[2,000]	[2,000]	
078	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM	75,941	75,941	75,941		75,941
079	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	316,929	316,929	316,929		316,929
080	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT	903,172	1,363,172	903,172	75,000	978,172
		East Coast site planning and development, and EIS work		[103,000]			
		Program increase		[357,000]		[75,000]	
081	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL	179,023	179,023	179,023		179,023
082	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	347,012	347,012	347,012		347,012
084	0603890C	BMD ENABLING PROGRAMS	362,711	362,711	362,711		362,711
085	0603891C	SPECIAL PROGRAMS—MDA	272,387	272,387	272,387		272,387
086	0603892C	AEGIS BMD	992,407	992,407	992,407		992,407
087	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	51,313	51,313	51,313		51,313
088	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	6,912	6,912	6,912		6,912
089	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT & COMMUNICATION.	366,552	366,552	366,552		366,552
090	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	55,550	55,550	55,550		55,550
091	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC)	63,043	63,043	63,043		63,043
092	0603906C	REGARDING TRENCH	11,371	11,371	11,371		11,371
093	0603907C	SEA BASED X-BAND RADAR (SBX)	9,730	9,730	9,730		9,730
094	0603913C	ISRAELI COOPERATIVE PROGRAMS	99,836	267,836	409,836	379,000	478,836
		Arrow Weapon System improvements			[20,000]		
		Arrow–3 interceptor			[20,000]		
		David's Sling short-range BMD			[60,000]		
		Increase to DSWS, ASIP, Arrow–3 cooperative programs		[168,000]		[168,000]	
		Iron Dome short-range rocket defense			[210,000]	[211,000]	
095	0603914C	BALLISTIC MISSILE DEFENSE TEST	454,400	454,400	454,400		454,400
096	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	435,747	435,747	435,747		435,747
097	0603920D8Z	HUMANITARIAN DEMINING	13,231	13,231	13,231		13,231
098	0603923D8Z	COALITION WARFARE	11,398	11,398	11,398		11,398
099	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,283	3,283	24,083	20,800	24,083
		Increase for requirements shortfall			[20,800]	[20,800]	
100	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED AIRCRAFT SYSTEM (UAS) COMMON DEVELOPMENT.	12,368	12,368	12,368		12,368
101	0604670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) RESEARCH AND ENGINEERING.	5,131	5,131	5,131		5,131
102	0604775D8Z	DEFENSE RAPID INNOVATION PROGRAM			200,000	200,000	200,000
		Rapid Innovation Program			[200,000]	[200,000]	
104	0604787J	JOINT SYSTEMS INTEGRATION	3,273	3,273	3,273		3,273
106	0604828J	JOINT FIRES INTEGRATION AND INTEROPERABILITY TEAM	7,364	7,364	7,364		7,364
107	0604880C	LAND-BASED SM–3 (LBSM3)	276,338	276,338	276,338		276,338
108	0604881C	AEGIS SM–3 BLOCK IIA CO-DEVELOPMENT	420,630	420,630	420,630		420,630
109	0604883C	PRECISION TRACKING SPACE SENSOR RDT&E	297,375	50,000	297,375	–55,000	242,375
		Project decrease to support technology development		[–247,375]		[–55,000]	
111	0604886C	ADVANCED REMOTE SENSOR TECHNOLOGY (ARST)	58,742	58,742	58,742	–25,000	33,742
		Program reduction				[–25,000]	
113	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	3,158	3,158	3,158		3,158
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES	**6,282,166**	**6,662,791**	**6,814,966**	**596,800**	**6,878,966**
		SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)					
115	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	6,817	6,817	6,817		6,817
116	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT	110,383	110,383	110,383		110,383
117	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD	311,071	311,071	311,071		311,071
119	0604764K	ADVANCED IT SERVICES JOINT PROGRAM OFFICE (AITS-JPO)	25,787	25,787	25,787		25,787
120	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS)	20,688	20,688	20,688		20,688

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
121	0605000BR	WEAPONS OF MASS DESTRUCTION DEFEAT CAPABILITIES	5,749	5,749	5,749		5,749
122	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT	12,699	12,699	12,699		12,699
125	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE	387	387	387		387
126	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM	1,859	1,859	1,859		1,859
127	0605027D8Z	OUSD(C) IT DEVELOPMENT INITIATIVES	7,010	7,010	7,010		7,010
128	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION	133,104	133,104	133,104		133,104
129	0605075D8Z	DCMO POLICY AND INTEGRATION	25,269	25,269	25,269		25,269
131	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES	10,238	10,238	10,238		10,238
132	0303141K	GLOBAL COMBAT SUPPORT SYSTEM	19,670	19,670	19,670		19,670
133	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM)	3,556	3,556	3,556		3,556
		SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)	**694,287**	**694,287**	**694,287**		**694,287**
		RDT&E MANAGEMENT SUPPORT					
135	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS)	6,383	6,383	6,383		6,383
136	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT	3,845	3,845	3,845		3,845
137	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP)	144,109	144,109	144,109		144,109
138	0604942D8Z	ASSESSMENTS AND EVALUATIONS	2,419	2,419	2,419		2,419
139	0604943D8Z	THERMAL VICAR	8,214	8,214	8,214		8,214
140	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC)	19,380	19,380	19,380		19,380
141	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS	32,266	32,266	32,266		32,266
142	0605110D8Z	USD(A&T)--CRITICAL TECHNOLOGY SUPPORT	840	840	840		840
143	0605117D8Z	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION	56,012	56,012	56,012		56,012
144	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO).	55,508	55,508	55,508		55,508
146	0605130D8Z	FOREIGN COMPARATIVE TESTING	18,174	18,174	18,174		18,174
147	0605142D8Z	SYSTEMS ENGINEERING	43,195	43,195	43,195		43,195
148	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD	6,457	6,457	6,457		6,457
149	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY	4,901	4,901	4,901		4,901
150	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION	6,307	6,307	6,307		6,307
151	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE)	6,601	6,601	6,601		6,601
152	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	92,849	92,849	92,849		92,849
159	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER (S.	1,857	1,857	1,857		1,857
160	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS	12,056	12,056	12,056		12,056
162	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC)	55,454	55,454	55,454		55,454
163	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION	16,364	16,364	16,364		16,364
164	0605804D8Z	DEVELOPMENT TEST AND EVALUATION	15,110	15,110	20,110	5,000	20,110
		DT&E Increase			[5,000]	[5,000]	
166	0605898E	MANAGEMENT HQ—R&D	69,767	69,767	69,767		69,767
167	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS	4,454	4,454	4,454		4,454
169	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI)	2,637	2,637	2,637		2,637
174	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES	8,238	8,238	8,238		8,238
176	0305103E	CYBER SECURITY INITIATIVE	1,801	1,801	1,801		1,801
177	0305193D8Z	INTELLIGENCE SUPPORT TO INFORMATION OPERATIONS (IO)	16,041	16,041	16,041		16,041
180	0804767D8Z	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2).	77,475	77,475	77,475		77,475
182	0901598C	MANAGEMENT HQ—MDA	34,855	34,855	34,855		34,855
183	0901598D8W	MANAGEMENT HEADQUARTERS WHS	104	104	104		104
184A	9999999999	CLASSIFIED PROGRAMS	64,255	64,255	64,255		64,255
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**887,928**	**887,928**	**892,928**	**5,000**	**892,928**
		OPERATIONAL SYSTEMS DEVELOPMENT					
185	0604130V	ENTERPRISE SECURITY SYSTEM (ESS)	8,866	8,866	8,866		8,866
186	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MGMT.	3,238	3,238	3,238		3,238
187	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHASIS).	288	288	288		288
188	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT).	14,745	14,745	14,745		14,745
190	0607828J	JOINT INTEGRATION AND INTEROPERABILITY	5,013	5,013	5,013		5,013
191	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS)	3,922	3,922	3,922		3,922
192	0208045K	C4I INTEROPERABILITY	72,574	72,574	72,574		72,574
194	0301144K	JOINT/ALLIED COALITION INFORMATION SHARING	6,214	6,214	6,214		6,214
201	0302016K	NATIONAL MILITARY COMMAND SYSTEM-WIDE SUPPORT	499	499	499		499
202	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION	14,498	14,498	14,498		14,498
203	0303126K	LONG-HAUL COMMUNICATIONS—DCS	26,164	26,164	26,164		26,164

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
204	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN).	12,931	12,931	12,931		12,931
205	0303135G	PUBLIC KEY INFRASTRUCTURE (PKI)	6,296	6,296	6,296		6,296
206	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI)	30,948	30,948	30,948		30,948
207	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM	11,780	11,780	11,780		11,780
208	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM	191,452	241,452	191,452		191,452
		Program increase		[50,000]			
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	36,575	46,575	36,575		36,575
		Program increase		[10,000]			
212	0303153K	DEFENSE SPECTRUM ORGANIZATION	24,278	24,278	24,278		24,278
213	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES)	2,924	2,924	2,924		2,924
214	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO)	1,294	1,294	1,294		1,294
215	0303610K	TELEPORT PROGRAM	6,050	6,050	6,050		6,050
217	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES	17,058	17,058	17,058		17,058
222	0305103K	CYBER SECURITY INITIATIVE	4,189	4,189	4,189		4,189
223	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	10,462	10,462	10,462		10,462
227	0305186D8Z	POLICY R&D PROGRAMS	6,360	6,360	6,360		6,360
229	0305199D8Z	NET CENTRICITY	21,190	21,190	21,190		21,190
232	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	7,114	7,714	7,714	600	7,714
		USSOCOM UFR		[600]	[600]	[600]	
235	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	3,247	3,247	3,247		3,247
237	0305219BB	MQ–1 PREDATOR A UAV	1,355	1,355	1,355		1,355
240	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM	2,303	2,303	2,303		2,303
241	0305600D8Z	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES	1,478	1,478	1,478		1,478
249	0708011S	INDUSTRIAL PREPAREDNESS	27,044	27,044	27,044		27,044
250	0708012S	LOGISTICS SUPPORT ACTIVITIES	4,711	4,711	4,711		4,711
251	0902298J	MANAGEMENT HQ—OJCS	4,100	4,100	4,100		4,100
253	1105219BB	MQ–9 UAV	3,002	3,002	3,002		3,002
257	1160403BB	SPECIAL OPERATIONS AVIATION SYSTEMS ADVANCED DEVELOPMENT	97,267	97,267	97,267		97,267
258	1160404BB	SPECIAL OPERATIONS TACTICAL SYSTEMS DEVELOPMENT	821	821	821		821
259	1160405BB	SPECIAL OPERATIONS INTELLIGENCE SYSTEMS DEVELOPMENT	25,935	25,935	25,935		25,935
260	1160408BB	SOF OPERATIONAL ENHANCEMENTS	51,700	51,700	51,700		51,700
261	1160421BB	SPECIAL OPERATIONS CV–22 DEVELOPMENT	1,822	1,822	1,822		1,822
262	1160427BB	MISSION TRAINING AND PREPARATION SYSTEMS (MTPS)	10,131	10,131	10,131		10,131
263	1160429BB	AC/MC–130J	19,647	19,647	19,647		19,647
264	1160474BB	SOF COMMUNICATIONS EQUIPMENT AND ELECTRONICS SYSTEMS	2,225	2,225	2,225		2,225
265	1160476BB	SOF TACTICAL RADIO SYSTEMS	3,036	3,036	3,036		3,036
266	1160477BB	SOF WEAPONS SYSTEMS	1,511	1,511	1,511		1,511
267	1160478BB	SOF SOLDIER PROTECTION AND SURVIVAL SYSTEMS	4,263	4,263	4,263		4,263
268	1160479BB	SOF VISUAL AUGMENTATION, LASERS AND SENSOR SYSTEMS	4,448	4,448	4,448		4,448
269	1160480BB	SOF TACTICAL VEHICLES	11,325	11,325	11,325		11,325
270	1160481BB	SOF MUNITIONS	1,515	1,515	1,515		1,515
271	1160482BB	SOF ROTARY WING AVIATION	24,430	24,430	24,430		24,430
272	1160483BB	SOF UNDERWATER SYSTEMS	26,405	61,405	34,405	43,000	69,405
		Program increase		[35,000]		[35,000]	
		Transfer from PDW Line 64 at USSOCOM request			[8,000]	[8,000]	
273	1160484BB	SOF SURFACE CRAFT	8,573	8,573	8,573		8,573
275	1160489BB	SOF GLOBAL VIDEO SURVEILLANCE ACTIVITIES	7,620	7,620	7,620		7,620
276	1160490BB	SOF OPERATIONAL ENHANCEMENTS INTELLIGENCE	16,386	16,386	16,386		16,386
276A	9999999999	CLASSIFIED PROGRAMS	3,754,516	3,774,416	3,754,516		3,754,516
		Program increases		[19,900]			
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**4,667,738**	**4,783,238**	**4,676,338**	**43,600**	**4,711,338**
		UNDISTRIBUTED GENERAL PROVISIONS					
276B	9999999999	UNDISTRIBUTED GENERAL PROVISIONS			–100,000	–25,000	–25,000
		DARPA classified programs reduction			[–25,000]	[–25,000]	
		DARPA undistributed reduction			[–75,000]		
		SUBTOTAL UNDISTRIBUTED GENERAL PROVISIONS			**–100,000**	**–25,000**	**–25,000**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	**17,982,161**	**18,473,286**	**18,444,261**	**568,400**	**18,550,561**
		OPERATIONAL TEST & EVAL, DEFENSE					
		RDT&E MANAGEMENT SUPPORT					
001	0605118OTE	OPERATIONAL TEST AND EVALUATION	72,501	107,501	76,501	15,000	87,501
		NCR Transition			[4,000]		
		Program increase for DOT&E cyber—range operations		[25,000]		[15,000]	

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		Program increase for DOT&E cyber—threat development and assessment.		[10,000]			
002	0605131OTE	LIVE FIRE TEST AND EVALUATION	49,201	49,201	49,201		49,201
003	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	63,566	63,566	63,566		63,566
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**185,268**	**220,268**	**189,268**	**15,000**	**200,268**
		TOTAL OPERATIONAL TEST & EVAL, DEFENSE	**185,268**	**220,268**	**189,268**	**15,000**	**200,268**
		TOTAL RDT&E	**69,407,767**	**70,352,256**	**69,324,218**	**530,133**	**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	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES					
060	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	19,860	19,860	19,860	–5,000	14,860
		Program adjustment				[–5,000]	
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**19,860**	**19,860**	**19,860**		**19,860**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY	**19,860**	**19,860**	**19,860**	**–5,000**	**14,860**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES					
056	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	4,600	4,600	4,600		4,600
		SUBTOTAL ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**4,600**	**4,600**	**4,600**		**4,600**
		SYSTEM DEVELOPMENT & DEMONSTRATION					
131	0604771N	MEDICAL DEVELOPMENT	2,173	2,173	2,173		2,173
		SUBTOTAL SYSTEM DEVELOPMENT & DEMONSTRATION	**2,173**	**2,173**	**2,173**		**2,173**
		RDT&E MANAGEMENT SUPPORT					
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	5,200	5,200	5,200		5,200
		SUBTOTAL RDT&E MANAGEMENT SUPPORT	**5,200**	**5,200**	**5,200**		**5,200**
		OPERATIONAL SYSTEMS DEVELOPMENT					
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	6,762	6,762	6,762		6,762
221	0305233N	RQ–7 UAV	7,600	7,600	7,600		7,600
230A	9999999999	CLASSIFIED PROGRAMS	33,784	33,784	33,784		33,784
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**48,146**	**48,146**	**48,146**		**48,146**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY	**60,119**	**60,119**	**60,119**		**60,119**
		OPERATIONAL SYSTEMS DEVELOPMENT					
249A	9999999999	CLASSIFIED PROGRAMS	53,150	53,150	53,150		53,150
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**53,150**	**53,150**	**53,150**		**53,150**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, AF	**53,150**	**53,150**	**53,150**		**53,150**
009	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE		10,000			0
		Program increase		[10,000]			
027	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT		25,000			0
		Program increase		[25,000]			
094	0603913C	ISRAELI COOPERATIVE PROGRAMS		680,000			0
		Iron Dome		[680,000]			
102	0604775D8Z	DEFENSE RAPID INNOVATION PROGRAM		200,000			0
		Program increase		[200,000]			
		OPERATIONAL SYSTEMS DEVELOPMENT					
239	0305231BB	MQ–8 UAV	5,000	5,000	5,000		5,000
276A	9999999999	CLASSIFIED PROGRAMS	107,387	107,387	107,387		107,387

SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
		SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT	**112,387**	**112,387**	**112,387**		**112,387**
		TOTAL RESEARCH, DEVELOPMENT, TEST & EVAL, DW	**112,387**	**1,027,387**	**112,387**		**112,387**
		TOTAL RDT&E	**245,516**	**1,160,516**	**245,516**	**–5,000**	**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	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	OPERATION & MAINTENANCE, ARMY					
	OPERATING FORCES					
010	MANEUVER UNITS	1,223,087	1,223,087	1,223,087		1,223,087
020	MODULAR SUPPORT BRIGADES	80,574	80,574	80,574		80,574
030	ECHELONS ABOVE BRIGADE	723,039	723,039	723,039		723,039
040	THEATER LEVEL ASSETS	706,974	706,974	706,974		706,974
050	LAND FORCES OPERATIONS SUPPORT	1,226,650	1,226,650	1,226,650		1,226,650
060	AVIATION ASSETS	1,319,832	1,319,832	1,319,832		1,319,832
070	FORCE READINESS OPERATIONS SUPPORT	3,447,174	3,452,174	3,447,174		3,447,174
	Weapons of Mass Destruction Civil Support Teams		[5,000]			
080	LAND FORCES SYSTEMS READINESS	454,774	454,774	454,774		454,774
090	LAND FORCES DEPOT MAINTENANCE	1,762,757	1,762,757	1,811,157		1,762,757
	Foreign Military Sales Special Defense Repair Fund Senate Floor Amdt (Levin 3114)			[48,400]		
100	BASE OPERATIONS SUPPORT	7,401,613	7,401,613	7,401,613	–52,000	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	3,234,674	3,041,074	218,600	3,259,674
	Realignment to Cemeterial Expenses, Army		[–25,000]			
	Restoration and Modernization of Facilities		[218,600]		[218,600]	
120	MANAGEMENT AND OPERATIONAL HQ'S	410,171	410,171	410,171		410,171
130	COMBATANT COMMANDERS CORE OPERATIONS	177,819	177,819	177,819		177,819
170	COMBATANT COMMANDERS ANCILLARY MISSIONS	461,333	461,333	461,333		461,333
	SUBTOTAL OPERATING FORCES	**22,436,871**	**22,635,471**	**22,485,271**	**166,600**	**22,603,471**
	MOBILIZATION					
180	STRATEGIC MOBILITY	405,496	405,496	405,496		405,496
190	ARMY PREPOSITIONING STOCKS	195,349	195,349	195,349		195,349
200	INDUSTRIAL PREPAREDNESS	6,379	6,379	6,379		6,379
	SUBTOTAL MOBILIZATION	**607,224**	**607,224**	**607,224**		**607,224**
	TRAINING AND RECRUITING					
210	OFFICER ACQUISITION	112,866	112,866	112,866		112,866
220	RECRUIT TRAINING	73,265	73,265	73,265		73,265
230	ONE STATION UNIT TRAINING	51,227	51,227	51,227		51,227
240	SENIOR RESERVE OFFICERS TRAINING CORPS	443,306	443,306	443,306		443,306
250	SPECIALIZED SKILL TRAINING	1,099,556	1,099,556	1,099,556		1,099,556
260	FLIGHT TRAINING	1,130,627	1,130,627	1,130,627		1,130,627
270	PROFESSIONAL DEVELOPMENT EDUCATION	191,683	191,683	191,683		191,683
280	TRAINING SUPPORT	652,095	652,095	652,095		652,095
290	RECRUITING AND ADVERTISING	507,510	507,510	507,510		507,510
300	EXAMINING	156,964	156,964	156,964		156,964
310	OFF-DUTY AND VOLUNTARY EDUCATION	244,343	244,343	244,343		244,343
320	CIVILIAN EDUCATION AND TRAINING	212,477	212,477	212,477		212,477
330	JUNIOR ROTC	182,691	182,691	182,691		182,691
	SUBTOTAL TRAINING AND RECRUITING	**5,058,610**	**5,058,610**	**5,058,610**		**5,058,610**
	ADMIN & SRVWIDE ACTIVITIES					
350	SERVICEWIDE TRANSPORTATION	601,331	601,331	601,331		601,331

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
360	CENTRAL SUPPLY ACTIVITIES	741,324	741,324	741,324		741,324
370	LOGISTIC SUPPORT ACTIVITIES	610,136	610,136	610,136		610,136
380	AMMUNITION MANAGEMENT	478,707	478,707	478,707		478,707
390	ADMINISTRATION	556,307	556,307	539,107		556,307
	GFEBS realignment per Army request			[–17,200]		
400	SERVICEWIDE COMMUNICATIONS	1,547,925	1,547,925	1,547,925		1,547,925
410	MANPOWER MANAGEMENT	362,205	362,205	362,205	–24,000	338,205
	Army-Identified Excess for Civilian Personnel Resources Support				[–24,000]	
420	OTHER PERSONNEL SUPPORT	220,754	220,754	220,754		220,754
430	OTHER SERVICE SUPPORT	1,153,556	1,150,509	1,145,456	–3,047	1,150,509
	Army Museum Funding (Early to need)		[–3,047]	[–8,100]	[–3,047]	
440	ARMY CLAIMS ACTIVITIES	250,970	250,970	250,970		250,970
450	REAL ESTATE MANAGEMENT	222,351	222,351	222,351		222,351
460	BASE OPERATIONS SUPPORT	222,379	222,379	222,379		222,379
470	SUPPORT OF NATO OPERATIONS	459,710	459,710	459,710		459,710
480	MISC. SUPPORT OF OTHER NATIONS	25,637	25,637	25,637		25,637
490	CLASSIFIED PROGRAMS	1,052,595	1,052,595	1,052,595		1,052,595
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**8,505,887**	**8,502,840**	**8,480,587**	**–27,047**	**8,478,840**
	UNDISTRIBUTED ADJUSTMENTS					
500	UNDISTRIBUTED ADJUSTMENTS		–350,700	–120,000	–266,600	–266,600
	Army Medical Evacuation Paramedic Certification Training		[5,000]			
	Excess Working Capital Fund Carry Over				[–146,600]	
	Historical unobligated balances		[–289,200]	[–120,000]	[–120,000]	
	Overestimate of Foreign Currency Fluctuation Costs		[–66,500]			
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–350,700**	**–120,000**	**–266,600**	**–266,600**
	TOTAL OPERATION & MAINTENANCE, ARMY	**36,608,592**	**36,453,445**	**36,511,692**	**–127,047**	**36,481,545**
	OPERATION & MAINTENANCE, NAVY					
	OPERATING FORCES					
010	MISSION AND OTHER FLIGHT OPERATIONS	4,918,144	4,927,144	4,918,144	9,000	4,927,144
	Cruiser Retention		[9,000]		[9,000]	
020	FLEET AIR TRAINING	1,886,825	1,886,825	1,886,825		1,886,825
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	44,032	44,032	44,032		44,032
040	AIR OPERATIONS AND SAFETY SUPPORT	101,565	101,565	101,565		101,565
050	AIR SYSTEMS SUPPORT	374,827	374,827	374,827		374,827
060	AIRCRAFT DEPOT MAINTENANCE	960,802	960,802	960,802		960,802
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	37,545	37,545	37,545		37,545
080	AVIATION LOGISTICS	328,805	328,805	328,805		328,805
090	MISSION AND OTHER SHIP OPERATIONS	4,686,535	4,711,185	4,686,535	24,650	4,711,185
	Cruiser Retention		[24,650]		[24,650]	
100	SHIP OPERATIONS SUPPORT & TRAINING	769,204	769,204	769,204		769,204
110	SHIP DEPOT MAINTENANCE	5,089,981	5,157,944	5,089,981	67,963	5,157,944
	Cruiser Retention		[67,963]		[67,963]	
120	SHIP DEPOT OPERATIONS SUPPORT	1,315,366	1,329,237	1,315,366	13,871	1,329,237
	Cruiser Retention		[13,871]		[13,871]	
130	COMBAT COMMUNICATIONS	619,909	619,909	619,909		619,909
140	ELECTRONIC WARFARE	92,364	92,364	92,364		92,364
150	SPACE SYSTEMS AND SURVEILLANCE	174,437	174,437	174,437		174,437
160	WARFARE TACTICS	441,035	441,035	441,035		441,035
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	333,554	333,554	333,554		333,554
180	COMBAT SUPPORT FORCES	910,087	910,087	910,087		910,087
190	EQUIPMENT MAINTENANCE	167,158	167,158	167,158		167,158
200	DEPOT OPERATIONS SUPPORT	4,183	4,183	4,183		4,183
210	COMBATANT COMMANDERS CORE OPERATIONS	95,528	95,528	95,528		95,528
220	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	204,569	204,569	204,569		204,569
230	CRUISE MISSILE	111,884	111,884	111,884		111,884
240	FLEET BALLISTIC MISSILE	1,181,038	1,181,038	1,181,038		1,181,038
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	87,606	87,606	87,606		87,606
260	WEAPONS MAINTENANCE	519,583	519,583	519,583		519,583
270	OTHER WEAPON SYSTEMS SUPPORT	300,435	300,435	300,435		300,435
280	ENTERPRISE INFORMATION	1,077,924	1,077,924	1,077,924		1,077,924
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	2,101,279	2,155,879	2,101,279	54,600	2,155,879
	Restoration and Modernization of Facilities		[54,600]		[54,600]	
300	BASE OPERATING SUPPORT	4,822,093	4,822,093	4,822,093		4,822,093

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	SUBTOTAL OPERATING FORCES	**33,758,297**	**33,928,381**	**33,758,297**	**170,084**	**33,928,381**
	MOBILIZATION					
310	SHIP PREPOSITIONING AND SURGE	334,659	334,659	334,659		334,659
320	AIRCRAFT ACTIVATIONS/INACTIVATIONS	6,562	6,562	6,562		6,562
330	SHIP ACTIVATIONS/INACTIVATIONS	1,066,329	587,329	1,066,329	–9,000	1,057,329
	Cruiser Retention		[–9,000]		[–9,000]	
	Fiscal year 2013 portion of USS ENTERPRISE Inactivation Costs		[–470,000]			
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	83,901	83,901	83,901		83,901
350	INDUSTRIAL READINESS	2,695	2,695	2,695		2,695
360	COAST GUARD SUPPORT	23,502	23,502	23,502		23,502
	SUBTOTAL MOBILIZATION	**1,517,648**	**1,038,648**	**1,517,648**	**–9,000**	**1,508,648**
	TRAINING AND RECRUITING					
370	OFFICER ACQUISITION	147,807	147,807	147,807		147,807
380	RECRUIT TRAINING	10,473	10,473	10,473		10,473
390	RESERVE OFFICERS TRAINING CORPS	139,220	139,220	139,220		139,220
400	SPECIALIZED SKILL TRAINING	582,177	582,177	582,177		582,177
410	FLIGHT TRAINING	5,456	5,456	5,456		5,456
420	PROFESSIONAL DEVELOPMENT EDUCATION	170,746	170,746	170,746		170,746
430	TRAINING SUPPORT	153,403	153,403	153,403		153,403
440	RECRUITING AND ADVERTISING	241,329	242,267	241,329	938	242,267
	Naval Sea Cadet Corps		[938]		[938]	
450	OFF-DUTY AND VOLUNTARY EDUCATION	108,226	108,226	108,226		108,226
460	CIVILIAN EDUCATION AND TRAINING	105,776	105,776	105,776		105,776
470	JUNIOR ROTC	51,817	51,817	51,817		51,817
	SUBTOTAL TRAINING AND RECRUITING	**1,716,430**	**1,717,368**	**1,716,430**	**938**	**1,717,368**
	ADMIN & SRVWD ACTIVITIES					
480	ADMINISTRATION	797,177	797,177	797,177		797,177
490	EXTERNAL RELATIONS	12,872	12,872	12,872		12,872
500	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	120,181	120,181	120,181		120,181
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	235,753	235,753	235,753		235,753
520	OTHER PERSONNEL SUPPORT	263,060	263,060	263,060		263,060
530	SERVICEWIDE COMMUNICATIONS	363,213	363,213	363,213		363,213
550	SERVICEWIDE TRANSPORTATION	182,343	182,343	182,343		182,343
570	PLANNING, ENGINEERING AND DESIGN	282,464	282,464	282,464		282,464
580	ACQUISITION AND PROGRAM MANAGEMENT	1,092,123	1,092,123	1,092,123		1,092,123
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT	53,560	53,560	53,560		53,560
600	COMBAT/WEAPONS SYSTEMS	25,299	25,299	25,299		25,299
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	64,418	64,418	64,418		64,418
620	NAVAL INVESTIGATIVE SERVICE	580,042	580,042	580,042		580,042
680	INTERNATIONAL HEADQUARTERS AND AGENCIES	4,984	4,984	4,984		4,984
710	CLASSIFIED PROGRAMS	537,079	537,079	537,079		537,079
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**4,614,568**	**4,614,568**	**4,614,568**		**4,614,568**
	UNDISTRIBUTED ADJUSTMENTS					
720	UNDISTRIBUTED ADJUSTMENTS		–166,400	–23,000	–23,000	–23,000
	Historical unobligated balances		[–166,400]	[–23,000]	[–23,000]	
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–166,400**	**–23,000**	**–23,000**	**–23,000**
	TOTAL OPERATION & MAINTENANCE, NAVY	**41,606,943**	**41,132,565**	**41,583,943**	**139,022**	**41,745,965**
	OPERATION & MAINTENANCE, MARINE CORPS					
	OPERATING FORCES					
010	OPERATIONAL FORCES	788,055	788,055	788,055		788,055
020	FIELD LOGISTICS	762,614	762,614	762,614		762,614
030	DEPOT MAINTENANCE	168,447	168,447	168,447		168,447
040	MARITIME PREPOSITIONING	100,374	100,374	100,374		100,374
050	SUSTAINMENT, RESTORATION & MODERNIZATION	825,039	847,839	825,039	22,800	847,839
	Restoration and Modernization of Facilities		[22,800]		[22,800]	
060	BASE OPERATING SUPPORT	2,188,883	2,188,883	2,188,883		2,188,883
	SUBTOTAL OPERATING FORCES	**4,833,412**	**4,856,212**	**4,833,412**	**22,800**	**4,856,212**
	TRAINING AND RECRUITING					
070	RECRUIT TRAINING	18,251	18,251	18,251		18,251

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
080	OFFICER ACQUISITION	869	869	869		869
090	SPECIALIZED SKILL TRAINING	80,914	80,914	80,914		80,914
100	PROFESSIONAL DEVELOPMENT EDUCATION	42,744	42,744	42,744		42,744
110	TRAINING SUPPORT	292,150	292,150	292,150		292,150
120	RECRUITING AND ADVERTISING	168,609	178,609	168,609		168,609
	Recruiting and advertising		[10,000]			
130	OFF-DUTY AND VOLUNTARY EDUCATION	56,865	56,865	56,865		56,865
140	JUNIOR ROTC	19,912	19,912	19,912		19,912
	SUBTOTAL TRAINING AND RECRUITING	**680,314**	**690,314**	**680,314**		**680,314**
	ADMIN & SRVWD ACTIVITIES					
150	SERVICEWIDE TRANSPORTATION	39,962	39,962	39,962		39,962
170	ACQUISITION AND PROGRAM MANAGEMENT	83,404	83,404	83,404		83,404
190	CLASSIFIED PROGRAMS	346,071	346,071	346,071		346,071
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**469,437**	**469,437**	**469,437**		**469,437**
	UNDISTRIBUTED ADJUSTMENTS					
200	UNDISTRIBUTED ADJUSTMENTS		–23,900			0
	Historical unobligated balances		[–23,900]			
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–23,900**			**0**
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**5,983,163**	**5,992,063**	**5,983,163**	**22,800**	**6,005,963**
	OPERATION & MAINTENANCE, AIR FORCE					
	OPERATING FORCES					
010	PRIMARY COMBAT FORCES	2,973,141	2,973,141	2,973,141		2,973,141
020	COMBAT ENHANCEMENT FORCES	1,611,032	1,744,032	1,611,032	133,000	1,744,032
	Global Hawk Block 30		[133,000]		[133,000]	
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,472,806	1,472,806	1,472,806		1,472,806
040	DEPOT MAINTENANCE	5,545,470	5,545,470	5,545,470		5,545,470
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,353,987	1,569,487	1,353,987	135,399	1,489,386
	Restoration and Modernization of Facilities		[215,500]		[135,399]	
060	BASE SUPPORT	2,595,032	2,595,032	2,595,032		2,595,032
070	GLOBAL C3I AND EARLY WARNING	957,040	957,040	957,040		957,040
080	OTHER COMBAT OPS SPT PROGRAMS	916,200	916,200	916,200		916,200
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	733,716	733,716	733,716		733,716
110	LAUNCH FACILITIES	314,490	314,490	314,490		314,490
120	SPACE CONTROL SYSTEMS	488,762	488,762	488,762		488,762
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	862,979	862,979	862,979	–12,000	850,979
	Joint Forces Command restructuring				[–12,000]	
140	COMBATANT COMMANDERS CORE OPERATIONS	222,429	222,429	222,429		222,429
	SUBTOTAL OPERATING FORCES	**20,047,084**	**20,395,584**	**20,047,084**	**256,399**	**20,303,483**
	MOBILIZATION					
150	AIRLIFT OPERATIONS	1,785,379	1,785,379	1,785,379		1,785,379
160	MOBILIZATION PREPAREDNESS	154,049	154,049	154,049		154,049
170	DEPOT MAINTENANCE	1,477,396	1,477,396	1,477,396		1,477,396
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	309,699	309,699	309,699		309,699
190	BASE SUPPORT	707,574	707,574	707,574		707,574
	SUBTOTAL MOBILIZATION	**4,434,097**	**4,434,097**	**4,434,097**		**4,434,097**
	TRAINING AND RECRUITING					
200	OFFICER ACQUISITION	115,427	115,427	115,427		115,427
210	RECRUIT TRAINING	17,619	17,619	17,619		17,619
220	RESERVE OFFICERS TRAINING CORPS (ROTC)	92,949	92,949	92,949		92,949
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	336,433	336,433	336,433		336,433
240	BASE SUPPORT	842,441	842,441	842,441		842,441
250	SPECIALIZED SKILL TRAINING	482,634	482,634	482,634		482,634
260	FLIGHT TRAINING	750,609	750,609	750,609		750,609
270	PROFESSIONAL DEVELOPMENT EDUCATION	235,114	235,114	235,114		235,114
280	TRAINING SUPPORT	101,231	101,231	101,231		101,231
290	DEPOT MAINTENANCE	233,330	233,330	233,330		233,330
310	RECRUITING AND ADVERTISING	130,217	130,217	130,217		130,217
320	EXAMINING	2,738	2,738	2,738		2,738
330	OFF-DUTY AND VOLUNTARY EDUCATION	155,170	155,170	155,170		155,170
340	CIVILIAN EDUCATION AND TRAINING	175,147	175,147	175,147		175,147

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
350	JUNIOR ROTC	74,809	74,809	74,809		74,809
	SUBTOTAL TRAINING AND RECRUITING	**3,745,868**	**3,745,868**	**3,745,868**		**3,745,868**
	ADMIN & SRVWD ACTIVITIES					
360	LOGISTICS OPERATIONS	1,029,734	1,029,734	1,029,734		1,029,734
370	TECHNICAL SUPPORT ACTIVITIES	913,843	913,843	913,843		913,843
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	303,610	303,610	303,610		303,610
400	BASE SUPPORT	1,266,800	1,266,800	1,266,800		1,266,800
410	ADMINISTRATION	587,654	587,654	587,654		587,654
420	SERVICEWIDE COMMUNICATIONS	667,910	667,910	667,910		667,910
430	OTHER SERVICEWIDE ACTIVITIES	1,094,509	1,094,509	1,094,509		1,094,509
440	CIVIL AIR PATROL	23,904	23,904	23,904		23,904
470	INTERNATIONAL SUPPORT	81,307	81,307	81,307		81,307
480	CLASSIFIED PROGRAMS	1,239,040	1,239,040	1,239,040		1,239,040
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**7,208,311**	**7,208,311**	**7,208,311**		**7,208,311**
	UNDISTRIBUTED ADJUSTMENTS					
490	UNDISTRIBUTED ADJUSTMENTS		–43,700	–32,000	–32,000	–32,000
	Historical unobligated balances		[–141,700]	[–32,000]	[–32,000]	
	Overestimate of Foreign Currency Fluctuation Costs		[–32,000]			
	Retain Air Force Force Structure		[130,000]			
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–43,700**	**–32,000**	**–32,000**	**–32,000**
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**35,435,360**	**35,740,160**	**35,403,360**	**224,399**	**35,659,759**
	OPERATION & MAINTENANCE, DEFENSE-WIDE					
	OPERATING FORCES					
010	JOINT CHIEFS OF STAFF	485,708	485,708	485,708		485,708
020	SPECIAL OPERATIONS COMMAND		5,091,001	5,107,501	5,091,001	5,091,001
	Transfer from line 025		[5,091,001]	[5,091,001]	[5,091,001]	
	USSOCOM UFR			[16,500]		
025	CLASSIFIED PROGRAMS	5,091,001			–5,091,001	0
	Transfer to Line 020		[–5,091,001]	[–5,091,001]	[–5,091,001]	
	SUBTOTAL OPERATING FORCES	**5,576,709**	**5,576,709**	**5,593,209**		**5,576,709**
	TRAINING AND RECRUITING					
030	DEFENSE ACQUISITION UNIVERSITY	147,210	144,710	147,210		147,210
	Program decrease		[–2,500]			
040	NATIONAL DEFENSE UNIVERSITY	84,999	82,499	84,999		84,999
	Program decrease		[–2,500]			
	SUBTOTAL TRAINING AND RECRUITING	**232,209**	**227,209**	**232,209**		**232,209**
	ADMIN & SRVWD ACTIVITIES					
050	CIVIL MILITARY PROGRAMS	161,294	161,294	161,294		161,294
080	DEFENSE CONTRACT AUDIT AGENCY	573,973	573,973	573,973		573,973
090	DEFENSE CONTRACT MANAGEMENT AGENCY	1,293,196	1,293,196	1,293,196		1,293,196
100	DEFENSE FINANCE AND ACCOUNTING SERVICE	17,513	17,513	17,513		17,513
110	DEFENSE HUMAN RESOURCES ACTIVITY	676,186	676,186	676,186		676,186
120	DEFENSE INFORMATION SYSTEMS AGENCY	1,346,847	1,346,847	1,346,847		1,346,847
140	DEFENSE LEGAL SERVICES AGENCY	35,137	35,137	35,137		35,137
150	DEFENSE LOGISTICS AGENCY	431,893	431,893	431,893		431,893
160	DEFENSE MEDIA ACTIVITY	224,013	224,013	224,013		224,013
170	DEFENSE POW/MIA OFFICE	21,964	21,964	21,964		21,964
180	DEFENSE SECURITY COOPERATION AGENCY	557,917	557,917	540,317		557,917
	Defense Security Assessment			[–2,600]		
	Global Train and Equip Program			[–15,000]		
190	DEFENSE SECURITY SERVICE		506,662	506,662	506,662	506,662
	Transfer from Line 280		[506,662]	[506,662]	[506,662]	
200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	35,319	35,319	35,319		35,319
210	DEFENSE THREAT REDUCTION AGENCY		443,382	443,382	443,382	443,382
	Transfer from Line 280		[443,382]	[443,382]	[443,382]	
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,744,971	2,744,971	2,744,971		2,744,971
230	MISSILE DEFENSE AGENCY	259,975	259,975	259,975		259,975
250	OFFICE OF ECONOMIC ADJUSTMENT	253,437	253,437	114,037		253,437
	Decrease for ahead of need request			[–139,400]		
260	OFFICE OF THE SECRETARY OF DEFENSE	2,095,362	2,125,362	2,095,362	10,000	2,105,362

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	Advancing Diversity and EO		[5,000]			
	Office of Net Assessment		[10,000]		[10,000]	
	Program decrease		[–10,000]			
	Readiness Environmental Protection Initiative		[25,000]			
270	WASHINGTON HEADQUARTERS SERVICE	521,297	521,297	521,297		521,297
280	CLASSIFIED PROGRAMS	14,933,801	14,045,757	14,158,757	–900,044	14,033,757
	Additional ISR Support to Operation Observant Compass			[50,000]	[50,000]	
	Commercial imagery service level agreement			[125,000]		
	Program increase		[62,000]			
	Transfer to Line 190		[–506,662]	[–506,662]	[–506,662]	
	Transfer to Line 210		[–443,382]	[–443,382]	[–443,382]	
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**26,184,095**	**26,276,095**	**26,202,095**	**60,000**	**26,244,095**
	UNDISTRIBUTED ADJUSTMENTS					
290	UNDISTRIBUTED ADJUSTMENTS		–107,700	5,000	35,000	35,000
	DOD Impact Aid		[30,000]		[30,000]	
	Historical unobligated balances		[–128,000]	[–25,000]		
	Impact aid for children with severe disabilities			[5,000]	[5,000]	
	Impact aid for schools with military dependent students			[25,000]		
	Overestimate of Foreign Currency Fluctuation Costs		[–9,700]			
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–107,700**	**5,000**	**35,000**	**35,000**
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	**31,993,013**	**31,972,313**	**32,032,513**	**95,000**	**32,088,013**
	OPERATION & MAINTENANCE, ARMY RES					
	OPERATING FORCES					
010	MANEUVER UNITS	1,391	1,391	1,391		1,391
020	MODULAR SUPPORT BRIGADES	20,889	20,889	20,889		20,889
030	ECHELONS ABOVE BRIGADE	592,724	592,724	592,724		592,724
040	THEATER LEVEL ASSETS	114,983	114,983	114,983		114,983
050	LAND FORCES OPERATIONS SUPPORT	633,091	633,091	633,091		633,091
060	AVIATION ASSETS	76,823	76,823	76,823		76,823
070	FORCE READINESS OPERATIONS SUPPORT	481,997	481,997	481,997		481,997
080	LAND FORCES SYSTEMS READINESS	70,118	70,118	70,118		70,118
090	LAND FORCES DEPOT MAINTENANCE	141,205	141,205	141,205		141,205
100	BASE OPERATIONS SUPPORT	561,878	561,878	561,878		561,878
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	287,399	308,099	287,399	20,700	308,099
	Restoration and Modernization of Facilities		[20,700]		[20,700]	
120	MANAGEMENT AND OPERATIONAL HQ'S	52,431	52,431	52,431		52,431
	SUBTOTAL OPERATING FORCES	**3,034,929**	**3,055,629**	**3,034,929**	**20,700**	**3,055,629**
	ADMIN & SRVWD ACTIVITIES					
140	SERVICEWIDE TRANSPORTATION	12,995	12,995	12,995		12,995
150	ADMINISTRATION	32,432	32,432	32,432		32,432
160	SERVICEWIDE COMMUNICATIONS	4,895	4,895	4,895		4,895
170	MANPOWER MANAGEMENT	16,074	16,074	16,074	–4,500	11,574
	Unjustified growth for civilian personnel				[–4,500]	
180	RECRUITING AND ADVERTISING	60,683	60,683	60,683		60,683
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**127,079**	**127,079**	**127,079**	**–4,500**	**122,579**
	UNDISTRIBUTED ADJUSTMENTS					
190	UNDISTRIBUTED ADJUSTMENTS		1,100			0
	Army Medical Evacuation Paramedic Certification Training		[5,000]			
	Deny request of increase for technicians		[–3,900]			
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**1,100**			**0**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**3,162,008**	**3,183,808**	**3,162,008**	**16,200**	**3,178,208**
	OPERATION & MAINTENANCE, NAVY RES					
	OPERATING FORCES					
010	MISSION AND OTHER FLIGHT OPERATIONS	616,776	616,776	616,776		616,776
020	INTERMEDIATE MAINTENANCE	15,076	15,076	15,076		15,076
030	AIR OPERATIONS AND SAFETY SUPPORT	1,479	1,479	1,479		1,479
040	AIRCRAFT DEPOT MAINTENANCE	107,251	107,251	107,251		107,251
050	AIRCRAFT DEPOT OPERATIONS SUPPORT	355	355	355		355
060	MISSION AND OTHER SHIP OPERATIONS	82,186	82,186	82,186		82,186

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
070	SHIP OPERATIONS SUPPORT & TRAINING	589	589	589		589
080	SHIP DEPOT MAINTENANCE	48,593	48,593	48,593		48,593
090	COMBAT COMMUNICATIONS	15,274	15,274	15,274		15,274
100	COMBAT SUPPORT FORCES	124,917	124,917	124,917		124,917
110	WEAPONS MAINTENANCE	1,978	1,978	1,978		1,978
120	ENTERPRISE INFORMATION	43,699	43,699	43,699		43,699
130	SUSTAINMENT, RESTORATION AND MODERNIZATION	60,646	60,646	60,646		60,646
140	BASE OPERATING SUPPORT	105,227	105,227	105,227		105,227
	SUBTOTAL OPERATING FORCES	**1,224,046**	**1,224,046**	**1,224,046**		**1,224,046**
	ADMIN & SRVWD ACTIVITIES					
150	ADMINISTRATION	3,117	3,117	3,117		3,117
160	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	14,337	14,337	14,337		14,337
170	SERVICEWIDE COMMUNICATIONS	2,392	2,392	2,392		2,392
180	ACQUISITION AND PROGRAM MANAGEMENT	3,090	3,090	3,090		3,090
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**22,936**	**22,936**	**22,936**		**22,936**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**1,246,982**	**1,246,982**	**1,246,982**		**1,246,982**
	OPERATION & MAINTENANCE, MC RESERVE					
	OPERATING FORCES					
010	OPERATING FORCES	89,690	89,690	89,690		89,690
020	DEPOT MAINTENANCE	16,735	16,735	16,735		16,735
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	37,913	37,913	37,913		37,913
040	BASE OPERATING SUPPORT	103,746	103,746	103,746		103,746
	SUBTOTAL OPERATING FORCES	**248,084**	**248,084**	**248,084**		**248,084**
	ADMIN & SRVWD ACTIVITIES					
050	SERVICEWIDE TRANSPORTATION	873	873	873		873
060	ADMINISTRATION	14,330	14,330	14,330		14,330
070	RECRUITING AND ADVERTISING	8,998	8,998	8,998		8,998
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**24,201**	**24,201**	**24,201**		**24,201**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**272,285**	**272,285**	**272,285**		**272,285**
	OPERATION & MAINTENANCE, AF RESERVE					
	OPERATING FORCES					
010	PRIMARY COMBAT FORCES	2,089,326	2,089,326	2,089,326		2,089,326
020	MISSION SUPPORT OPERATIONS	112,992	112,992	112,992		112,992
030	DEPOT MAINTENANCE	406,101	406,101	406,101		406,101
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	71,564	78,264	71,564	6,700	78,264
	Restoration and Modernization of Facilities		[6,700]		[6,700]	
050	BASE SUPPORT	364,862	364,862	364,862		364,862
	SUBTOTAL OPERATING FORCES	**3,044,845**	**3,051,545**	**3,044,845**	**6,700**	**3,051,545**
	ADMIN & SRVWD ACTIVITIES					
060	ADMINISTRATION	78,824	78,824	78,824		78,824
070	RECRUITING AND ADVERTISING	16,020	16,020	16,020		16,020
080	MILITARY MANPOWER AND PERS MGMT (ARPC)	19,496	19,496	19,496		19,496
090	OTHER PERS SUPPORT (DISABILITY COMP)	6,489	6,489	6,489		6,489
100	AUDIOVISUAL	808	808	808		808
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**121,637**	**121,637**	**121,637**		**121,637**
	UNDISTRIBUTED ADJUSTMENTS					
110	UNDISTRIBUTED ADJUSTMENTS		161,617		33,900	33,900
	Retain Air Force Reserve Force Structure		[161,617]		[33,900]	
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**161,617**		**33,900**	**33,900**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**3,166,482**	**3,334,799**	**3,166,482**	**40,600**	**3,207,082**
	OPERATION & MAINTENANCE, ARNG					
	OPERATING FORCES					
010	MANEUVER UNITS	680,206	680,206	680,206		680,206
020	MODULAR SUPPORT BRIGADES	186,408	186,408	186,408		186,408
030	ECHELONS ABOVE BRIGADE	865,628	865,628	865,628		865,628
040	THEATER LEVEL ASSETS	112,651	112,651	112,651		112,651

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
050	LAND FORCES OPERATIONS SUPPORT	36,091	36,091	36,091		36,091
060	AVIATION ASSETS	907,011	907,011	907,011		907,011
070	FORCE READINESS OPERATIONS SUPPORT	751,606	751,606	751,606		751,606
080	LAND FORCES SYSTEMS READINESS	60,043	60,043	60,043		60,043
090	LAND FORCES DEPOT MAINTENANCE	411,940	411,940	411,940		411,940
100	BASE OPERATIONS SUPPORT	995,423	995,423	995,423		995,423
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	688,189	737,589	688,189	49,400	737,589
	Restoration and Modernization of Facilities		[49,400]		[49,400]	
120	MANAGEMENT AND OPERATIONAL HQ'S	953,716	953,716	953,716		953,716
	SUBTOTAL OPERATING FORCES	**6,648,912**	**6,698,312**	**6,648,912**	**49,400**	**6,698,312**
	ADMIN & SRVWD ACTIVITIES					
130	SERVICEWIDE TRANSPORTATION	11,806	11,806	11,806		11,806
140	REAL ESTATE MANAGEMENT	1,656	1,656	1,656		1,656
150	ADMINISTRATION	89,358	89,358	89,358		89,358
160	SERVICEWIDE COMMUNICATIONS	39,513	39,513	39,513		39,513
170	MANPOWER MANAGEMENT	7,224	7,224	7,224		7,224
180	RECRUITING AND ADVERTISING	310,143	310,143	310,143		310,143
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**459,700**	**459,700**	**459,700**		**459,700**
	UNDISTRIBUTED ADJUSTMENTS					
190	UNDISTRIBUTED ADJUSTMENTS		–79,700			0
	Army Medical Evacuation Paramedic Certification Training		[5,000]			
	Deny request of increase for technicians		[–95,000]			
	Retain Army National Guard Force Structure		[10,300]			
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–79,700**			**0**
	TOTAL OPERATION & MAINTENANCE, ARNG	**7,108,612**	**7,078,312**	**7,108,612**	**49,400**	**7,158,012**
	OPERATION & MAINTENANCE, ANG					
	OPERATING FORCES					
010	AIRCRAFT OPERATIONS	3,559,824	3,563,329	3,559,824		3,559,824
	Aerospace Control Alert		[3,505]			
020	MISSION SUPPORT OPERATIONS	721,225	721,225	721,225		721,225
030	DEPOT MAINTENANCE	774,875	774,875	774,875		774,875
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	270,709	295,409	270,709	24,700	295,409
	Restoration and Modernization of Facilities		[24,700]		[24,700]	
050	BASE SUPPORT	624,443	624,443	624,443		624,443
	SUBTOTAL OPERATING FORCES	**5,951,076**	**5,979,281**	**5,951,076**	**24,700**	**5,975,776**
	ADMIN & SRVWD ACTIVITIES					
060	ADMINISTRATION	32,358	32,358	32,358		32,358
070	RECRUITING AND ADVERTISING	32,021	32,021	32,021		32,021
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**64,379**	**64,379**	**64,379**		**64,379**
	UNDISTRIBUTED ADJUSTMENTS					
080	UNDISTRIBUTED ADJUSTMENTS		286,800		145,400	145,400
	Retain Air National Guard Force Structure		[286,800]		[145,400]	
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**286,800**		**145,400**	**145,400**
	TOTAL OPERATION & MAINTENANCE, ANG	**6,015,455**	**6,330,460**	**6,015,455**	**170,100**	**6,185,555**
	MISCELLANEOUS APPROPRIATIONS					
	MISCELLANEOUS APPROPRIATIONS					
020	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	108,759	108,759	108,759		108,759
030	COOPERATIVE THREAT REDUCTION	519,111	519,111	519,111		519,111
040	ACQ WORKFORCE DEV FD	274,198	274,198	274,198		274,198
050	ENVIRONMENTAL RESTORATION, ARMY	335,921	335,921	335,921		335,921
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	**1,237,989**	**1,237,989**	**1,237,989**		**1,237,989**
	MISCELLANEOUS APPROPRIATIONS					
060	ENVIRONMENTAL RESTORATION, NAVY	310,594	310,594	310,594		310,594
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	**310,594**	**310,594**	**310,594**		**310,594**
	MISCELLANEOUS APPROPRIATIONS					
070	ENVIRONMENTAL RESTORATION, AIR FORCE	529,263	529,263	529,263		529,263

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	**529,263**	**529,263**	**529,263**		**529,263**
	MISCELLANEOUS APPROPRIATIONS					
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	13,516	13,516	13,516		13,516
080	ENVIRONMENTAL RESTORATION, DEFENSE	11,133	11,133	11,133		11,133
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	**24,649**	**24,649**	**24,649**		**24,649**
	MISCELLANEOUS APPROPRIATIONS					
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES	237,543	237,543	237,543		237,543
	SUBTOTAL MISCELLANEOUS APPROPRIATIONS	**237,543**	**237,543**	**237,543**		**237,543**
	TOTAL MISCELLANEOUS APPROPRIATIONS	**2,340,038**	**2,340,038**	**2,340,038**		**2,340,038**
	UNDISTRIBUTED GENERAL PROVISIONS					
	UNDISTRIBUTED GENERAL PROVISIONS					
010	UNDISTRIBUTED GENERAL PROVISIONS			–45,000		0
	Undistributed reduction to Title III			[–45,000]		
	SUBTOTAL UNDISTRIBUTED GENERAL PROVISIONS			**–45,000**		**0**
	TOTAL UNDISTRIBUTED GENERAL PROVISIONS			**–45,000**		**0**
	TOTAL OPERATION & MAINTENANCE	**174,938,933**	**175,077,230**	**174,781,533**	**630,474**	**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	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	OPERATION & MAINTENANCE, ARMY					
	OPERATING FORCES					
040	THEATER LEVEL ASSETS	2,758,162	2,758,162	2,758,162		2,758,162
050	LAND FORCES OPERATIONS SUPPORT	991,396	991,396	991,396		991,396
060	AVIATION ASSETS	40,300	40,300	40,300		40,300
070	FORCE READINESS OPERATIONS SUPPORT	1,755,445	1,755,445	1,755,445		1,755,445
080	LAND FORCES SYSTEMS READINESS	307,244	307,244	307,244		307,244
100	BASE OPERATIONS SUPPORT	393,165	393,165	393,165		393,165
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	250,000	250,000	250,000		250,000
140	ADDITIONAL ACTIVITIES	12,524,137	12,395,137	12,475,737	–10,000	12,514,137
	Task Force for Stability Operations: Operations/Sustainment Request		[–129,000]		[–10,000]	
	YMQ–18A unmanned aerial vehicle			[–48,400]		
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	400,000	200,000	200,000	–200,000	200,000
	Historical underexecution		[–200,000]	[–200,000]	[–200,000]	
160	RESET	3,687,973	3,437,973	3,687,973		3,687,973
	Unexecutible depot-level maintenance		[–250,000]			
	SUBTOTAL OPERATING FORCES	**23,107,822**	**22,528,822**	**22,859,422**	**–210,000**	**22,897,822**
	ADMIN & SRVWIDE ACTIVITIES					
350	SERVICEWIDE TRANSPORTATION	3,238,310	3,238,310	3,238,310		3,238,310
360	CENTRAL SUPPLY ACTIVITIES	129,000	129,000	129,000		129,000
380	AMMUNITION MANAGEMENT	78,022	78,022	78,022		78,022
420	OTHER PERSONNEL SUPPORT	137,277	137,277	97,277	–40,000	97,277
	Transfer to OPA OCO Line 061 at SOUTHCOM request			[–40,000]	[–40,000]	
430	OTHER SERVICE SUPPORT	72,293	72,293	72,293		72,293
490	CLASSIFIED PROGRAMS	1,828,717	1,828,717	1,828,717		1,828,717
	SUBTOTAL ADMIN & SRVWIDE ACTIVITIES	**5,483,619**	**5,483,619**	**5,443,619**	**–40,000**	**5,443,619**
	UNDISTRIBUTED ADJUSTMENTS					
500	UNDISTRIBUTED ADJUSTMENTS		–179,700			
	Historical unobligated balances		[–179,700]			
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–179,700**			
	TOTAL OPERATION & MAINTENANCE, ARMY	**28,591,441**	**27,832,741**	**28,303,041**	**–250,000**	**28,341,441**
	OPERATION & MAINTENANCE, NAVY					

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	OPERATING FORCES					
010	MISSION AND OTHER FLIGHT OPERATIONS	937,098	937,098	937,098		937,098
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	1,000	1,000	1,000		1,000
040	AIR OPERATIONS AND SAFETY SUPPORT	15,794	15,794	15,794		15,794
050	AIR SYSTEMS SUPPORT	19,013	19,013	19,013		19,013
060	AIRCRAFT DEPOT MAINTENANCE	201,912	201,912	201,912		201,912
070	AIRCRAFT DEPOT OPERATIONS SUPPORT	3,000	3,000	3,000		3,000
080	AVIATION LOGISTICS	44,150	44,150	44,150		44,150
090	MISSION AND OTHER SHIP OPERATIONS	463,738	463,738	463,738		463,738
100	SHIP OPERATIONS SUPPORT & TRAINING	24,774	24,774	24,774		24,774
110	SHIP DEPOT MAINTENANCE	1,310,010	1,310,010	1,310,010		1,310,010
130	COMBAT COMMUNICATIONS	42,965	42,965	42,965		42,965
160	WARFARE TACTICS	25,970	25,970	25,970		25,970
170	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY	19,226	19,226	19,226		19,226
180	COMBAT SUPPORT FORCES	1,668,359	1,668,359	1,668,359		1,668,359
190	EQUIPMENT MAINTENANCE	7,954	7,954	7,954		7,954
250	IN-SERVICE WEAPONS SYSTEMS SUPPORT	94,655	94,655	94,655		94,655
260	WEAPONS MAINTENANCE	303,087	303,087	303,087		303,087
290	SUSTAINMENT, RESTORATION AND MODERNIZATION	3,218	3,218	3,218		3,218
300	BASE OPERATING SUPPORT	143,442	143,442	143,442		143,442
	SUBTOTAL OPERATING FORCES	**5,329,365**	**5,329,365**	**5,329,365**		**5,329,365**
	MOBILIZATION					
340	EXPEDITIONARY HEALTH SERVICES SYSTEMS	31,395	31,395	31,395		31,395
360	COAST GUARD SUPPORT	254,461	254,461	254,461		254,461
	SUBTOTAL MOBILIZATION	**285,856**	**285,856**	**285,856**		**285,856**
	TRAINING AND RECRUITING					
400	SPECIALIZED SKILL TRAINING	50,903	50,903	50,903		50,903
	SUBTOTAL TRAINING AND RECRUITING	**50,903**	**50,903**	**50,903**		**50,903**
	ADMIN & SRVWD ACTIVITIES					
480	ADMINISTRATION	1,377	1,377	1,377		1,377
490	EXTERNAL RELATIONS	487	487	487		487
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	6,022	6,022	6,022		6,022
520	OTHER PERSONNEL SUPPORT	3,514	3,514	3,514		3,514
550	SERVICEWIDE TRANSPORTATION	184,864	184,864	184,864		184,864
580	ACQUISITION AND PROGRAM MANAGEMENT	2,026	2,026	2,026		2,026
620	NAVAL INVESTIGATIVE SERVICE	1,425	1,425	1,425		1,425
710	CLASSIFIED PROGRAMS	14,556	14,556	14,556		14,556
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**214,271**	**214,271**	**214,271**		**214,271**
	UNDISTRIBUTED ADJUSTMENTS					
720	UNDISTRIBUTED ADJUSTMENTS		–22,100			
	Historical unobligated balances		[–22,100]			
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–22,100**			
	TOTAL OPERATION & MAINTENANCE, NAVY	**5,880,395**	**5,858,295**	**5,880,395**		**5,880,395**
	OPERATION & MAINTENANCE, MARINE CORPS					
	OPERATING FORCES					
010	OPERATIONAL FORCES	1,921,258	1,921,258	1,921,258		1,921,258
020	FIELD LOGISTICS	1,094,028	1,094,028	1,094,028		1,094,028
030	DEPOT MAINTENANCE	222,824	222,824	222,824		222,824
060	BASE OPERATING SUPPORT	88,690	88,690	88,690		88,690
	SUBTOTAL OPERATING FORCES	**3,326,800**	**3,326,800**	**3,326,800**		**3,326,800**
	TRAINING AND RECRUITING					
110	TRAINING SUPPORT	215,212	215,212	215,212		215,212
	SUBTOTAL TRAINING AND RECRUITING	**215,212**	**215,212**	**215,212**		**215,212**
	ADMIN & SRVWD ACTIVITIES					
150	SERVICEWIDE TRANSPORTATION	512,627	512,627	512,627		512,627
190	CLASSIFIED PROGRAMS	11,701	11,701	11,701		11,701
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**524,328**	**524,328**	**524,328**		**524,328**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
	UNDISTRIBUTED ADJUSTMENTS					
200	UNDISTRIBUTED ADJUSTMENTS		–15,600			
	Historical unobligated balances		[–15,600]			
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–15,600**			
	TOTAL OPERATION & MAINTENANCE, MARINE CORPS	**4,066,340**	**4,050,740**	**4,066,340**		**4,066,340**
	OPERATION & MAINTENANCE, AIR FORCE					
	OPERATING FORCES					
010	PRIMARY COMBAT FORCES	1,494,144	1,494,144	1,494,144		1,494,144
020	COMBAT ENHANCEMENT FORCES	809,531	809,531	809,531		809,531
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	13,095	13,095	13,095		13,095
040	DEPOT MAINTENANCE	1,403,238	1,403,238	1,403,238		1,403,238
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	155,954	155,954	155,954		155,954
060	BASE SUPPORT	342,226	342,226	342,226		342,226
070	GLOBAL C3I AND EARLY WARNING	15,108	15,108	15,108		15,108
080	OTHER COMBAT OPS SPT PROGRAMS	271,390	271,390	271,390		271,390
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	25,400	25,400	25,400		25,400
120	SPACE CONTROL SYSTEMS	5,110	5,110	5,110		5,110
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	52,173	52,173	52,173		52,173
	SUBTOTAL OPERATING FORCES	**4,587,369**	**4,587,369**	**4,587,369**		**4,587,369**
	MOBILIZATION					
150	AIRLIFT OPERATIONS	3,187,211	3,187,211	3,187,211		3,187,211
160	MOBILIZATION PREPAREDNESS	43,509	43,509	43,509		43,509
170	DEPOT MAINTENANCE	554,943	554,943	554,943		554,943
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	4,431	4,431	4,431		4,431
190	BASE SUPPORT	9,256	9,256	9,256		9,256
	SUBTOTAL MOBILIZATION	**3,799,350**	**3,799,350**	**3,799,350**		**3,799,350**
	TRAINING AND RECRUITING					
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	424	424	424		424
240	BASE SUPPORT	1,036	1,036	1,036		1,036
250	SPECIALIZED SKILL TRAINING	10,923	10,923	10,923		10,923
260	FLIGHT TRAINING	72	72	72		72
270	PROFESSIONAL DEVELOPMENT EDUCATION	323	323	323		323
280	TRAINING SUPPORT	352	352	352		352
	SUBTOTAL TRAINING AND RECRUITING	**13,130**	**13,130**	**13,130**		**13,130**
	ADMIN & SRVWD ACTIVITIES					
360	LOGISTICS OPERATIONS	100,429	100,429	100,429		100,429
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	47,200	47,200	47,200		47,200
400	BASE SUPPORT	7,242	7,242	7,242		7,242
410	ADMINISTRATION	1,552	1,552	1,552		1,552
420	SERVICEWIDE COMMUNICATIONS	82,094	82,094	82,094		82,094
430	OTHER SERVICEWIDE ACTIVITIES	582,977	582,977	582,977		582,977
480	CLASSIFIED PROGRAMS	20,270	20,270	20,270		20,270
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**841,764**	**841,764**	**841,764**		**841,764**
	UNDISTRIBUTED ADJUSTMENTS					
490	UNDISTRIBUTED ADJUSTMENTS		–34,700			
	Historical unobligated balances		[–34,700]			
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–34,700**			
	TOTAL OPERATION & MAINTENANCE, AIR FORCE	**9,241,613**	**9,206,913**	**9,241,613**		**9,241,613**
	OPERATION & MAINTENANCE, DEFENSE-WIDE					
	OPERATING FORCES					
010	JOINT CHIEFS OF STAFF	2,000	2,000	2,000		2,000
020	SPECIAL OPERATIONS COMMAND	2,503,060	2,503,060	2,503,060		2,503,060
	SUBTOTAL OPERATING FORCES	**2,505,060**	**2,505,060**	**2,505,060**		**2,505,060**
	ADMIN & SRVWD ACTIVITIES					
080	DEFENSE CONTRACT AUDIT AGENCY	30,674	30,674	30,674		30,674
090	DEFENSE CONTRACT MANAGEMENT AGENCY	69,803	69,803	69,803		69,803
110	DEFENSE HUMAN RESOURCES ACTIVITY	3,334	3,334	3,334		3,334

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
120	DEFENSE INFORMATION SYSTEMS AGENCY	152,925	152,925	152,925		152,925
140	DEFENSE LEGAL SERVICES AGENCY	102,322	102,322	102,322		102,322
160	DEFENSE MEDIA ACTIVITY	10,823	10,823	10,823		10,823
180	DEFENSE SECURITY COOPERATION AGENCY	2,200,000	1,550,000	2,200,000	–100,000	2,100,000
	Program Decrease—Coalition Support Funds		[–650,000]		[–100,000]	
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	139,830	139,830	139,830		139,830
260	OFFICE OF THE SECRETARY OF DEFENSE	87,805	87,805	87,805		87,805
280	CLASSIFIED PROGRAMS	2,522,003	2,522,003	2,522,003		2,522,003
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**5,319,519**	**4,669,519**	**5,319,519**	**–100,000**	**5,219,519**
	UNDISTRIBUTED ADJUSTMENTS					
290	UNDISTRIBUTED ADJUSTMENTS		–29,300			
	Historical unobligated balances		[–29,300]			
	SUBTOTAL UNDISTRIBUTED ADJUSTMENTS		**–29,300**			
	TOTAL OPERATION & MAINTENANCE, DEFENSE-WIDE	**7,824,579**	**7,145,279**	**7,824,579**	**–100,000**	**7,724,579**
	OPERATION & MAINTENANCE, ARMY RES					
	OPERATING FORCES					
030	ECHELONS ABOVE BRIGADE	78,600	78,600	78,600		78,600
050	LAND FORCES OPERATIONS SUPPORT	20,811	20,811	20,811		20,811
070	FORCE READINESS OPERATIONS SUPPORT	20,726	20,726	20,726		20,726
100	BASE OPERATIONS SUPPORT	34,400	34,400	34,400		34,400
	SUBTOTAL OPERATING FORCES	**154,537**	**154,537**	**154,537**		**154,537**
	TOTAL OPERATION & MAINTENANCE, ARMY RES	**154,537**	**154,537**	**154,537**		**154,537**
	OPERATION & MAINTENANCE, NAVY RES					
	OPERATING FORCES					
010	MISSION AND OTHER FLIGHT OPERATIONS	24,834	24,834	24,834		24,834
020	INTERMEDIATE MAINTENANCE	300	300	300		300
040	AIRCRAFT DEPOT MAINTENANCE	13,364	13,364	13,364		13,364
060	MISSION AND OTHER SHIP OPERATIONS	8,213	8,213	8,213		8,213
080	SHIP DEPOT MAINTENANCE	929	929	929		929
100	COMBAT SUPPORT FORCES	8,244	8,244	8,244		8,244
140	BASE OPERATING SUPPORT	40	40	40		40
	SUBTOTAL OPERATING FORCES	**55,924**	**55,924**	**55,924**		**55,924**
	TOTAL OPERATION & MAINTENANCE, NAVY RES	**55,924**	**55,924**	**55,924**		**55,924**
	OPERATION & MAINTENANCE, MC RESERVE					
	OPERATING FORCES					
010	OPERATING FORCES	22,657	22,657	22,657		22,657
040	BASE OPERATING SUPPORT	2,820	2,820	2,820		2,820
	SUBTOTAL OPERATING FORCES	**25,477**	**25,477**	**25,477**		**25,477**
	TOTAL OPERATION & MAINTENANCE, MC RESERVE	**25,477**	**25,477**	**25,477**		**25,477**
	OPERATION & MAINTENANCE, AF RESERVE					
	OPERATING FORCES					
010	PRIMARY COMBAT FORCES	7,600	7,600	7,600		7,600
030	DEPOT MAINTENANCE	106,768	106,768	106,768		106,768
050	BASE SUPPORT	6,250	6,250	6,250		6,250
	SUBTOTAL OPERATING FORCES	**120,618**	**120,618**	**120,618**		**120,618**
	TOTAL OPERATION & MAINTENANCE, AF RESERVE	**120,618**	**120,618**	**120,618**		**120,618**
	OPERATION & MAINTENANCE, ARNG					
	OPERATING FORCES					
010	MANEUVER UNITS	38,485	38,485	38,485		38,485
020	MODULAR SUPPORT BRIGADES	1,959	1,959	1,959		1,959
030	ECHELONS ABOVE BRIGADE	20,076	20,076	20,076		20,076
040	THEATER LEVEL ASSETS	2,028	2,028	2,028		2,028
060	AVIATION ASSETS	183,811	183,811	183,811		183,811
070	FORCE READINESS OPERATIONS SUPPORT	43,780	43,780	43,780		43,780
100	BASE OPERATIONS SUPPORT	70,237	70,237	70,237		70,237

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
120	MANAGEMENT AND OPERATIONAL HQ'S	20,072	20,072	20,072		20,072
	SUBTOTAL OPERATING FORCES	**380,448**	**380,448**	**380,448**		**380,448**
	ADMIN & SRVWD ACTIVITIES					
160	SERVICEWIDE COMMUNICATIONS	2,000	2,000	2,000		2,000
	SUBTOTAL ADMIN & SRVWD ACTIVITIES	**2,000**	**2,000**	**2,000**		**2,000**
	TOTAL OPERATION & MAINTENANCE, ARNG	**382,448**	**382,448**	**382,448**		**382,448**
	OPERATION & MAINTENANCE, ANG					
	OPERATING FORCES					
020	MISSION SUPPORT OPERATIONS	19,975	19,975	19,975		19,975
	SUBTOTAL OPERATING FORCES	**19,975**	**19,975**	**19,975**		**19,975**
	TOTAL OPERATION & MAINTENANCE, ANG	**19,975**	**19,975**	**19,975**		**19,975**
	AFGHANISTAN SECURITY FORCES FUND					
	MINISTRY OF DEFENSE					
010	SUSTAINMENT	2,523,825	2,523,825	2,523,825		2,523,825
020	INFRASTRUCTURE	190,000	190,000	190,000		190,000
030	EQUIPMENT AND TRANSPORTATION	241,521	241,521	241,521		241,521
040	TRAINING AND OPERATIONS	758,380	758,380	758,380		758,380
	SUBTOTAL MINISTRY OF DEFENSE	**3,713,726**	**3,713,726**	**3,713,726**		**3,713,726**
	MINISTRY OF INTERIOR					
050	SUSTAINMENT	1,305,950	1,305,950	1,305,950		1,305,950
060	INFRASTRUCTURE	50,000	50,000	50,000		50,000
070	EQUIPMENT AND TRANSPORTATION	84,859	84,859	84,859		84,859
080	TRAINING AND OPERATIONS	569,868	569,868	569,868		569,868
	SUBTOTAL MINISTRY OF INTERIOR	**2,010,677**	**2,010,677**	**2,010,677**		**2,010,677**
	RELATED ACTIVITIES					
090	SUSTAINMENT	18,325	18,325	18,325		18,325
100	INFRASTRUCTUE	1,200	1,200	1,200		1,200
110	EQUIPMENT & TRANSPORTATION	1,239	1,239	1,239		1,239
120	TRAINING AND OPERATIONS	4,000	4,000	4,000		4,000
	SUBTOTAL RELATED ACTIVITIES	**24,764**	**24,764**	**24,764**		**24,764**
	TOTAL AFGHANISTAN SECURITY FORCES FUND	**5,749,167**	**5,749,167**	**5,749,167**		**5,749,167**
	AFGHANISTAN INFRASTRUCTURE FUND					
	AFGHANISTAN INFRASTRUCTURE FUND					
010	POWER	400,000	375,000	350,000	–50,000	350,000
	Program Decrease		[–25,000]	[–50,000]	[–50,000]	
	SUBTOTAL AFGHANISTAN INFRASTRUCTURE FUND	**400,000**	**375,000**	**350,000**	**–50,000**	**350,000**
	TOTAL AFGHANISTAN INFRASTRUCTURE FUND	**400,000**	**375,000**	**350,000**	**–50,000**	**350,000**
	TOTAL OPERATION & MAINTENANCE	**62,512,514**	**60,977,114**	**62,174,114**	**–400,000**	**62,112,514**

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
MILITARY PERSONNEL	135,111,799	135,726,855	135,117,799	646,479	135,777,368
USMC military personnel in lieu of LAV funding		[131,730]		[129,729]	
Retain Global Hawk		[22,200]		[22,000]	
Restore accrual payments to the Medicare eligible health care trust fund		[672,000]		[672,000]	
Unobligated balances		[–352,000]		[–295,250]	

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

Item	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Army medical evacuation paramedic certification training		[2,000]			
Reserve Components administrative absence (Section 604)		[2,000]			
Basic allowance for housing for members of the National Guard (Section 603)		[6,000]	[6,000]	[6,000]	
Non-medical attendant travel (Section 621)		[2,000]			
Retain 128 Air National Guard AGRs for two air sovereignty alert locations		[8,300]		[8,300]	
Retain Air National Guard Force Structure		[70,826]		[86,600]	
Retain Air Force Force Structure		[30,000]			
Retain Air Force Reserve Force Structure		[20,000]		[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	House Authorized	Senate Authorized	Conference Change	Conference Authorized
MILITARY PERSONNEL	14,060,094	14,060,094	14,060,094	–5,000	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	House Authorized	Senate Authorized	Conference Change	Conference Authorized
WORKING CAPITAL FUND, ARMY					
PREPOSITIONED WAR RESERVE STOCKS	60,037	60,037	60,037		60,037
TOTAL WORKING CAPITAL FUND, ARMY	**60,037**	**60,037**	**60,037**		**60,037**
WORKING CAPITAL FUND, AIR FORCE					
CONTAINER DECONSOLIDATION					
SUPPLIES AND MATERIALS (MEDICAL/DENTAL)	45,452	45,452	45,452		45,452
TOTAL WORKING CAPITAL FUND, AIR FORCE	**45,452**	**45,452**	**45,452**		**45,452**
WORKING CAPITAL FUND, DEFENSE-WIDE					
DEFENSE LOGISTICS AGENCY (DLA)	39,135	39,135	39,135		39,135
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	**39,135**	**39,135**	**39,135**		**39,135**
WORKING CAPITAL FUND, DECA					
WORKING CAPITAL FUND, DECA	1,371,560	1,371,560	1,371,560		1,371,560
TOTAL WORKING CAPITAL FUND, DECA	**1,371,560**	**1,371,560**	**1,371,560**		**1,371,560**
NATIONAL DEFENSE SEALIFT FUND					
T-AKE					
MPF MLP	38,000	38,000	38,000		38,000
POST DELIVERY AND OUTFITTING	39,386	39,386	39,386		39,386
NATIONAL DEF SEALIFT VESSEL					
LG MED SPD RO/RO MAINTENANCE	128,819	128,819	128,819		128,819
DOD MOBILIZATION ALTERATIONS	26,598	26,598	26,598		26,598
TAH MAINTENANCE	29,199	29,199	29,199		29,199
RESEARCH AND DEVELOPMENT	42,811	42,811	42,811		42,811
READY RESERVE FORCE	303,323	303,323	303,323		303,323
TOTAL NATIONAL DEFENSE SEALIFT FUND	**608,136**	**608,136**	**608,136**		**608,136**
DEFENSE HEALTH PROGRAM					
IN-HOUSE CARE	8,625,507	8,625,507	8,625,507		8,625,507
PRIVATE SECTOR CARE	16,148,263	16,178,263	16,193,263	–360,000	15,788,263
Pilot program for treatment of Autism		[30,000]	[45,000]	[40,000]	
TRICARE historical underexecution				[–400,000]	

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
CONSOLIDATED HEALTH SUPPORT	2,309,185	2,309,185	2,309,185		2,309,185
INFORMATION MANAGEMENT	1,465,328	1,465,328	1,465,328		1,465,328
MANAGEMENT ACTIVITIES	332,121	332,121	332,121		332,121
EDUCATION AND TRAINING	722,081	722,081	722,081		722,081
BASE OPERATIONS/COMMUNICATIONS	1,746,794	1,746,794	1,746,794		1,746,794
UNDISTRIBUTED, OPERATION & MAINTENANCE		301,900	452,000	452,000	452,000
Foreign currency flucuation		[–5,100]			
Overfunding in electronic health record		[–30,000]			
Pilot program for TBI and PTSD for Armed Forces members and veterans		[10,000]			
Restore DOD assumed Savings for TRICARE Proposals			[452,000]		
Restore estimated savings in TRICARE Prime and Standard enrollment fees and deductables for TRICARE Standard		[273,000]		[273,000]	
Restore pharmacy co-pay estimated savings		[179,000]		[179,000]	
Study on breast cancer among members of the Armed Forces and veterans		[10,000]			
TRICARE rate adjustments		[90,000]			
Unobligated balances		[–225,000]			
RDT&E	672,977	672,977	672,977		672,977
PROCUREMENT	506,462	454,462	506,462		506,462
Overfunding in electronic health record		[–52,000]			
TOTAL DEFENSE HEALTH PROGRAM	**32,528,718**	**32,808,618**	**33,025,718**	**92,000**	**32,620,718**
CHEM AGENTS & MUNITIONS DESTRUCTION					
OPERATION & MAINTENANCE	635,843	635,843	635,843		635,843
RDT&E	647,351	647,351	647,351		647,351
PROCUREMENT	18,592	18,592	18,592		18,592
TOTAL CHEM AGENTS & MUNITIONS DESTRUCTION	**1,301,786**	**1,301,786**	**1,301,786**		**1,301,786**
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF					
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	889,545	889,545	863,645		889,545
Transfer to Demand Reduction Program			[–25,900]		
DRUG DEMAND REDUCTION PROGRAM	109,818	109,818	135,718	25,900	135,718
Authorization increase expanded drug testing			[25,900]	[25,900]	
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**999,363**	**999,363**	**999,363**	**25,900**	**1,025,263**
OFFICE OF THE INSPECTOR GENERAL					
OPERATION & MAINTENANCE	272,821	272,821	331,921	59,100	331,921
DoD IG growth plan			[59,100]	[59,100]	
RDT&E					
PROCUREMENT	1,000	1,000	1,000		1,000
TOTAL OFFICE OF THE INSPECTOR GENERAL	**273,821**	**273,821**	**332,921**	**59,100**	**332,921**
TOTAL OTHER AUTHORIZATIONS	**37,228,008**	**37,507,908**	**37,784,108**	**177,000**	**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	House Authorized	Senate Authorized	Conference Change	Conference Authorized
WORKING CAPITAL FUND, ARMY					
PREPOSITIONED WAR RESERVE STOCKS	42,600	42,600	42,600		42,600
TOTAL WORKING CAPITAL FUND, ARMY	**42,600**	**42,600**	**42,600**		**42,600**
WORKING CAPITAL FUND, AIR FORCE					
C–17 CLS ENGINE REPAIR	230,400	230,400	230,400		230,400
TRANSPORTATION FALLEN HEROES	10,000	10,000	10,000		10,000
TOTAL WORKING CAPITAL FUND, AIR FORCE	**240,400**	**240,400**	**240,400**		**240,400**
WORKING CAPITAL FUND, DEFENSE-WIDE					
DEFENSE LOGISTICS AGENCY (DLA)	220,364	220,364	220,364		220,364
TOTAL WORKING CAPITAL FUND, DEFENSE-WIDE	**220,364**	**220,364**	**220,364**		**220,364**
DEFENSE HEALTH PROGRAM					
IN-HOUSE CARE	483,326	483,326	483,326		483,326

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Program Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
PRIVATE SECTOR CARE	376,982	376,982	376,982		376,982
CONSOLIDATED HEALTH SUPPORT	111,675	111,675	111,675		111,675
INFORMATION MANAGEMENT	4,773	4,773	4,773		4,773
MANAGEMENT ACTIVITIES	660	660	660		660
EDUCATION AND TRAINING	15,370	15,370	15,370		15,370
BASE OPERATIONS/COMMUNICATIONS	1,112	1,112	1,112		1,112
TOTAL DEFENSE HEALTH PROGRAM	**993,898**	**993,898**	**993,898**		**993,898**
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF					
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	469,025	469,025	469,025		469,025
TOTAL DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**469,025**	**469,025**	**469,025**		**469,025**
OFFICE OF THE INSPECTOR GENERAL					
OPERATION & MAINTENANCE	10,766	10,766	10,766		10,766
TOTAL OFFICE OF THE INSPECTOR GENERAL	**10,766**	**10,766**	**10,766**		**10,766**
TOTAL OTHER AUTHORIZATIONS	**1,977,053**	**1,977,053**	**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	Installation	Project Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Army	ALASKA	FORT WAINWRIGHT	MODIFIED RECORD FIRE RANGE	10,400	10,400	10,400		10,400
Army	ALASKA	JOINT BASE ELMEN-DORF-RICHARDSON	MODIFIED RECORD FIRE RANGE	7,900	7,900	7,900		7,900
Army	CALIFORNIA	CONCORD	ENGINEERING/HOUSING MAINTENANCE SHOP	3,100	3,100	3,100		3,100
Army	CALIFORNIA	CONCORD	LIGHTNING PROTECTION SYSTEM	5,800	5,800	5,800		5,800
Army	COLORADO	FORT CARSON	CENTRAL ENERGY PLANT	0	0	0		0
Army	COLORADO	FORT CARSON	DIGITAL MULTIPURPOSE TRAINING RANGE	18,000	18,000	18,000		18,000
Army	DISTRICT OF CO-LUMBIA	FORT MCNAIR	VEHICLE STORAGE BUILDING, INSTALLATION	7,200	7,200	7,200		7,200
Army	GEORGIA	FORT BENNING	GROUND SOURCE HEAT TRANSFER SYSTEM	16,000	16,000	16,000		16,000
Army	GEORGIA	FORT GORDON	GROUND SOURCE HEAT TRANSFER SYSTEM	12,200	12,200	12,200		12,200
Army	GEORGIA	FORT GORDON	MODIFIED RECORD FIRE RANGE	4,000	4,000	4,000		4,000
Army	GEORGIA	FORT GORDON	MULTIPURPOSE MACHINE GUN RANGE	7,100	7,100	7,100		7,100
Army	GEORGIA	FORT STEWART	AUTOMATED COMBAT PISTOL QUAL CRSE	3,650	3,650	3,650		3,650
Army	GEORGIA	FORT STEWART	DIGITAL MULTIPURPOSE TRAINING RANGE	22,000	22,000	22,000		22,000
Army	GEORGIA	FORT STEWART	UNMANNED AERIAL VEHICLE COMPLEX	24,000	24,000	24,000		24,000
Army	HAWAII	POHAKULOA TRAINING AREA	AUTOMATED INFANTRY PLATOON BATTLE COURSE	29,000	29,000	29,000		29,000
Army	HAWAII	SCHOFIELD BARRACKS	BARRACKS	55,000	55,000	55,000		55,000
Army	HAWAII	SCHOFIELD BARRACKS	BARRACKS	41,000	41,000	41,000		41,000
Army	HAWAII	WHEELER ARMY AIR FIELD	COMBAT AVIATION BRIGADE BARRACKS	85,000	85,000	85,000		85,000
Army	ITALY	CAMP EDERLE	BARRACKS	36,000	36,000	36,000		36,000
Army	ITALY	VICENZA	SIMULATIONS CENTER	32,000	32,000	32,000		32,000
Army	JAPAN	OKINAWA	SATELLITE COMMUNICATIONS FACILITY	78,000	78,000	78,000		78,000
Army	JAPAN	SAGAMI	VEHICLE MAINTENANCE SHOP	18,000	18,000	18,000		18,000
Army	KANSAS	FORT RILEY	UNMANNED AERIAL VEHICLE COMPLEX	12,200	12,200	12,200		12,200
Army	KENTUCKY	FORT CAMPBELL	BATTALION HEADQUARTERS COMPLEX	55,000	55,000	55,000		55,000
Army	KENTUCKY	FORT CAMPBELL	LIVE FIRE EXERCISE SHOOTHOUSE	3,800	3,800	3,800		3,800
Army	KENTUCKY	FORT CAMPBELL	UNMANNED AERIAL VEHICLE COMPLEX	23,000	23,000	23,000		23,000
Army	KENTUCKY	FORT KNOX	AUTOMATED INFANTRY SQUAD BATTLE COURSE	6,000	6,000	6,000		6,000
Army	KOREA	CAMP HUMPHREYS	BATTALION HEADQUARTERS COMPLEX	45,000	45,000	45,000		45,000
Army	KWAJALEIN ATOLL	KWAJALEIN ATOLL	PIER	0	0	0		0
Army	MISSOURI	FORT LEONARD WOOD	BATTALION COMPLEX FACILITIES	26,000	26,000	26,000		26,000
Army	MISSOURI	FORT LEONARD WOOD	TRAINEE BARRACKS COMPLEX 3, PH 2	58,000	58,000	58,000		58,000
Army	MISSOURI	FORT LEONARD WOOD	VEHICLE MAINTENANCE SHOP	39,000	39,000	39,000		39,000
Army	NEW JERSEY	JOINT BASE MCGUIRE-DIX-LAKEHURST	FLIGHT EQUIPMENT COMPLEX	47,000	47,000	47,000		47,000
Army	NEW JERSEY	PICATINNY ARSENAL	BALLISTIC EVALUATION CENTER	10,200	10,200	10,200		10,200
Army	NEW YORK	FORT DRUM, NEW YORK	AIRCRAFT MAINTENANCE HANGAR	95,000	95,000	95,000		95,000

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Army	NEW YORK	U.S. MILITARY ACADEMY	CADET BARRACKS, INC 1	192,000	192,000	0	–106,000	86,000
Army	NORTH CAROLINA	FORT BRAGG	AERIAL GUNNERY RANGE	42,000	42,000	42,000		42,000
Army	NORTH CAROLINA	FORT BRAGG	INFRASTRUCTURE	30,000	30,000	0	–30,000	0
Army	NORTH CAROLINA	FORT BRAGG	UNMANNED AERIAL VEHICLE COMPLEX	26,000	26,000	26,000		26,000
Army	OKLAHOMA	FORT SILL	MODIFIED RECORD FIRE RANGE	4,900	4,900	4,900		4,900
Army	SOUTH CAROLINA	FORT JACKSON	TRAINEE BARRACKS COMPLEX 2, PH 2	24,000	24,000	24,000		24,000
Army	TEXAS	CORPUS CHRISTI	AIRCRAFT COMPONENT MAINTENANCE SHOP	13,200	13,200	13,200		13,200
Army	TEXAS	CORPUS CHRISTI	AIRCRAFT PAINT SHOP	24,000	24,000	24,000		24,000
Army	TEXAS	FORT BLISS	MULTIPURPOSE MACHINE GUN RANGE	7,200	7,200	7,200		7,200
Army	TEXAS	FORT HOOD	MODIFIED RECORD FIRE RANGE	4,200	4,200	4,200		4,200
Army	TEXAS	FORT HOOD	TRAINING AIDS CENTER	25,000	25,000	25,000		25,000
Army	TEXAS	FORT HOOD	UNMANNED AERIAL VEHICLE COMPLEX	22,000	22,000	22,000		22,000
Army	TEXAS	JOINT BASE SAN ANTONIO	BARRACKS	21,000	21,000	21,000		21,000
Army	VIRGINIA	ARLINGTON	CEMETERY EXPANSION MILLENNIUM SITE	84,000	84,000	0	–84,000	0
Army	VIRGINIA	FORT BELVOIR	SECURE ADMIN/OPERATIONS FACILITY	94,000	94,000	94,000		94,000
Army	VIRGINIA	FORT LEE	ADV INDIVIDUAL TRAINING BARRACKS CPLX, PH2	81,000	81,000	81,000		81,000
Army	WASHINGTON	JOINT BASE LEWIS-MCCHORD	BATTALION COMPLEX	73,000	73,000	73,000		73,000
Army	WASHINGTON	JOINT BASE LEWIS-MCCHORD	WASTE WATER TREATMENT PLANT	91,000	91,000	91,000		91,000
Army	WASHINGTON	YAKIMA	CONVOY LIVE FIRE RANGE	5,100	5,100	5,100		5,100
Army	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	HOST NATION SUPPORT FY 13	34,000	34,000	34,000		34,000
Army	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	MINOR CONSTRUCTION FY 13	25,000	25,000	25,000		25,000
Army	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN FY13	65,173	65,173	46,173	–19,000	46,173
Total Military Construction, Army				**1,923,323**	**1,923,323**	**1,598,323**	**–239,000**	**1,684,323**
Navy	ARIZONA	YUMA	COMBAT AIRCRAFT LOADING APRON	15,985	15,985	15,985		15,985
Navy	ARIZONA	YUMA	SECURITY OPERATIONS COMPLEX	13,300	13,300	13,300		13,300
Navy	BAHRAIN ISLAND	SW ASIA	COMBINED DINING FACILITY	9,819	0	9,819		9,819
Navy	BAHRAIN ISLAND	SW ASIA	TRANSIENT QUARTERS	41,529	0	41,529		41,529
Navy	CALIFORNIA	CAMP PENDLETON	COMM. INFORMATION SYSTEMS OPS COMPLEX	78,897	78,897	78,897		78,897
Navy	CALIFORNIA	CAMP PENDLETON	MV22 AVIATION SIMULATOR BUILDING	4,139	4,139	4,139		4,139
Navy	CALIFORNIA	CAMP PENDLETON	SAN JACINTO ROAD EXTENSION	5,074	5,074	5,074		5,074
Navy	CALIFORNIA	CORONADO	BACHELOR QUARTERS	76,063	76,063	76,063		76,063
Navy	CALIFORNIA	CORONADO	H–60S SIMULATOR TRAINING FACILITY	2,478	2,478	2,478		2,478
Navy	CALIFORNIA	LEMOORE	BAMS MAINTENANCE TRAINING FACILITY	14,843	0	0	–14,843	0
Navy	CALIFORNIA	MIRAMAR	HANGAR 5 RENOVATIONS & ADDITION	27,897	27,897	27,897		27,897
Navy	CALIFORNIA	POINT MUGU	BAMS MAINTENANCE TRAINING FACILITY	0	12,790	12,790	12,790	12,790
Navy	CALIFORNIA	SAN DIEGO	ENTRY CONTROL POINT (GATE FIVE)	11,752	11,752	11,752		11,752
Navy	CALIFORNIA	SAN DIEGO	LCS TRAINING FACILITY	59,436	59,436	59,436		59,436
Navy	CALIFORNIA	SEAL BEACH	STRATEGIC SYSTEMS WEAPONS EVAL. TEST LAB	30,594	30,594	30,594		30,594
Navy	CALIFORNIA	TWENTYNINE PALMS	LAND EXPANSION PHASE 2	47,270	47,270	47,270		47,270
Navy	DIEGO GARCIA	DIEGO GARCIA	COMMUNICATIONS INFRASTRUCTURE	1,691	1,691	1,691		1,691
Navy	DJIBOUTI	CAMP LEMONNIER	CONTAINERIZED LIVING AND WORK UNITS	7,510	0	7,510	–7,510	0
Navy	DJIBOUTI	CAMP LEMONNIER	FITNESS CENTER	26,960	0	26,960	–26,960	0
Navy	DJIBOUTI	CAMP LEMONNIER	GALLEY ADDITION AND WAREHOUSE	22,220	0	22,220	–22,220	0
Navy	DJIBOUTI	CAMP LEMONNIER	JOINT HQ/JOINT OPERATIONS CENTER FACILITY	42,730	0	42,730	–42,730	0
Navy	FLORIDA	JACKSONVILLE	BAMS MISSION CONTROL COMPLEX	21,980	21,980	21,980		21,980
Navy	GREECE	SOUDA BAY	AIRCRAFT PARKING APRON EXPANSION	20,493	20,493	20,493		20,493
Navy	GREECE	SOUDA BAY	INTERMODAL ACCESS ROAD	4,630	4,630	4,630		4,630
Navy	GUAM	JOINT REGION MARIANAS	NORTH RAMP PARKING (ANDERSEN AFB)—INC 2	25,904	25,904	0		25,904
Navy	HAWAII	KANEOHE BAY	AIRCRAFT STAGING AREA	14,680	14,680	14,680		14,680
Navy	HAWAII	KANEOHE BAY	MV–22 HANGAR AND INFRASTRUCTURE	82,630	82,630	82,630		82,630
Navy	JAPAN	IWAKUNI	MAINTENANCE HANGAR IMPROVEMENTS	5,722	5,722	5,722		5,722
Navy	JAPAN	IWAKUNI	VERTICAL TAKE-OFF AND LANDING PAD NORTH	7,416	7,416	7,416		7,416
Navy	JAPAN	OKINAWA	BACHELOR QUARTERS	8,206	8,206	8,206		8,206
Navy	MISSISSIPPI	MERIDIAN	DINING FACILITY	10,926	10,926	10,926		10,926
Navy	NEW JERSEY	EARLE	COMBAT SYSTEM ENGINEERING BUILDING ADDITION	33,498	33,498	33,498	–828	32,670
Navy	NORTH CAROLINA	CAMP LEJEUNE	BASE ACCESS AND ROAD—PHASE 3	40,904	40,904	40,904		40,904
Navy	NORTH CAROLINA	CAMP LEJEUNE	STAFF NCO ACADEMY FACILITIES	28,986	28,986	28,986		28,986
Navy	NORTH CAROLINA	CHERRY POINT MARINE CORPS AIR STATION	ARMORY	11,581	11,581	11,581		11,581
Navy	NORTH CAROLINA	CHERRY POINT MARINE CORPS AIR STATION	MARINE AIR SUPPORT SQUADRON COMPOUND	34,310	34,310	34,310		34,310

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Navy	NORTH CAROLINA	NEW RIVER	PERSONNEL ADMINISTRATION CENTER	8,525	8,525	8,525		8,525
Navy	ROMANIA	DEVESELU, ROMANIA	AEGIS ASHORE MISSILE DEFENSE COMPLEX	45,205	45,205	45,205		45,205
Navy	SOUTH CAROLINA	BEAUFORT	AIRCRAFT MAINTENANCE HANGAR	42,010	42,010	42,010		42,010
Navy	SOUTH CAROLINA	BEAUFORT	AIRFIELD SECURITY UPGRADES	13,675	13,675	13,675		13,675
Navy	SOUTH CAROLINA	BEAUFORT	GROUND SUPPORT EQUIPMENT SHOP	9,465	9,465	9,465		9,465
Navy	SOUTH CAROLINA	BEAUFORT	RECYCLING/HAZARDOUS WASTE FACILITY	3,743	3,743	3,743		3,743
Navy	SOUTH CAROLINA	BEAUFORT	SIMULATED LHD FLIGHT DECK	12,887	12,887	12,887		12,887
Navy	SOUTH CAROLINA	PARRIS ISLAND	FRONT GATE ATFP IMPROVEMENTS	10,135	10,135	10,135		10,135
Navy	SPAIN	ROTA	GENERAL PURPOSE WAREHOUSE	3,378	3,378	3,378		3,378
Navy	SPAIN	ROTA	HIGH EXPLOSIVE MAGAZINE	13,837	13,837	13,837		13,837
Navy	VIRGINIA	DAHLGREN	CRUISER/DESTROYER UPGRADE TRAINING FACILITY	16,494	16,494	16,494		16,494
Navy	VIRGINIA	DAHLGREN	PHYSICAL FITNESS CENTER	11,734	11,734	11,734		11,734
Navy	VIRGINIA	OCEANA NAVAL AIR STATION	A SCHOOL BARRACKS	39,086	39,086	39,086		39,086
Navy	VIRGINIA	PORTSMOUTH	DRYDOCK 8 ELECTRICAL DISTRIBUTION UPGRADE	32,706	32,706	32,706		32,706
Navy	VIRGINIA	QUANTICO	INFRASTRUTURE—WIDEN RUSSELL ROAD	14,826	14,826	14,826		14,826
Navy	VIRGINIA	QUANTICO	THE BASIC SCHOOL STUDENT QUARTERS—PHASE 7	31,012	31,012	31,012		31,012
Navy	VIRGINIA	QUANTICO	WEAPONS TRAINING BATTALION MESS HALL	12,876	12,876	12,876		12,876
Navy	VIRGINIA	YORKTOWN	ARMORY	4,259	4,259	4,259		4,259
Navy	VIRGINIA	YORKTOWN	BACHELOR ENLISTED QUARTERS	18,422	18,422	18,422		18,422
Navy	VIRGINIA	YORKTOWN	MOTOR TRANSPORTATION FACILITY	6,188	6,188	6,188		6,188
Navy	VIRGINIA	YORKTOWN	REGIMENTAL HEADQUARTERS	11,015	11,015	11,015		11,015
Navy	VIRGINIA	YORKTOWN	SUPPLY WAREHOUSE FACILITY	8,939	8,939	8,939		8,939
Navy	WASHINGTON	KITSAP	EXPLOSIVES HANDLING WHARF #2 (INC)	280,041	280,041	254,241	–25,800	254,241
Navy	WASHINGTON	WHIDBEY ISLAND	EA–18G FLIGHT SIMULATOR FACILITY	6,272	6,272	6,272		6,272
Navy	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	MCON DESIGN FUNDS	102,619	102,619	102,619		102,619
Navy	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	16,535	16,535	16,535		16,535
Navy	WORLDWIDE UNSPECIFIED	VARIOUS WORLDWIDE LOCATIONS	BAMS OPERATIONAL FACILITIES	34,048	34,048	34,048		34,048
Total Military Construction, Navy				**1,701,985**	**1,549,164**	**1,648,228**	**–128,101**	**1,573,884**
AF	ARKANSAS	LITTLE ROCK AFB	C–130J FLIGHT SIMULATOR ADDITION	4,178	4,178	4,178		4,178
AF	ARKANSAS	LITTLE ROCK AFB	C–130J FUEL SYSTEMS MAINTENANCE HANGAR	26,000	26,000	26,000		26,000
AF	FLORIDA	TYNDALL AFB	F–22 ADAL HANGAR FOR LOW OBSERVABLE/COMPOSITE	14,750	14,750	14,750		14,750
AF	GEORGIA	FORT STEWART, GEORGIA	AIR SUPPORT OPERATIONS CENTER (ASOC)	7,250	7,250	7,250		7,250
AF	GEORGIA	MOODY AFB	HC–130J SIMULATOR FACILITY	8,500	8,500	8,500		8,500
AF	GREENLAND	THULE AB	CONSOLIDATED ENGINEER SHOP AND SUPPLY FACILITY	0	0	0		0
AF	GREENLAND	THULE AB	DORMITORY (48 PN)	24,500	24,500	24,500		24,500
AF	GUAM	ANDERSEN AFB	FUEL SYSTEMS HANGAR	0	0	0		0
AF	ITALY	AVIANO AB	F–16 MISSION TRAINING CENTER	9,400	9,400	9,400		9,400
AF	NEBRASKA	OFFUTT AFB	US STRATCOM REPLACEMENT FACILITY, INCR 2	161,000	161,000	128,000	–33,000	128,000
AF	NEW MEXICO	HOLLOMAN AFB	MQ–9 MAINTENANCE HANGAR	25,000	25,000	25,000		25,000
AF	NORTH DAKOTA	MINOT AFB	B–52 ADD/ALTER MUNITIONS AGE FACILITY	4,600	4,600	4,600		4,600
AF	TEXAS	JOINT BASE SAN ANTONIO	DORMITORY (144 RM)	18,000	18,000	18,000		18,000
AF	UTAH	HILL AFB	F–35 ADAL BUILDING 118 FOR FLIGHT SIMULATOR	4,000	4,000	4,000		4,000
AF	UTAH	HILL AFB	F–35 ADAL HANGAR 45W/AMU	7,250	7,250	7,250		7,250
AF	UTAH	HILL AFB	F–35 MODULAR STORAGE MAGAZINES	2,280	2,280	2,280		2,280
AF	WORLDWIDE UNSPECIFIED	LAJES AFB	SANITARY SEWER LIFT/PUMP STATION	2,000	2,000	2,000		2,000
AF	WORLDWIDE UNSPECIFIED	ROTA	TRANSIENT AIRCRAFT HANGARS	15,032	15,032	0	–15,032	0
AF	WORLDWIDE UNSPECIFIED	ROTA	TRANSIENT CONTINGENCY DORMITORY—100 RM	17,625	17,625	0	–17,625	0
AF	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	18,635	18,635	18,635		18,635
AF	WORLDWIDE UNSPECIFIED	VARIOUS WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	18,200	18,200	18,200		18,200
Total Military Construction, Air Force				**388,200**	**388,200**	**322,543**	**–65,657**	**322,543**
Def-Wide	ARIZONA	MARANA	SOF PARACHUTE TRAINING FACILITY	6,477	6,477	6,477		6,477
Def-Wide	ARIZONA	YUMA	TRUCK UNLOAD FACILITY	1,300	1,300	1,300		1,300
Def-Wide	BELGIUM	BRUSSELS	NATO HEADQUARTERS FACILITY	26,969	26,969	26,969		26,969

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Def-Wide	CALIFORNIA	CORONADO	SOF CLOSE QUARTERS COMBAT/DYNAMIC SHOOT FAC	13,969	13,969	13,969		13,969
Def-Wide	CALIFORNIA	CORONADO	SOF INDOOR DYNAMIC SHOOTING FACILITY	31,170	31,170	31,170		31,170
Def-Wide	CALIFORNIA	CORONADO	SOF MOBILE COMM DETACHMENT SUPPORT FACILITY	10,120	10,120	10,120		10,120
Def-Wide	CALIFORNIA	DEF FUEL SUPPORT POINT—SAN DIEGO	REPLACE FUEL PIER	91,563	91,563	91,563		91,563
Def-Wide	CALIFORNIA	EDWARDS AIR FORCE BASE	REPLACE FUEL STORAGE	27,500	27,500	27,500		27,500
Def-Wide	CALIFORNIA	TWENTYNINE PALMS, CALIFORNIA	MEDICAL CLINIC REPLACEMENT	27,400	27,400	27,400		27,400
Def-Wide	COLORADO	BUCKLEY AIR FORCE BASE	DENVER POWER HOUSE	30,000	30,000	30,000		30,000
Def-Wide	COLORADO	FORT CARSON, COLORADO	SOF BATTALION OPERATIONS COMPLEX	56,673	56,673	56,673		56,673
Def-Wide	COLORADO	PIKES PEAK	HIGH ALTITUDE MEDICAL RESEARCH LAB	3,600	3,600	3,600		3,600
Def-Wide	DELAWARE	DOVER AFB	REPLACE TRUCK OFF-LOAD FACILITY	2,000	2,000	2,000		2,000
Def-Wide	FLORIDA	EGLIN AFB	SOF AVFID OPS AND MAINTENANCE FACILITIES	41,695	41,695	41,695		41,695
Def-Wide	FLORIDA	HURLBURT FIELD	CONSTRUCT FUEL STORAGE FACILITY	16,000	16,000	16,000		16,000
Def-Wide	FLORIDA	MACDILL AFB	SOF JOINT SPECIAL OPS UNIVERSITY FAC (JSOU)	34,409	34,409	34,409		34,409
Def-Wide	GERMANY	RHINE ORDNANCE BARRACKS	MEDICAL CENTER REPLACEMENT INCR 2	127,000	127,000	127,000		127,000
Def-Wide	GERMANY	STUTTGART-PATCH BARRACKS	DISA EUROPE FACILITY UPGRADES	2,413	2,413	2,413		2,413
Def-Wide	GERMANY	VOGELWEH	REPLACE VOGELWEH ELEMENTARY SCHOOL	61,415	61,415	61,415		61,415
Def-Wide	GERMANY	WEISBADEN	WEISBADEN HIGH SCHOOL ADDITION	52,178	52,178	52,178		52,178
Def-Wide	GUAM	ANDERSEN AFB	UPGRADE FUEL PIPELINE	67,500	67,500	0		67,500
Def-Wide	GUANTANAMO BAY, CUBA	GUANTANAMO BAY	REPLACE FUEL PIER	37,600	37,600	37,600		37,600
Def-Wide	GUANTANAMO BAY, CUBA	GUANTANAMO BAY	REPLACE TRUCK LOAD FACILITY	2,600	2,600	2,600		2,600
Def-Wide	HAWAII	JOINT BASE PEARL HARBOR-HICKAM	SOF SDVT–1 WATERFRONT OPERATIONS FACILITY	24,289	24,289	24,289		24,289
Def-Wide	ILLINOIS	GREAT LAKES	DRUG LABORATORY REPLACEMENT	28,700	28,700	28,700		28,700
Def-Wide	ILLINOIS	SCOTT AFB	DISA FACILITY UPGRADES	84,111	84,111	84,111		84,111
Def-Wide	ILLINOIS	SCOTT AFB	MEDICAL LOGISTICS WAREHOUSE	2,600	2,600	2,600		2,600
Def-Wide	INDIANA	GRISSOM ARB	REPLACE HYDRANT FUEL SYSTEM	26,800	26,800	26,800		26,800
Def-Wide	JAPAN	CAMP ZAMA	RENOVATE ZAMA HIGH SCHOOL	13,273	13,273	13,273		13,273
Def-Wide	JAPAN	KADENA AB	REPLACE ELEMENTARY SCHOOL	71,772	71,772	71,772		71,772
Def-Wide	JAPAN	KADENA AB	REPLACE STEARLEY HEIGHTS ELEMENTARY SCHOOL	71,773	71,773	71,773		71,773
Def-Wide	JAPAN	SASEBO	REPLACE SASEBO ELEMENTARY SCHOOL	35,733	35,733	35,733		35,733
Def-Wide	JAPAN	ZUKERAN	REPLACE ZUKERAN ELEMENTARY SCHOOL	79,036	79,036	79,036		79,036
Def-Wide	KENTUCKY	FORT CAMPBELL, KENTUCKY	REPLACE BARKLEY ELEMENTARY SCHOOL	41,767	41,767	41,767		41,767
Def-Wide	KENTUCKY	FORT CAMPBELL, KENTUCKY	SOF GROUND SUPPORT BATTALION	26,313	26,313	26,313		26,313
Def-Wide	KENTUCKY	FORT CAMPBELL, KENTUCKY	SOF LANDGRAF HANGAR EXTENSION	3,559	3,559	3,559		3,559
Def-Wide	KOREA	KUNSAN AIR BASE	MEDICAL/DENTAL CLINIC ADDITION	13,000	13,000	13,000		13,000
Def-Wide	KOREA	OSAN AFB	HOSPITAL ADDITION/ALTERATION	34,600	34,600	34,600		34,600
Def-Wide	KOREA	OSAN AFB	REPLACE OSAN ELEMENTARY SCHOOL	42,692	42,692	42,692		42,692
Def-Wide	LOUISIANA	BARKSDALE AFB	UPGRADE PUMPHOUSE	11,700	11,700	11,700		11,700
Def-Wide	MARYLAND	ANNAPOLIS	HEALTH CLINIC REPLACEMENT	66,500	66,500	66,500		66,500
Def-Wide	MARYLAND	BETHESDA NAVAL HOSPITAL	BASE INSTALLATION ACCESS./APPEARANCE PLAN	7,000	7,000	0		7,000
Def-Wide	MARYLAND	BETHESDA NAVAL HOSPITAL	ELECTRICAL CAPACITY AND COOLING TOWERS	35,600	35,600	35,600		35,600
Def-Wide	MARYLAND	BETHESDA NAVAL HOSPITAL	TEMPORARY MEDICAL FACILITIES	26,600	26,600	26,600		26,600
Def-Wide	MARYLAND	FORT DETRICK	USAMRIID STAGE I, INCR 7	19,000	19,000	19,000		19,000
Def-Wide	MARYLAND	FORT MEADE	HIGH PERFORMANCE COMPUTING CENTER INC 2	300,521	300,521	225,521	–75,000	225,521
Def-Wide	MARYLAND	FORT MEADE	NSAW RECAPITALIZE BUILDING #1/SITE M INC 1	25,000	25,000	25,000		25,000
Def-Wide	MISSOURI	FORT LEONARD WOOD	DENTAL CLINIC	18,100	18,100	18,100		18,100
Def-Wide	NEW MEXICO	CANNON AFB	MEDICAL/DENTAL CLINIC REPALCEMENT	71,023	71,023	71,023		71,023
Def-Wide	NEW MEXICO	CANNON AFB	SOF AC–130J COMBAT PARKING APRON	22,062	22,062	22,062		22,062
Def-Wide	NEW YORK	FORT DRUM, NEW YORK	IDT COMPLEX	25,900	25,900	25,900		25,900
Def-Wide	NEW YORK	FORT DRUM, NEW YORK	SOLDIER SPECIALTY CARE CLINIC	17,300	17,300	17,300		17,300

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Def-Wide	NORTH CAROLINA	CAMP LEJEUNE, NORTH CAROLINA	MEDICAL CLINIC REPLACEMENT	21,200	21,200	21,200		21,200
Def-Wide	NORTH CAROLINA	CAMP LEJEUNE, NORTH CAROLINA	SOF MARINE BATTALION COMPANY/TEAM FACILITIES	53,399	53,399	53,399		53,399
Def-Wide	NORTH CAROLINA	CAMP LEJEUNE, NORTH CAROLINA	SOF SURVIVAL EVASION RESIST. ESCAPE TNG FAC	5,465	5,465	5,465		5,465
Def-Wide	NORTH CAROLINA	FORT BRAGG	SOF BATTALION OPERATIONS FACILITY	40,481	40,481	50,481	30,000	70,481
Def-Wide	NORTH CAROLINA	FORT BRAGG	SOF CIVIL AFFAIRS BATTALION COMPLEX	31,373	31,373	41,373		31,373
Def-Wide	NORTH CAROLINA	FORT BRAGG	SOF SUPPORT ADDITION	3,875	3,875	3,875		3,875
Def-Wide	NORTH CAROLINA	FORT BRAGG	SOF SUSTAINMENT BRIGADE COMPLEX	24,693	24,693	34,693		24,693
Def-Wide	NORTH CAROLINA	SEYMOUR JOHNSON AFB	MEDICAL CLINIC REPLACEMENT	53,600	53,600	53,600		53,600
Def-Wide	NORTH CAROLINA	SEYMOUR JOHNSON AFB	REPLACE PIPELINE	1,850	1,850	1,850		1,850
Def-Wide	PENNSYLVANIA	DEF DISTRIBUTION DEPOT NEW CUMBERLAND	REPLACE COMMUNICATIONS BUILDING	6,800	6,800	6,800		6,800
Def-Wide	PENNSYLVANIA	DEF DISTRIBUTION DEPOT NEW CUMBERLAND	REPLACE RESERVOIR	4,300	4,300	4,300		4,300
Def-Wide	PENNSYLVANIA	DEF DISTRIBUTION DEPOT NEW CUMBERLAND	REPLACE SEWAGE TREATMENT PLANT	6,300	6,300	6,300		6,300
Def-Wide	ROMANIA	DEVESELU, ROMANIA	AEGIS ASHORE MISSILE DEFENSE SYSTEM COMPLEX (INC 1)	157,900	82,900	157,900	–37,900	120,000
Def-Wide	SOUTH CAROLINA	SHAW AFB	MEDICAL CLINIC REPLACEMENT	57,200	57,200	57,200		57,200
Def-Wide	TEXAS	FORT BLISS	HOSPITAL REPLACEMENT INCR 4	207,400	207,400	107,400	–75,000	132,400
Def-Wide	TEXAS	JOINT BASE SAN ANTONIO	AMBULATORY CARE CENTER PHASE 3 INCR	80,700	80,700	80,700	–54,300	26,400
Def-Wide	TEXAS	RED RIVER ARMY DEPOT	DFAS FACILITY	16,715	16,715	16,715		16,715
Def-Wide	UNITED KINGDOM	MENWITH HILL STATION	MHS UTILITIES AND ROADS	3,795	3,795	3,795		3,795
Def-Wide	UNITED KINGDOM	MENWITH HILL STATION	REPLACE MENWITH HILL ELEMENTARY/HIGH SCHOOL	46,488	46,488	46,488		46,488
Def-Wide	UNITED KINGDOM	RAF FELTWELL	FELTWELL ELEMENTARY SCHOOL ADDITION	30,811	30,811	30,811		30,811
Def-Wide	UNITED KINGDOM	RAF MILDENHALL	SOF CV–22 SIMULATOR FACILITY	6,490	6,490	6,490		6,490
Def-Wide	UTAH	CAMP WILLIAMS	IC CNCI DATA CENTER 1 INC 4	191,414	191,414	191,414		191,414
Def-Wide	VIRGINIA	DAM NECK	SOF MAGAZINES	0	0	0		0
Def-Wide	VIRGINIA	JOINT EXPEDITIONARY BASE LITTLE CREEK—STORY	SOF COMBAT SERVICES SUPPORT FACILITY—EAST	11,132	11,132	11,132		11,132
Def-Wide	VIRGINIA	NORFOLK	VETERINARY FACILITY REPLACEMENT	8,500	8,500	8,500		8,500
Def-Wide	WASHINGTON	FORT LEWIS	SOF BATTALION OPERATIONS FACILITY	46,553	46,553	46,553		46,553
Def-Wide	WASHINGTON	FORT LEWIS	SOF MILITARY WORKING DOG KENNEL	3,967	3,967	3,967		3,967
Def-Wide	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	CONTINGENCY CONSTRUCTION	10,000	0	10,000	–10,000	0
Def-Wide	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	ENERGY CONSERVATION INVESTMENT PROGRAM	150,000	150,000	150,000		150,000
Def-Wide	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	EXERCISE RELATED MINOR CONSTRUCTION	6,440	6,440	6,440		6,440
Def-Wide	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	MINOR CONSTRUCTION	5,000	5,000	5,000		5,000
Def-Wide	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING & DESIGN	5,000	5,000	5,000		5,000
Def-Wide	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	105,700	105,700	105,700		105,700
Def-Wide	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	47,978	47,978	47,978		47,978
Def-Wide	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	7,928	7,928	7,928		7,928
Def-Wide	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	105,569	105,569	105,569		105,569
Def-Wide	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	2,919	2,919	2,919		2,919
Def-Wide	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	8,300	8,300	8,300		8,300
Def-Wide	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	27,620	27,620	27,620		27,620
Def-Wide	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	4,548	4,548	4,548		4,548
Def-Wide	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	SOF OPERATIONS AND SKILLS TRAINING COMPLEX	0	0	0		0

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Def-Wide	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONST	10,000	10,000	10,000		10,000
Def-Wide	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	3,000	3,000	3,000		3,000
Def-Wide	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	7,254	7,254	7,254		7,254
Def-Wide	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	4,091	4,091	4,091		4,091
Def-Wide	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR MILCON	3,000	3,000	3,000		3,000
Total Military Construction, Defense-Wide				**3,654,623**	**3,569,623**	**3,435,123**	**–222,200**	**3,432,423**
Chem Demil	COLORADO	PUEBLO DEPOT	AMMUNITION DEMILITARIZATION FACILITY, PH XIV	36,000	36,000	36,000		36,000
Chem Demil	KENTUCKY	BLUE GRASS ARMY DEPOT	AMMUNITION DEMILITARIZATION PH XIII	115,000	115,000	115,000		115,000
Total Chemical Demilitarization Construction, Defense				**151,000**	**151,000**	**151,000**	**0**	**151,000**
NATO	WORLDWIDE UNSPECIFIED	NATO SECURITY INVESTMENT PROGRAM	NATO SECURITY INVESTMENT PROGRAM	254,163	254,163	254,163		254,163
Total NATO Security Investment Program				**254,163**	**254,163**	**254,163**	**0**	**254,163**
Army NG	ALABAMA	FORT MC CLELLAN	LIVE FIRE SHOOT HOUSE	5,400	5,400	5,400		5,400
Army NG	ARKANSAS	SEARCY	FIELD MAINTENANCE SHOP	6,800	6,800	6,800		6,800
Army NG	CALIFORNIA	FORT IRWIN	MANEUVER AREA TRAINING & EQUIPMENT SITE PH3	25,000	25,000	25,000		25,000
Army NG	CONNECTICUT	CAMP HARTELL	COMBINED SUPPORT MAINTENANCE SHOP	32,000	32,000	32,000		32,000
Army NG	DELAWARE	BETHANY BEACH	REGIONAL TRAINING INSTITUTE PH1	5,500	5,500	5,500		5,500
Army NG	FLORIDA	CAMP BLANDING	COMBINED ARMS COLLECTIVE TRAINING FAC	9,000	9,000	9,000		9,000
Army NG	FLORIDA	MIRAMAR	READINESS CENTER	20,000	20,000	20,000		20,000
Army NG	GUAM	BARRIGADA	JFHQ PH4	8,500	8,500	8,500		8,500
Army NG	HAWAII	KAPOLEI	ARMY AVIATION SUPPORT FACILITY PH1	28,000	28,000	28,000		28,000
Army NG	IDAHO	ORCHARD TRAINIG AREA	ORTC(BARRACKS)PH2	40,000	40,000	40,000		40,000
Army NG	INDIANA	SOUTH BEND	ARMED FORCES RESERVE CENTER ADD/ALT	21,000	21,000	21,000		21,000
Army NG	INDIANA	TERRE HAUTE	FIELD MAINTENANCE SHOP	9,000	9,000	9,000		9,000
Army NG	IOWA	CAMP DODGE	URBAN ASSAULT COURSE	3,000	3,000	3,000		3,000
Army NG	KANSAS	TOPEKA	TAXIWAY, RAMP & HANGAR ALTERATIONS	9,500	9,500	9,500		9,500
Army NG	KENTUCKY	FRANKFORT	ARMY AVIATION SUPPORT FACILITY	32,000	32,000	32,000		32,000
Army NG	MASSACHUSETTS	CAMP EDWARDS	GROUND WATER EXTRACTION, TREATMENT, AND RECHARGE SYSTEM	0	0	0		0
Army NG	MASSACHUSETTS	CAMP EDWARDS	UNIT TRAINING EQUIPMENT SITE	22,000	22,000	22,000		22,000
Army NG	MICHIGAN	CAMP GRAYLING	OPERATIONAL READINESS TRAINING COMPLEX (ORTC) BARRACKS	0	0	0		0
Army NG	MINNESOTA	ARDEN HILLS	READINESS CENTER	0	17,000	17,000	17,000	17,000
Army NG	MINNESOTA	CAMP RIPLEY	SCOUT RECONNAISANCE RANGE	17,000	17,000	17,000		17,000
Army NG	MINNESOTA	ST PAUL	READINESS CENTER	17,000	0	0	–17,000	0
Army NG	MISSOURI	FORT LEONARD WOOD	REGIONAL TRAINING INSTITUTE	18,000	18,000	18,000		18,000
Army NG	MISSOURI	KANSAS CITY	READINESS CENTER ADD/ALT	1,900	1,900	1,900		1,900
Army NG	MISSOURI	MONETT	READINESS CENTER ADD/ALT	820	820	820		820
Army NG	MISSOURI	PERRYVILLE	READINESS CENTER ADD/ALT	700	700	700		700
Army NG	MONTANA	MILES CITY	READINESS CENTER	11,000	11,000	11,000		11,000
Army NG	NEW JERSEY	SEA GIRT	REGIONAL TRAINING INSTITUTE	34,000	34,000	34,000		34,000
Army NG	NEW YORK	STORMVILLE	COMBINED SUPPORT MAINT SHOP PH1	24,000	24,000	24,000		24,000
Army NG	OHIO	CHILLICOTHE	FIELD MAINTENANCE SHOP ADD/ALT	3,100	3,100	3,100		3,100
Army NG	OHIO	DELAWARE	READINESS CENTER	12,000	12,000	12,000		12,000
Army NG	OKLAHOMA	CAMP GRUBER	OPERATIONS READINESS TRAINING COMPLEX	25,000	25,000	25,000		25,000
Army NG	PUERTO RICO	CAMP SANTIAGO	READINESS CENTER	3,800	3,800	3,800		3,800
Army NG	PUERTO RICO	CEIBA	REFILL STATION BUILDING	2,200	2,200	2,200		2,200
Army NG	PUERTO RICO	GUAYNABO	READINESS CENTER (JFHQ)	15,000	15,000	15,000		15,000
Army NG	PUERTO RICO	GURABO	READINESS CENTER	14,700	14,700	14,700		14,700
Army NG	UTAH	CAMP WILLIAMS	BEQ FACILITY (REGIONAL TRAINING INSTITUTE)	15,000	15,000	15,000		15,000
Army NG	UTAH	CAMP WILLIAMS	REGIONAL TRAINING INSTITUTE PH2	21,000	21,000	21,000		21,000
Army NG	VERMONT	NORTH HYDE PARK	FIELD MAINTENANCE SHOP	0	0	0	0	0
Army NG	WASHINGTON	FORT LEWIS	READINESS CENTER	35,000	35,000	35,000		35,000
Army NG	WEST VIRGINIA	LOGAN	READINESS CENTER	14,200	14,200	14,200		14,200
Army NG	WISCONSIN	WAUSAU	FIELD MAINTENANCE SHOP	10,000	10,000	10,000		10,000
Army NG	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	26,622	26,622	26,622		26,622
Army NG	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	15,057	15,057	15,057		15,057
Total Military Construction, Army National Guard				**613,799**	**613,799**	**613,799**	**0**	**613,799**

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Army Res	CALIFORNIA	FORT HUNTER LIGGETT	ACCESS CONTROL POINT	0	0	0		0
Army Res	CALIFORNIA	FORT HUNTER LIGGETT	ORTC	64,000	64,000	64,000		64,000
Army Res	CALIFORNIA	FORT HUNTER LIGGETT	UPH BARRACKS	4,300	4,300	4,300		4,300
Army Res	CALIFORNIA	TUSTIN	ARMY RESERVE CENTER	27,000	27,000	27,000		27,000
Army Res	ILLINOIS	FORT SHERIDAN	ARMY RESERVE CENTER	28,000	28,000	28,000		28,000
Army Res	MARYLAND	ABERDEEN PROVING GROUND	ARMY RESERVE CENTER	21,000	21,000	21,000		21,000
Army Res	MARYLAND	BALTIMORE	ADD/ALT ARMY RESERVE CENTER	10,000	10,000	10,000		10,000
Army Res	MASSACHUSETTS	DEVENS RESERVE FORCES TRAINING AREA	AUTOMATIC RECORD FIRE RANGE	4,800	4,800	4,800		4,800
Army Res	MASSACHUSETTS	DEVENS RESERVE FORCES TRAINING AREA	COMBAT PISTOL/MP FIREARMS QUALIFICATION	3,700	3,700	3,700		3,700
Army Res	NEVADA	LAS VEGAS	ARMY RESERVE CENTER/AMSA	21,000	21,000	21,000		21,000
Army Res	NEW JERSEY	JOINT BASE MCGUIRE-DIX-LAKEHURST	AUTOMATED INFANTRY SQUAD BATTLE COURSE	7,400	7,400	7,400		7,400
Army Res	PENNSYLVANIA	CONNEAUT LAKE	DEFENSE ACCESS ROAD	0	0	0		0
Army Res	WASHINGTON	JOINT BASE LEWIS-MCCHORD	ARMY RESERVE CENTER	40,000	40,000	40,000		40,000
Army Res	WISCONSIN	FORT MCCOY	CENTRAL ISSUE FACILITY	12,200	12,200	12,200		12,200
Army Res	WISCONSIN	FORT MCCOY	DINING FACILITY	8,600	8,600	8,600		8,600
Army Res	WISCONSIN	FORT MCCOY	ECS TACTICAL EQUIP. MAINT. FACILTY (TEMF)	27,000	27,000	27,000		27,000
Army Res	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	15,951	15,951	15,951		15,951
Army Res	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	10,895	10,895	10,895		10,895
Total Military Construction, Army Reserve				**305,846**	**305,846**	**305,846**	**0**	**305,846**
N/MC Res	ARIZONA	YUMA	RESERVE TRAINING FACILITY—YUMA AZ	5,379	5,379	5,379		5,379
N/MC Res	IOWA	FORT DES MOINES	JOINT RESERVE CENTER—DES MOINES IA	19,162	19,162	19,162		19,162
N/MC Res	LOUISIANA	NEW ORLEANS	TRANSIENT QUARTERS	7,187	7,187	7,187		7,187
N/MC Res	NEW YORK	BROOKLYN	VEHICLE MAINT. FAC.—BROOKLYN NY	4,430	4,430	4,430		4,430
N/MC Res	TEXAS	FORT WORTH	COMMERCIAL VEHICLE INSPECTION SITE	11,256	11,256	11,256		11,256
N/MC Res	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	2,118	2,118	2,118		2,118
Total Military Construction, Naval Reserve				**49,532**	**49,532**	**49,532**	**0**	**49,532**
Air NG	CALIFORNIA	FRESNO YOSEMITE IAP ANG	F–15 CONVERSION	11,000	11,000	11,000		11,000
Air NG	HAWAII	JOINT BASE PEARL HARBOR-HICKAM	TFI—F–22 COMBAT APRON ADDITION	6,500	6,500	6,500		6,500
Air NG	NEW MEXICO	KIRTLAND AFB	ALTER TARGET INTELLIGENCE FACILITY	8,500	8,500	8,500		8,500
Air NG	TENNESSEE	MCGHEE-TYSON AIRPORT	DORMITORY CLASSROOM FACILITY	0	0	0		0
Air NG	WORLDWIDE UNSPECIFIED	VARIOUS WORLDWIDE LOCATIONS	PLANNING AND DESIGN	4,000	4,000	4,000		4,000
Air NG	WORLDWIDE UNSPECIFIED	VARIOUS WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUCTION	5,900	5,900	5,900		5,900
Air NG	WYOMING	CHEYENNE MAP	C–130 FLIGHT SIMULATOR TRAINING FACILITY	6,486	6,486	6,486		6,486
Total Military Construction, Air National Guard				**42,386**	**42,386**	**42,386**	**0**	**42,386**
AF Res	CALIFORNIA	MARCH AIR RESERVE BASE	JOINT REGIONAL DEPLOYMENT PROCESSING CENTER	0	0	0		0
AF Res	NEW YORK	NIAGARA FALLS IAP	FLIGHT SIMULATOR FACILITY	6,100	6,100	6,100		6,100
AF Res	WORLDWIDE UNSPECIFIED	VARIOUS WORLDWIDE LOCATIONS	PLANNING AND DESIGN	2,879	2,879	2,879		2,879
AF Res	WORLDWIDE UNSPECIFIED	VARIOUS WORLDWIDE LOCATIONS	UNSPECIFIED MINOR CONSTRUTION	2,000	2,000	2,000		2,000
Total Military Construction, Air Force Reserve				**10,979**	**10,979**	**10,979**	**0**	**10,979**
FH Con Army	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	FAMILY HOUSING P&D	4,641	4,641	4,641		4,641
Total Family Housing Construction, Army				**4,641**	**4,641**	**4,641**	**0**	**4,641**
FH Ops Army	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	31,785	31,785	31,785		31,785
FH Ops Army	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	203,533	203,533	203,533		203,533
FH Ops Army	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	109,534	109,534	109,534		109,534
FH Ops Army	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	56,970	56,970	56,970		56,970

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
FH Ops Army	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	620	620	620		620
FH Ops Army	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PRIVATIZATION SUPPORT COSTS	26,010	26,010	26,010		26,010
FH Ops Army	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	13,487	13,487	13,487		13,487
FH Ops Army	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	88,112	88,112	88,112		88,112
Total Family Housing Operation And Maintenance, Army				**530,051**	**530,051**	**530,051**	**0**	**530,051**
FH Con AF	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	IMPROVEMENTS	79,571	79,571	79,571		79,571
FH Con AF	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PLANNING AND DESIGN	4,253	4,253	4,253		4,253
Total Family Housing Construction, Air Force				**83,824**	**83,824**	**83,824**	**0**	**83,824**
FH Ops AF	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	37,878	37,878	37,878		37,878
FH Ops AF	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	HOUSING PRIVATIZATION	46,127	46,127	46,127		46,127
FH Ops AF	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	62,730	62,730	62,730		62,730
FH Ops AF	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE (RPMA RPMC)	201,937	201,937	201,937		201,937
FH Ops AF	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	55,002	55,002	55,002		55,002
FH Ops AF	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	1,943	1,943	1,943		1,943
FH Ops AF	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	16,550	16,550	16,550		16,550
FH Ops AF	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	75,662	75,662	75,662		75,662
Total Family Housing Operation And Maintenance, Air Force				**497,829**	**497,829**	**497,829**	**0**	**497,829**
FH Con Navy	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	DESIGN	4,527	4,527	4,527		4,527
FH Con Navy	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	IMPROVEMENTS	97,655	97,655	97,655		97,655
Total Family Housing Construction, Navy And Marine Corps				**102,182**	**102,182**	**102,182**	**0**	**102,182**
FH Ops Navy	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	17,697	17,697	17,697		17,697
FH Ops Navy	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	83,774	83,774	83,774		83,774
FH Ops Navy	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	85,254	85,254	85,254		85,254
FH Ops Navy	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	62,741	62,741	62,741		62,741
FH Ops Navy	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	MISCELLANEOUS ACCOUNT	491	491	491		491
FH Ops Navy	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PRIVATIZATION SUPPORT COSTS	27,798	27,798	27,798		27,798
FH Ops Navy	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	19,615	19,615	19,615		19,615
FH Ops Navy	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	80,860	80,860	80,860		80,860
Total Family Housing Operation And Maintenance, Navy And Marine Corps				**378,230**	**378,230**	**378,230**	**0**	**378,230**
FH Ops DW	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	20	20	20		20
FH Ops DW	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	4,660	4,660	4,660		4,660
FH Ops DW	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	FURNISHINGS ACCOUNT	66	66	66		66
FH Ops DW	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	10,822	10,822	10,822		10,822
FH Ops DW	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	LEASING	35,333	35,333	35,333		35,333
FH Ops DW	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	73	73	73		73
FH Ops DW	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	MAINTENANCE OF REAL PROPERTY	567	567	567		567

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
FH Ops DW	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	MANAGEMENT ACCOUNT	371	371	371		371
FH Ops DW	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	SERVICES ACCOUNT	31	31	31		31
FH Ops DW	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	12	12	12		12
FH Ops DW	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	UTILITIES ACCOUNT	283	283	283		283
Total Family Housing Operation And Maintenance, Defense-Wide				**52,238**	**52,238**	**52,238**	**0**	**52,238**
FHIF	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	FAMILY HOUSING IMPROVEMENT FUND	1,786	1,786	1,786		1,786
Total DOD Family Housing Improvement Fund				**1,786**	**1,786**	**1,786**	**0**	**1,786**
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	COMM ADD 3: GALENA FOL, AK	1,337	1,337	1,337		1,337
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	DON–100: PLANING, DESIGN AND MANAGEMENT	5,038	5,038	5,038		5,038
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	DON–101: VARIOUS LOCATIONS	4,176	4,176	4,176		4,176
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	DON–138: NAS BRUNSWICK, ME	4,897	4,897	4,897		4,897
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	DON–157: MCSA KANSAS CITY, MO	39	39	39		39
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	DON–168: NS NEWPORT, RI	1,742	1,742	1,742		1,742
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	DON–172: NWS SEAL BEACH, CONCORD, CA	2,129	2,129	2,129		2,129
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	DON–84: JRB WILLOW GROVE & CAMBRIA REG AP	189	189	189		189
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	IND–106: KANSAS ARMY AMMUNITION PLANT, KS	7,280	7,280	7,280		7,280
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	IND–110: MISSISSIPPI ARMY AMMO PLANT, MS	160	160	160		160
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	IND–112: RIVER BANK ARMY AMMO PLANT, CA	22,431	22,431	22,431		22,431
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	IND–119: NEWPORT CHEMICAL DEPOT, IN	197	197	197		197
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	IND–122: LONE STAR ARMY AMMO PLANT, TX	11,379	11,379	11,379		11,379
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	MED–2: WALTER REED NMMC, BETHESDA, MD	7,787	7,787	7,787		7,787
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	MED–57: BROOKS CITY BASE, TX	326	326	326		326
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PROGRAM MANAGEMENT VARIOUS LOCATIONS	605	605	605		605
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	PROGRAM MANAGEMENT VARIOUS LOCATIONS	20,453	20,453	20,453		20,453
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	USA–113: FORT MONROE, VA	12,184	12,184	12,184		12,184
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	USA–121: FORT GILLEM, GA	4,976	4,976	4,976		4,976
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	USA–167: USAR COMMAND AND CONTROL—NE	175	175	175		175
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	USA–212: USAR CMD & CNTRL—NEW ENGLAND	222	222	222		222
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	USA–222: FORT MCPHERSON, GA	6,772	6,772	6,772		6,772
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	USA–223: FORT MONMOUTH, NJ	9,989	9,989	9,989		9,989
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	USA–236: RC TRANSFORMATION IN CT	557	557	557		557
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	USA–242: RC TRANSFORMATION IN NY	172	172	172		172
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	USA–253: RC TRANSFORMATION IN PA	100	100	100		100
BRAC 05	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	USA–36: RED RIVER ARMY DEPOT	1,385	1,385	1,385		1,385
Total Base Realignment and Closure Account 2005				**126,697**	**126,697**	**126,697**	**0**	**126,697**
BRAC IV	WORLDWIDE UNSPECIFIED	BASE REALIGNMENT & CLOSURE, AIR FORCE	BASE REALIGNMENT & CLOSURE	122,552	122,552	122,552		122,552

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
BRAC IV	WORLDWIDE UNSPECIFIED	BASE REALIGNMENT & CLOSURE, ARMY	BASE REALIGNMENT & CLOSURE	79,893	79,893	79,893		79,893
BRAC IV	WORLDWIDE UNSPECIFIED	BASE REALIGNMENT & CLOSURE, NAVY	BASE REALIGNMENT & CLOSURE	146,951	146,951	146,951		146,951
Total Base Realignment and Closure Account 1990				**349,396**	**349,396**	**349,396**	**0**	**349,396**
PYS	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	BRAC 2005	0	–126,697	0	–132,513	–132,513
PYS	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	CONTINGENCY CONSTRUCTION	0	–20,000	0	–20,000	–20,000
Total Prior Year Savings				**0**	**–146,697**	**0**	**–152,513**	**–152,513**
GR	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	CIVILIAN PAY RAISE REDUCTION	0	0	0	–2,334	–2,334
Total General Reductions				**0**	**0**	**0**	**–2,334**	**–2,334**
Total Military Construction, Base Funding				**11,222,710**	**10,838,192**	**10,558,796**	**–809,805**	**10,412,905**

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State/ Country	Installation	Project Title	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Navy	BAHRAIN ISLAND	SW ASIA	COMBINED DINING FACILITY	0	9,819	0	0	0
Navy	BAHRAIN ISLAND	SW ASIA	TRANSIENT QUARTERS	0	41,529	0	0	0
Navy	DJIBOUTI	CAMP LEMONIER, DJIBOUTI	CONTAINERIZED LIVING AND WORK UNITS	0	7,510	0	7,510	7,510
Navy	DJIBOUTI	CAMP LEMONIER, DJIBOUTI	FITNESS CENTER	0	26,960	0	26,960	26,960
Navy	DJIBOUTI	CAMP LEMONIER, DJIBOUTI	GALLEY ADDITION AND WAREHOUSE	0	22,220	0	22,220	22,220
Navy	DJIBOUTI	CAMP LEMONIER, DJIBOUTI	JOINT HQ/JOINT OPERATIONS CENTER FACILITY	0	42,730	0	42,730	42,730
Total Military Construction, Navy				**0**	**150,768**	**0**	**99,420**	**99,420**
PYS	WORLDWIDE UNSPECIFIED	UNSPECIFIED WORLDWIDE LOCATIONS	112–10 AND TITLE IV OF DIVISION H P.L. 112–74	0	–150,768	0	–150,768	–150,768
Total Prior Year Savings				**0**	**–150,768**	**0**	**–150,768**	**–150,768**
Total Military Construction, OCO Funding				**0**	**0**	**0**	**–51,348**	**–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	House Authorized	Senate Authorized	Conference Change	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	–6,000	–6,000	0
Atomic Energy Defense Activities					
National nuclear security administration:					
Weapons activities	7,577,341	323,638	25,000	80,580	7,657,921
Defense nuclear nonproliferation	2,458,631	27,000	0	27,000	2,485,631
Naval reactors	1,088,635	99,000	37,986	0	1,088,635
Office of the administrator	411,279	–48,000	–25,000	–29,279	382,000
Total, National nuclear security administration	**11,535,886**	**401,638**	**37,986**	**78,301**	**11,614,187**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Environmental and other defense activities:					
Defense environmental cleanup	5,472,001	10,000	–463,000	–463,000	5,009,001
Other defense activities	735,702	–50,000	0	–4,403	731,299
Total, Environmental & other defense activities	**6,207,703**	**–40,000**	**–463,000**	**–467,403**	**5,740,300**
Total, Atomic Energy Defense Activities	**17,743,589**	**361,638**	**–425,014**	**–389,102**	**17,354,487**
Total, Discretionary Funding	**17,749,589**	**361,638**	**–431,014**	**–395,102**	**17,354,487**
Electricity Delivery & Energy Reliability					
Electricity Delivery & Energy Reliability					
Infrastructure security & energy restoration	6,000		–6,000	–6,000	0
Weapons Activities					
Directed stockpile work					
Life extension programs					
B61 Life extension program	369,000	66,000			369,000
W76 Life extension program	174,931	81,000		45,000	219,931
Total, Life extension programs	**543,931**	**147,000**	**0**	**45,000**	**588,931**
Stockpile assessment and design					
W78 Life extension study					0
W88 Alt 370					0
Total, Stockpile assessment and design	**0**	**0**	**0**	**0**	**0**
Stockpile systems					
Stockpile systems	0				
B61 Stockpile systems	72,364				72,364
W76 Stockpile systems	65,445		25,000		65,445
W78 Stockpile systems	139,207	12,000			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	5,000			123,217
Total, Stockpile systems	**590,409**	**17,000**	**25,000**	**0**	**590,409**
Weapons dismantlement and disposition					
Operations and maintenance	51,265				51,265
Stockpile services					
Production support	365,405	6,000		6,000	371,405
Research and development support	28,103	4,000			28,103
R&D certification and safety	191,632	27,000		8,000	199,632
Management, technology, and production	175,844	9,000			175,844
Plutonium sustainment	141,685	9,000			141,685
Total, Stockpile services	**902,669**	**55,000**	**0**	**14,000**	**916,669**
Total, Directed stockpile work	**2,088,274**	**219,000**	**25,000**	**59,000**	**2,147,274**
Campaigns:					
Science campaign					
Advanced certification	44,104	29,500		10,000	54,104
Primary assessment technologies	94,000	7,000		5,000	99,000
Dynamic materials properties	97,000	9,000		9,000	106,000
Advanced radiography	30,000				30,000
Secondary assessment technologies	85,000				85,000
Total, Science campaign	**350,104**	**45,500**	**0**	**24,000**	**374,104**
Engineering campaign					
Enhanced surety	46,421	8,500		8,000	54,421
Weapon systems engineering assessment technology	18,983				18,983
Nuclear survivability	21,788				21,788
Enhanced surveillance	63,379	8,000			63,379
Total, Engineering campaign	**150,571**	**16,500**	**0**	**8,000**	**158,571**
Inertial confinement fusion ignition and high yield campaign					
Diagnostics, cryogenics and experimental support	81,942				81,942
Ignition	84,172	–30,000			84,172

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Support of other stockpile programs	14,817	20,000			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**	**–10,000**	**0**	**0**	**460,000**
Advanced simulation and computing campaign	600,000	–30,000			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**	**0**	**0**	**0**	**130,095**
Total, Campaigns	**1,690,770**	**22,000**	**0**	**32,000**	**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
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**	**0**	**0**	**0**	**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**	**0**	**0**	**0**	**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		–340,000	–340,000	0
06–D–141 PED/Construction, Uranium Capabilities Replacement Project Y–12 , Phase 1, Oak Ridge, TN	0		340,000	340,000	340,000
04–D–125 Chemistry and metallurgy facility replacement project, Los Alamos National Laboratory, Los Alamos, NM	0	100,000			0
Total, Construction	**450,134**	**100,000**	**0**	**0**	**450,134**
Total, Readiness in technical base and facilities	**2,239,828**	**100,000**	**0**	**0**	**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**	**0**	**0**	**0**	**219,361**
Nuclear counterterrorism incident response	247,552				247,552
Site stewardship					

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Operations and maintenance	90,001	–17,362		–10,420	79,581
Construction					
11–D–601 Sanitary effluent reclamation facility, LANL	0				0
Total, Site stewardship	**90,001**	**–17,362**	**0**	**–10,420**	**79,581**
Defense nuclear security					
Operations and maintenance	643,285				643,285
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**	**323,638**	**25,000**	**80,580**	**7,657,921**
Rescission					0
Total, Weapons Activities	**7,577,341**	**323,638**	**25,000**	**80,580**	**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**	**0**	**0**	**0**	**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**	**0**	**0**	**0**	**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**	**0**	**0**	**0**	**388,802**
Total, U.S. surplus fissile materials disposition	**917,517**	**0**	**0**	**0**	**917,517**
Russian surplus fissile materials disposition	3,788				3,788
Total, Fissile materials disposition	**921,305**	**0**	**0**	**0**	**921,305**
Global threat reduction initiative	466,021	27,000		27,000	493,021
Legacy contractor pensions	62,000				62,000
Subtotal, Defense Nuclear Nonproliferation	**2,458,631**	**27,000**	**0**	**48,580**	**2,507,211**
Rescission					0
Total, Defense Nuclear Nonproliferation	**2,458,631**	**27,000**	**0**	**27,000**	**2,485,631**
Naval Reactors					
Naval reactors development	418,072				418,072
Ohio replacement reactor systems development	89,700	97,000	37,986		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
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

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
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**	**0**	**0**	**0**	**49,590**
Program direction	43,212	2,000			43,212
Subtotal, Naval Reactors	**1,088,635**	**99,000**	**37,986**	**0**	**1,088,635**
Adjustments:					
Rescission of prior year balances	0				0
Total, Naval Reactors	**1,088,635**	**99,000**	**37,986**	**0**	**1,088,635**
Office Of The Administrator					
Office of the administrator	411,279	–48,000	–25,000	–29,279	382,000
Total, Office Of The Administrator	**411,279**	**–48,000**	**–25,000**	**–29,279**	**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**	**0**	**0**	**0**	**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**	**0**	**0**	**0**	**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**	**0**	**0**	**0**	**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**	**0**	**0**	**0**	**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
Total, Office of River protection	**1,172,113**	**0**	**0**	**0**	**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**	**0**	**0**	**0**	**720,843**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY 2013 Request	House Authorized	Senate Authorized	Conference Change	Conference Authorized
Total, Savannah River site	**1,181,516**	**0**	**0**	**0**	**1,181,516**
Waste Isolation Pilot Plant					
Waste isolation pilot plant	198,010				198,010
Total, Waste Isolation Pilot Plant	**198,010**	**0**	**0**	**0**	**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**	**0**	**0**	**0**	**237,019**
Technology development	20,000	10,000			20,000
Uranium enrichment D&D fund contribution	463,000		–463,000	–463,000	0
Subtotal, Defense environmental cleanup	**5,494,124**	**10,000**	**–463,000**	**–463,000**	**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**	**0**	**0**	**0**	**–22,123**
Total, Defense Environmental Cleanup	**5,472,001**	**10,000**	**–463,000**	**–463,000**	**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		–50,000		–4,403	
Total, Health, safety and security	**245,500**	**–50,000**	**0**	**–4,403**	**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**	**0**	**0**	**0**	**177,946**
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**	**–50,000**	**0**	**–4,403**	**731,299**
Total, Other Defense Activities	**735,702**	**–50,000**	**0**	**–4,403**	**731,299**

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

HOWARD P. ''BUCK'' MCKEON,
ROSCOE G. BARTLETT,
MAC THORNBERRY,
J. RANDY FORBES,
JEFF MILLER,
JOE WILSON,
FRANK A. LOBIONDO,
MICHAEL R. TURNER,
JOHN KLINE,
MIKE ROGERS,
BILL SHUSTER,
K. MICHAEL CONAWAY,
ROBERT J. WITTMAN,
DUNCAN HUNTER,
E. SCOTT RIGELL,
VICKY HARTZLER,
ALLEN B. WEST,
MARTHA ROBY,
ADAM SMITH,
MIKE MCINTYRE,
ROBERT E. ANDREWS,
SUSAN A. DAVIS,
JAMES R. LANGEVIN,
RICK LARSEN,
JIM COOPER,
MADELEINE Z. BORDALLO,
JOE COURTNEY,
NIKI TSONGAS,

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

MIKE ROGERS,
C.A. DUTCH

RUPPERSBERGER,

From the Committee on Education and the Workforce, for consideration of secs. 541 and 561 of the House bill and secs. 563 and 571–73 of the Senate amendment, and modifications committed to conference:

THOMAS E. PETRI,
KRISTI L. NOEM,
ROBERT C. ''BOBBY'' SCOTT,

From the Committee on Energy and Commerce, for consideration of secs. 312, 601, 727, 3111, 3113, 3114, 3117, 3118, 3132, 3133, 3151, and 3202 of the House bill and secs. 736, 758, 914, 3118, 3122, 3152–54, 3156, and 5022 of the Senate amendment, and modifications committed to conference:

GREG WALDEN,
ED WHITFIELD,
HENRY A. WAXMAN,

From the Committee on Financial Services, for consideration of sec. 661 of the House bill and secs. 651–55, subtitle E of title XII, and title L of the Senate amendment, and modifications committed to conference:

SHELLEY MOORE CAPITO,
BILL HUIZENGA,
ED PERLMUTTER,

From the Committee on Foreign Affairs, for consideration of secs. 227, 230, 335, 355, 952, 1013, 1033, 1035, 1037, 1041, 1043, 1097, 1111, 1202, 1203, 1212, 1213, 1217, 1219, 1234, 1237, 1238, 1240, 1240A, 1240B, 1240C, 1243, 1245–47, 1301, 1303, 1531–33, title XVII, secs. 3120, 3121, and 3123 of the House bill and secs. 237, 342, 873, subtitle F of title VIII, secs. 1013, 1031, 1033, 1042, 1045, 1050, 1093, 1201–04, 1212–15, 1217, 1218, 1223, 1224, 1241, 1242, 1247, 1248, subtitle E of title XII, secs. 1301, 1531, 1532, 1534, 3114, and 5023 of the Senate amendment, and modifications committed to conference:

ILEANA ROS-LEHTINEN,
EDWARD R. ROYCE,

From the Committee on Homeland Security, for consideration of sec. 1111 of the House bill and sec. 1803 of the Senate amendment, and modifications committed to conference:

BENNIE G. THOMPSON,

From the Committee on the Judiciary, for consideration of secs. 564, 593, 1033, 1084, 1088, 1099C, 1707, and 1709 of the House bill and secs. 653, 736, 844, 844A, 897, 899, 1033, 1092, 1096, 1099C, 5021, 5024, subtitle E of title XII, and title LI of the Senate amendment, and modifications committed to conference:

LAMAR SMITH,
DANIEL E. LUNGREN,
JOHN CONYERS, JR.,

From the Committee on Natural Resources, for consideration of secs. 316, 317, 601, 2841, 2846, and 2861 of the House bill and secs. 271, 312, 1091, 1433, title XIX, and sec. 2842 of the Senate amendment, and modifications committed to conference:

DOC HASTINGS,
ROB BISHOP,

From the Committee on Oversight and Government Reform, for consideration of secs. 313, 651, 663, 801, 812, 833, 952, 1101–04, 1111, 1616, 1683, 1702, 1704–06, and 2811 of the House bill and secs. 641, 822, 825, 844, 844A, 892, 894–96, 903, 1099A, 1101–04, and subtitle B of title LIII of the Senate amendment, and modifications committed to conference:

DARRELL E. ISSA,
TIM WALBERG,

From the Committee on Science, Space, and Technology, for consideration of secs. 916, 1074, 1603, 1617, 1661, and 3158 of the House bill and secs. 271, 912, 1046, title XVIII, secs. 3153, 3159, and 3504 of the Senate amendment, and modifications committed to conference:

RALPH M. HALL,
JUDY BIGGERT,
EDDIE BERNICE JOHNSON,

From the Committee on Small Business, for consideration of secs. 1611, 1621–23, 1631, 1632, 1641, 1651–58, 1661, 1671–73, 1681–83, 1691, 1693a, 1695, and 1697 of the House bill and secs. 848, 888, 889E, 1090, and 1089E of the Senate amendment, and modifications committed to conference:

SAM GRAVES,
JAIME HERRERA BEUTLER,

From the Committee on Transportation and Infrastructure, for consideration of secs. 334, 535, 601, 704, 1074, 1078, 2801, and 3509 of the House bill and secs. 521, 1803, 1804, 3503–05, 3508 and 3509 of the Senate amendment, and modifications committed to conference:

JOHN L. MICA,
HOWARD COBLE,
TIMOTHY H. BISHOP,

From the Committee on Veterans Affairs, for consideration of secs. 355, 564, 565, 664, and 728 of the House bill and secs. 642, 755, 756, 759–64, 1044, 1087, 1090, 1097, 1099B, and title L of the Senate amendment, and modifications committed to conference:

GUS M. BILIRAKIS,
DOUG LAMBORN,
MICHAEL H. MICHAUD,

Managers on the Part of the House.

CARL LEVIN,
JOSEPH I. LIEBERMAN,
JACK REED,
DANIEL K. AKAKA,
BEN NELSON,
JIM WEBB,
CLAIRE MCCASKILL,
MARK UDALL,
KAY R. HAGAN,
MARK BEGICH,
JOE MANCHIN III,
JEANNE SHAHEEN,
KIRSTEN E. GILLIBRAND,
RICHARD BLUMENTHAL,
JOHN MCCAIN,
JAMES M. INHOFE,
JEFF SESSIONS,
SAXBY CHAMBLISS,
ROGER F. WICKER,
SCOTT P. BROWN,
ROB PORTMAN,
KELLY AYOTTE,
SUSAN M. COLLINS,
LINDSEY GRAHAM,
JOHN CORNYN,
DAVID VITTER,

Managers on the Part of the Senate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8826. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Sea World San Diego Fireworks, Mission Bay; San Diego, CA [Docket No.: USCG-2012-0874] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8827. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wounded Warriors Benefit, Lake Erie, Huron, Ohio [Docket No.: USCG-2012-0889] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8828. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 2012-Head of the South Regatta, Savannah River, Augusta, GA [Docket No.: USCG-2012-0913] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8829. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Oregon City Bridge Grand Opening Fireworks Display; Willamette River, Oregon City, OR [Docket No.: USCG-2012-0805] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8830. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; Thames River Degaussing Range Replacement Operations; New London, CT [Docket Number: USCG-2012-0623] (RIN: 1625-AA11) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8831. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; East River, Flushing and Gowanus Bays, and Red Hook and Buttermilk Channels; New York, NY [Docket Number: USCG-2012-0950] (RIN: 1625-AA11) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8832. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Water Main Crossing; Choctawhatchee Bay; Santa Rosa Beach, FL [Docket Number: USCG-2012-0518] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8833. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Changes to Original Rule; Boston Harbor's Rock Removal Project, Boston Inner Harbor, Boston, MA [Docket No.: USCG-2012-0767] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8834. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Submarine Cable Installation Project; Chicago River, Chicago, Illinois [Docket No.: USCG-2012-0886] (RIN: 1625-AA00) received December 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8835. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's Memorandum of Understanding between the United States and the Government of the Republic of Cyprus concerning the imposition of import restrictions on Pre-Classical and Classical Archaeological Objects, pursuant to 19 U.S.C. 2602(g)(1); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. House Resolution 819. Resolution directing the Attorney General of the United States to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, any documents and legal memoranda in the Attorney General's possession relating to the practice of targeted killing of United States citizens and targets abroad, adversely (Rept. 112–704). Referred to the House Calendar.

Mr. MCKEON: Committee of Conference. Conference report on H.R. 4310. A bill to authorize appropriations for fiscal year 2013 for

military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2013, and for other purposes (Rept. 112–705). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ANDREWS:

H.R. 6675. A bill to direct the Secretary of Commerce to establish a program under which preloaded debit cards are made available for the purchase of certain goods and services; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY:

H.R. 6676. A bill to amend the FAA Modernization and Reform Act of 2012 to provide guidance and limitations regarding the integration of unmanned aircraft systems into United States airspace, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLISON (for himself and Mr. SCOTT of Virginia):

H.R. 6677. A bill to amend the Internal Revenue Code of 1986 to replace the mortgage interest deduction with a nonrefundable credit for indebtedness secured by a residence, to provide affordable housing to extremely low-income families, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 6678. A bill to amend the Internal Revenue Code of 1986 to encourage research at community colleges and other institutions of higher education, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H.R. 6679. A bill to amend the Federal Food, Drug, and Cosmetic Act to increase criminal penalties for the sale or trade of prescription drugs knowingly caused to be adulterated or misbranded, to modify requirements for maintaining records of the chain-of-custody of prescription drugs, to establish recall authority regarding drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RUSH:

H.R. 6680. A bill to provide for the implementation of a system of licensing for purchasers of certain firearms and for a record of sale system for those firearms, and for other purposes; to the Committee on the Judiciary.

By Mr. REED (for himself, Mr. HIGGINS, Mr. TURNER of New York, Mr. MEEKS, Mr. OWENS, Ms. BUERKLE, Ms. CLARKE of New York, Mr. KING of New York, Mr. CROWLEY, Mrs. MCCARTHY of New York, Ms. SLAUGHTER, Ms. HAYWORTH, Mr. HANNA, Mr. BISHOP of New York, Mr. GIBSON, Mr. ENGEL, Mr. TONKO, Ms. HOCHUL, Mr. GRIMM, Mr. TOWNS, Mr. ISRAEL, Mr. SERRANO, Mr. RANGEL, Mr. NADLER, Mrs. MALONEY, Ms. VELÁZQUEZ, Mr. HINCHEY, Mr. ACKERMAN, Mrs. LOWEY, and Mr. BILIRAKIS):

H.R. 6681. A bill to designate the facility of the United States Postal Service located at 815 County Road 23 in Tyrone, New York, as the ''Specialist Christopher Scott Post Office Building''; to the Committee on Oversight and Government Reform.

By Mr. REED (for himself and Mr. DOGGETT):

H.R. 6682. A bill to establish consistent requirements for the electronic content and format of data used in the administration of certain human services programs under the Social Security Act; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DENHAM:

H.J. Res. 122. A joint resolution establishing the date for the counting of the electoral votes for President and Vice President cast by the electors in December 2012; considered and passed.

By Mr. KUCINICH:

H. Res. 835. A resolution expressing the sense of the House of Representatives that the United States should adopt a target of 350 parts per million of atmospheric carbon dioxide by which to evaluate domestic and international climate change policies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. ANDREWS:

H.R. 6675.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1.

By Mr. MARKEY:

H.R. 6676.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

By Mr. ELLISON:

H.R. 6677.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 7, Clause 1 and Section 8, Clause 1.

By Mr. HOLT:

H.R. 6678.

Congress has the power to enact this legislation pursuant to the following:

Article I of the Constitution of the United States.

By Mr. ISRAEL:

H.R. 6679.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. RUSH:

H.R. 6680.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause III of the United States Constitution.

By Mr. REED:

H.R. 6681.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 7 of the United States Constitution.

By Mr. REED:

H.R. 6682.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to ''provide for the common Defence and general Welfare of the United States.''

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 308: Mr. CARNEY, Mr. LOEBSACK, Mr. HOYER, Ms. BONAMICI, Mrs. DAVIS of California, Mrs. CHRISTENSEN, Mr. RUPPERSBERGER, Mr. HINCHEY, Ms. BERKLEY, Mr. LARSEN of Washington, Mr. DAVID SCOTT of Georgia, Mr. HINOJOSA, and Mr. CARNAHAN.

H.R. 1265: Mr. BROOKS.

H.R. 1426: Mr. MEEHAN.

H.R. 1509: Ms. SCHWARTZ.

H.R. 1513: Mr. BUTTERFIELD and Ms. FUDGE.

H.R. 1546: Mr. BARBER.

H.R. 1781: Ms. ESHOO and Mr. DOLD.

H.R. 1964: Mr. YOUNG of Indiana.

H.R. 2052: Mr. HIGGINS.

H.R. 2775: Mr. JOHNSON of Georgia, Ms. HAHN, and Ms. WOOLSEY.

H.R. 2931: Ms. MCCOLLUM.

H.R. 3102: Mr. HIMES, Mr. SCHIFF, and Ms. HAHN.

H.R. 3364: Mr. VAN HOLLEN.

H.R. 3381: Mr. RUPPERSBERGER.

H.R. 3619: Mr. PETERS .

H.R. 3661: Mr. ISRAEL, Mr. GRIFFIN of Arkansas, Mr. MARCHANT, and Mr. MANZULLO.

H.R. 3839: Mr. ANDREWS.

H.R. 4077: Mr. LEWIS of Georgia.

H.R. 4180: Mr. WALBERG.

H.R. 5942: Mr. BACHUS, Ms. SEWELL, and Mr. LATHAM.

H.R. 6173: Mrs. BACHMANN.

H.R. 6446: Mr. DENHAM, Mr. YODER, Mr. KINZINGER of Illinois, Mr. GRIMM, Mr. GRIFFIN of Arkansas, Mr. KIND, and Mr. MEEHAN.

H.R. 6470: Mr. PETERS .

H.R. 6475: Ms. CLARKE of New York.

H.R. 6480: Mr. RIBBLE.

H.R. 6490: Mr. RUSH, Mr. LYNCH, Mr. GRIMM, Mr. ROE of Tennessee, Mr. MCKINLEY, Mr. OWENS, and Mr. TURNER of Ohio.

H.R. 6527: Ms. CASTOR of Florida.

H.R. 6616: Mr. SCHOCK.

H.R. 6654: Mr. MCCAUL, Mr. MCKEON, and Mr. KEATING.

H.R. 6658: Mr. PETERSON.

H.R. 6659: Mr. PETERSON.

H. Con. Res. 145: Mrs. ELLMERS.

H. Res. 98: Mr. GOODLATTE.

H. Res. 823: Mr. RANGEL.

H. Res. 824: Mr. JOHNSON of Ohio, Mr. FRANKS of Arizona, Mr. LUCAS, Mr. MARCHANT, and Mr. WHITFIELD.

H. Res. 831: Mr. COSTA, Mr. COHEN, and Mr. CONYERS.

H. Res. 834: Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. BURTON of Indiana, Mr. CHABOT, Mr. SIRES, Mr. BROOKS, Mr. BILIRAKIS, Mr. HIGGINS, Mr. CONNOLLY of Virginia, Mrs. SCHMIDT, Ms. SCHWARTZ, Mr. BUCHANAN, Mr.

ROSKAM, Mr. DENT, Mr. LANCE, Mr. ADERHOLT, Mr. ENGEL, Mr. POE of Texas, Mr. TIBERI, Mr. MARINO, Mr. SCHRADER, Mr. CARTER, Mr. SCHOCK, Mr. SHERMAN, Mr. GOSAR, Mr. FLAKE, Mr. POMPEO, Mr. SMITH of Texas, and Mr. WESTMORELAND.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 6655, the Protect our Kids Act of 2012, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 112th CONGRESS, SECOND SESSION

Vol. 158 WASHINGTON, TUESDAY, DECEMBER 18, 2012 No. 163

Senate

(Legislative day of Monday, December 17, 2012)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore, the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God, whose days are without end and whose mercies cannot be numbered, keep us aware of life's brevity and uncertainty. As we bid aloha to the second longest serving Senator in U.S. history, DANIEL KEN INOUYE, we praise You for the beauty of his well-lived life. Thank You, Lord, for the years we shared with him, the good we saw in him, and the friendship we received from him. We are grateful for the dignity of his quiet strength that blazed a trail of significant service sufficient for two lifetimes. May the memories of his bipartisan spirit challenge us to work more harmoniously with each other. Bless Irene, Kenny, and the rest of his loved ones. Surround them with Your love. Now give us strength to leave our beloved President pro tempore in Your care, for he is a sheep of Your own fold, a lamb of Your own flock, and a servant of Your own redeeming. Give him the blessed rest of everlasting peace.

We pray in the Redeemer's Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

MOMENT OF SILENCE

Mr. REID. Mr. President, it is tradition in this body to have flowers on the desk of the departed. We have flying in from Hawaii now a lei that will be more Hawaiian than these roses.

I ask unanimous consent that we now have a moment of silence in honor of our departed friend, DAN INOUYE.

The ACTING PRESIDENT pro tempore. The Senate will observe a moment of silence.

(Moment of silence)

SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business. The majority will control the first 30 minutes and the Republicans the second 30 minutes.

We are in a unique time in history. The Presiding Officer, Senator COONS from Delaware, is the President pro tempore until 11:30 today. As a result of his being given this charge yesterday morning, it spills over into today. Senator BIDEN is going to come today to swear in Senator LEAHY as the President pro tempore of the Senate.

All things in life are interesting. Senator BIDEN lost his wife when he was a brandnew Senator in a terrible automobile accident. She was killed and his two boys hurt badly and a child lost. He has taken this day off for 30-plus years to think about the tragedy in his life, but he indicated yesterday that he would be able to be here at 11:30. So everybody is sacrificing now, and we appreciate it. I know the Presiding Officer had lots to do this morning, and we thank him for being part of the program. We appreciate it very much.

The Senate will recess from 12:30 to 2:15 to allow for the weekly caucus meetings.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we be in a period of morning business until 12:30 to allow for tributes to Senator INOUYE and the victims of the Sandy Hook Elementary School tragedy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, following that recess, we will resume consideration of H.R. 1, the legislative vehicle for the supplemental appropriations bill.

I yield to my friend, the Republican leader, for a few minutes.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I thank my friend, the majority leader.

Today is indeed a day to celebrate the life and extraordinary service to our country of our friend, Senator DAN INOUYE. I will have more to say about that later, but what a remarkable individual he was. It has been our privilege to have the opportunity to get to know him and observe his great work for a very long time.

I thank my friend, the majority leader.

REMEMBERING DANIEL K. INOUYE

Mr. REID. Mr. President, I came to the floor yesterday minutes after Irene—Senator INOUYE's wife—confirmed the death of her husband, my friend, a friend of all of us here.

I was, frankly, very emotional and announced to the Senate and the country the death of one of the Senate's all-time greats. So today, upon contemplation and reflection, I am going to say a little bit more about Senator INOUYE.

His personal friendship I valued so very, very much. He was a colleague

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Printed on recycled paper.

but really a friend. He helped me so many times. He helped me to do my best here. My best has been with the help of him.

As I mentioned briefly yesterday, he always had so much confidence in me. Years ago, when I was a Senator struggling, as all Senators here, he told me two decades ago I would be running the Senate someday. I never even contemplated, thought about, or desired that. Things worked out that he was right.

Senator INOUYE, one of the finest men I have ever known, was a real American hero. My friend who is on the Senate floor, the assistant leader, has heard me talk about my mentor, Michael Callahan, who taught me in high school, helped me with money as I was going to law school, and he was on a pension. He was a disabled veteran. He was such a good friend of mine. He and Senator INOUYE were friends. They talked about what it is like to not have a limb. While Callahan's was a leg, INOUYE's was an arm. They talked and they were friends, and Michael Callahan worked back here as an aide to Senators Cannon and Bible in the summers and got to know Senator INOUYE.

My thoughts are, of course, with his family, including his wife Irene, his son Ken, their daughter-in-law Jessica. He has a stepdaughter Jennifer, and a granddaughter Maggie, named after, of course, his first wife. Their loss is the Nation's loss.

Last night we lost a noble soul. DAN INOUYE lived a long productive life. Still, I speak for DAN's Senate family when I say we are devastated by his passing. While we will all miss him, his legacy will live in the Halls of the Senate and the State of Hawaii as long as history is written. His place in the history books will not fade.

As the second longest serving Senator in our history, Senator INOUYE's career in Congress spanned the life of Hawaii's statehood. Elected to the Senate in 1962, only Robert Byrd served longer. But Senator INOUYE's tradition of service began long before he came to the U.S. Senate.

He was working as a medical volunteer when Japanese war planes attacked Pearl Harbor. He was just a boy, a teenager. From the time he was just a kid, he wanted to be a medical doctor. But a different fate awaited DAN INOUYE.

After the attack, as we all know too well, Japanese Americans were deemed enemy aliens and were therefore not subject to the draft. More than 110,000 people of Japanese ancestry were imprisoned in American internment camps. We have seen the pictures. We have heard the stories. They were in prison. Yet DAN INOUYE and other Japanese Americans, in spite of the unfair designation of being an enemy alien, volunteered to fight for this Nation's freedom overseas, although many of their own families were denied freedom at home while they were overseas.

Senator INOUYE fought courageously with the famous 442nd Regimental Combat Team in World War II and was grievously wounded in battle in Italy.

A paragraph or two is written about why a Medal of Honor recipient was given this award. The words for his Medal of Honor are as follows:

> On April 21, 1945, Inouye was grievously wounded while leading an assault on a heavily-defended ridge near San Terenzo in Tuscany, Italy, called Colle Musatello. The ridge served as a strong-point along the strip of German fortifications known as the Gothic Line, which represented the last and most dogged line of German defensive works in Italy. As he led his platoon in a flanking maneuver, three German machine guns opened fire from covered positions just 40 yards away, pinning his men to the ground. Inouye stood up to attack and was shot in the stomach; ignoring his wound, he proceeded to attack and destroy the first machine gun nest with hand grenade and fire from his Thompson submachine gun. After being informed of the severity of his wound by his platoon sergeant, he refused treatment and rallied his men for an attack on the second machine gun position, which he also successfully destroyed before collapsing from blood loss.
>
> As his squad distracted the third machine gunner, Inouye crawled toward the final bunker, eventually drawing within 10 yards. As he raised himself up and cocked his arm to throw his last grenade into the fighting position, a German inside fired a rifle grenade that struck him on the right elbow, severing most of his arm and leaving his own primed grenade reflexively ''clenched in a fist that suddenly didn't belong to me anymore.'' Inouye's horrified soldiers moved to his aid, but he shouted for them to keep back for out of fear his severed fist would involuntarily relax and drop the grenade. As the German inside the bunker reloaded his rifle, Inouye pried the live grenade from his useless right hand and transferred it to his left. As the German aimed his rifle to finish him off, Inouye tossed the grenade off-hand into the bunker and destroyed it. He stumbled to his feet and continued forward, silencing the last German resistance with a one-handed burst from his Thompson before being wounded in the leg tumbling unconscious to the bottom of the ridge. When he awoke to see his concerned men of his platoon hovering over him, his only comment before being carried away was to gruffly order them to return to their positions, since, as he pointed out, ''nobody called off the war!''

That is the citation on his Medal of Honor.

His arm was later amputated in a field hospital, and he was sent back to the United States to recover. But it took years for him to recover.

I remember in the LBJ Room over here, after PATTY MURRAY and others talked about what a difficult time returning veterans were having from Iraq, him talking about some of his experiences. They trained him to drive vehicles. He took driver's license tests in more than one State. He became very personal and talked about some of the things they taught him—missing an arm—that he had to do. It was a remarkable presentation that he made.

Senator INOUYE did not talk very much. He was a silent man—did not talk very much at all. He had a dynamic voice. We have not felt that voice in the last few years because he has not been as powerful as he was as he has aged, but what a beautiful voice he had. In that hospital they took him to in Michigan, Senator INOUYE made two lifelong friends: one, Senator Bob Dole who, as we know, became majority leader in the Senate and Republican nominee for President of the United States; his other lifetime friend the late Senator Phil Hart, who was known as the conscience of the Senate. The Hart Building, the massive Senate office building, is named after him.

Asked by his son why, after being classified as an enemy alien, he and the members of the famed 442d fought so heroically, Senator INOUYE said, in his usual calm manner, ''for the children.'' And for the children there could be no finer role model than Senator DAN INOUYE. He was a recipient of the Medal of Honor and the Congressional Gold Medal, the highest honor the Congress can bestow. He received the Distinguished Service Cross, a Bronze Star for valor and, of course, a Purple Heart. DAN INOUYE showed the same dedication in Congress that he displayed on the battlefield.

I want to take a little bit here and talk about a meeting I had—I mentioned it very briefly last night, but it was 10 days ago. I knew Senator INOUYE was not feeling well so I went down to his office. He has a remarkable office. It is a beautiful office. But there is not one single thing on the walls depicting what a great man he is. There are no awards, there are no commemorative statues. All he has in his office are pictures of Washington and Hawaii. That is the humility he showed his entire life.

There was no staff there, just the two of us. We talked for an hour. I would have always remembered it, but his having passed away yesterday, it will be embedded in my mind. As we left, we both lamented the fact that we had not been able to sit down and talk like that enough. He professed at that time—these were his words—how ''lucky'' he had been his whole life. He said, ''I've got a little emphysema now.''

I said: It is not from smoking. I have never seen you smoke.

He said: No, I learned to smoke in the war as a boy, a teenager. He smoked from 1944 to 1967, when they told him he had lung cancer. They were wrong, but in the process they took part of his lung out, half of his lung. He talked about how lucky he had been, surviving what he thought was lung cancer, but also how lucky he had been his whole life. For example, the war. I am sure that most people would not reflect on such massive injuries as being lucky, but he considered it lucky that he lived.

There were other examples he gave. He had been called upon, with three other soldiers, to cross a river in the dark of night to find out what was going on on the other side of the river. He and his companions, in the dark of the night—they didn't have all this fancy gear to see in the dark; they did their best—they crossed that cold, cold

river. It took many hours. They came back, did their report, and he laid down on his bunk. He had an ingrown toenail that hurt every step he took. So he is lying on his bed and he said, ''Here is why I am so lucky. A medic came by, looked at me, looked at my foot, and he said you have gangrene poisoning; we have to get you out of here.

They took him out and he said: How lucky I was I was not in battle that day—when half of his companions were killed.

He also talked about preparing for another battle. He is getting ready to do this. He is a private; he may have been a corporal, I don't really remember. He said a sergeant came to him and he said: ''INOUYE, report to the colonel.'' He doesn't know what is wrong. He goes, reports to the colonel. The colonel says very curtly: ''You have to meet with the General today.'' He said the only reason he would know of to meet with the General was a court martial, because that is what everybody thought. So he goes to headquarters. He sees the General. The General tells Senator INOUYE: ''I am promoting you to be a lieutenant.'' It was a battlefield promotion. But he said: ''I was lucky. I was lucky I became an officer but,'' he said, ''I was lucky I was not in the fight that day because we also had huge losses.''

When he was scheduled to come back to America—another one of his lucky experiences—they had a transport plane to take him back. His arm is gone by then. He is told we don't have room for another litter, for another patient on the airplane. You can't go. He of course was disappointed. The plane crashed and killed everybody on the plane.

So DAN INOUYE was a person who considered himself lucky. Those of us who knew Senator INOUYE consider ourselves lucky, just being able to know the man.

After Hawaii received its statehood in 1959, DAN INOUYE served as its first Congressman. Three years later he was elected to the Senate, and he was a soft but powerful voice for the people of Hawaii ever since.

There are many personal courtesies he extended to me that I will never forget. It may not seem like much, but I was scheduled to be in Florida and I promoted this—I was a new Senator—and the great Senator INOUYE was going to be there. I got a call from Henry Giugni. Most of us who served here knew him. He used to be Sergeant at Arms. For a long time he was Senator INOUYE's chief of staff. He said, ''I checked his schedule and it's his wife's birthday and he is not going to be able to go.'' I said I understand that.

Within an hour I got a call from Senator INOUYE. He said Millie understands that totally. He said we will celebrate the birthday the day after tomorrow, when I come back. He was someone who was so self-sacrificing for other Senators.

As Senator INOUYE's colleague from Hawaii, Senator AKAKA, said last night:

> His legacy . . . can be seen in every mile of every road in Hawaii, in every nature preserve and every facility that makes Hawaii a safer place. He fulfilled his dream of creating a better Hawaii.

He was a strong supporter of the University of Hawaii, a strong supporter of George Washington University Law School. He got his bachelor's in Hawaii, his law degree at George Washington. He was a determined representative of this Nation's fighting men and women, a long-time leader of the Defense Appropriations Subcommittee.

As I mentioned briefly last night, there has been, in my many years in the Congress—I have been here as long as my friend the assistant leader here who is seated next to me today; we have been here 30 years—there has been no one I have ever known in my 30 years who did more and fought more for the fighting men of this country. He believed that the Nation's commitment to the members of his Armed Forces did not end with their service.

For fear it would be lost, and it should not be lost, I want to spread on the RECORD what this good man did at a prayer breakfast a couple of months ago. I can't remember if the Presiding Officer was at the prayer breakfast, but I know my friend the assistant leader was there. Senator INOUYE had never, ever in his 50 years in Congress spoken at a prayer breakfast, but he decided to come. He had great vigor until just recently. He campaigned in this last cycle. He traveled to Alaska to help Senator BEGICH a few months ago. He campaigned in Nevada, in Arizona, all over the country. He had great vigor. But he came to the breakfast and talked to us about his experiences.

When he was a boy, he never, ever had a gun. That was not anything people did in Hawaii. So he was surprised after he got in the Army that he was such a great shot. He was the best—the best. As a result of that he became a sniper in the European theater. With great humility he explained he could remember killing his first person. He could remember they were trying to take a farm house and they shot a bazooka into it and he rushed in and there was a man there. The man reached in his pocket. Of course Senator INOUYE thought he was reaching for a weapon, and the man was killed. And INOUYE saw that he was reaching for a picture of his family. He said he came to the realization at that time that he was not killing enemy soldiers, he was killing other human beings.

Although he had to continue doing what he did, he ended his presentation by saying, ''I know exactly how many people that I killed.'' He said, ''A lot of people go to bed at night counting sheep. Even though I am an old man, I go to bed at night many times counting people.''

He was somebody who, as a result of his experiences, voted against war from then on. He did not support the Vietnam War, Iraq War 1 and 2, Afghanistan—even though he made sure that these people had all the supplies they needed, our military force. They are the greatest fighting force in the world. A lot of that is directly attributable to Senator INOUYE.

Talking about bipartisanship, he lived that. He was a fine Democrat. He was a progressive Democrat and was proud of that. But he never hesitated to cross over and work with other Senators. The best example of that was Senator Stevens, who was killed in an airplane crash fairly recently in Alaska. Hawaii and Alaska—these two fine men representing the two newest States in the Union, became like brothers. That is the truth.

It is really a shame that DAN is not with us anymore. He was never afraid to speak out against discrimination and was an important advocate for Native Hawaiians and Asian Pacific Islanders. He was the Chair of the Indian Affairs Committee. Prior to that time, with all due respect to all the other Chairs, it was not a committee people knew much about. Senator INOUYE made that committee a powerful committee. He traveled the country receiving all the accolades from these tribes that had never been recognized, that had never had someone who became their advocate—and he was. He put the Indian Affairs Committee on the map.

He served as chairman of the Commerce Committee, the Appropriations Committee, the President pro tempore of the Senate, the first Chair of the Committee on Intelligence. He served as a member of the Watergate Committee and was chairman of the Special Committee Investigating the Iran-Contra Affair. I repeat, this man has been one of the greatest Senators in the history of this great country.

He had a deserved reputation as a bipartisan bridge builder. He always put his country first and his party second. In 1968 Senator INOUYE gave a memorable keynote speech at the Democratic National Convention. He spoke eloquently of the country's struggles with racism at a time of deep division. He also spoke from the heart. This is part of what he said:

> I wish to share with you the most sacred word of Hawaii. It is aloha. To some of you who visited us it may have meant hello. To others aloha may have meant goodbye. But to those of us who have been privileged to live in Hawaii, aloha means I love you. So to all of you, my fellow Americans, aloha.

That is what he said those many years ago. So today it is with a heavy heart that those of us who loved Senator INOUYE say ''aloha'' to a great man, a legend of the Senate. His final, dying word was ''aloha.'' He did not mean goodbye. He meant, ''I love you.''

Senator INOUYE, I love you.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half.

The time for morning business has been extended until 12:30.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

REMEMBERING DANIEL K. INOUYE

Mr. DURBIN. Mr. President, I see my two colleagues from Connecticut on the Senate floor. I know they are here to speak about the horrible tragedy in Newtown last Friday. I will abbreviate my remarks on the floor, and I commend both of them for extraordinary statements last night at a memorial service. I will never forget some of the things they shared with us about this terrible tragedy.

I come to the floor this morning for a few moments to pay tribute to one of my great friends and one of my great colleagues, DANNY INOUYE, who passed away yesterday. The majority leader has done such an extraordinary job recounting his life, and I think back to what it must have meant to him as he witnessed Pearl Harbor at the age of 20. He said that he realized at the time that the pilots in those planes that were bombing his family and others in Hawaii were people of the same ancestry as his father, and it hurt him. It hurt him as well to be branded as suspect because of his Japanese origin and to see literally tens of thousands of Japanese Americans interned in camps because their loyalty was questioned.

He took the opportunity to volunteer and serve our Nation to prove his loyalty and that he was willing to risk his life for America. He served in one of the most highly decorated units in all of World War II, the 442nd Regimental Combat Team, which was comprised of Japanese Americans who fought in the European theater. They recently came to Washington to be honored. Senator INOUYE was there, and it was a great moment to see these men of the ''greatest generation'' who have proven to America their love for this country, and none more so than DANNY INOUYE.

Senator REID has recounted in detail the incredible story of his bravery that earned him the Congressional Medal of Honor, but he was such a humble man. When we look back on his life, there were so many aspects of it that were historic in nature, and one would never know it in conversations with him or working with him.

Senator REID had the same experience I did. I visited Senator INOUYE's office, and it was unusual by Senate standards. I looked across the office, and there were no pictures of DANNY INOUYE on the walls, and there were no awards for this man who served more than half a century in Congress.

I said to him: It is interesting that your office has a lot of artwork and photos but nothing about DANNY INOUYE.

He said: No, I didn't want to put those things up. I wanted everyone to feel at ease coming in here. I didn't want to talk about my party affiliation or what I had done. I want them to feel comfortable and to know this is a welcoming office.

That is the kind of person he was. Time and again, he proved it.

He started off in the territorial House of Representatives in Hawaii. When Hawaii became a State, he served in the Congress and later in the U.S. Senate. He was there from the beginning, and what a dynamic leader he was for his State of Hawaii. He did so many great things over the years.

I was at the same Prayer Breakfast Senator REID recounted. There was one other story he told, which I will only refer to in the most abbreviated form. He talked about his experience as a sniper and how he still had in his mind the images of those enemy soldiers he shot down. After 50, 60 years, he could not get those images out of his mind.

He talked about befriending one of his fellow veterans in the Michigan veterans hospital. He told me this great story he shared at the Prayer Breakfast. He said that when he was an officer, he would spend his weekends in the great city of Chicago at the Knickerbocker Hotel. He said that was the hotel for officers.

He said: I would come into Chicago and have a great time on the weekends and head back to the veterans hospital.

Well, he finally talked one of his fellow Hawaiians—a man whose face had been literally burned off—into joining him on one of his trips to Chicago. The man was embarrassed by his appearance and didn't think anybody would want to be around him or talk to him. DANNY INOUYE prepared all of these different places where they would stop in during their visit, and every one of them greeted Senator INOUYE and his friend in a warm fashion.

The story goes on from there, and I won't go into the details, but he was a man who always looked to help someone else. He talked about how this man who had been so brutally injured in the war returned to Hawaii, raised a family, and was DANNY INOUYE's friend for life, as so many of us were.

I think back as well to Senator Robert C. Byrd's funeral in West Virginia. It was one of the hottest days I can remember. We were up there baking in the sun at this memorial service for Robert C. Byrd. I intentionally picked a seat next to DANNY INOUYE. I had to take off my jacket. I was mopping the perspiration off, and I looked at him in his dark suit without a bead of sweat.

I said: How do you do that?

He said: Well, you know, the Asian religions are very important in my life, and they believe mind over matter can achieve great things. I can visualize myself sitting in a deep freeze now, and I am not hot at all.

I thought, this man is amazing in so many different ways. When he is done with his life, those stories—some serious, some lighthearted—will reflect so well on this man and what he meant.

One of the most important things I have on my agenda is the passage of the DREAM Act. I have worked on it for 11 years, and there was a time on the floor of the Senate—September 21, 2010—when I could not break the Republican filibuster on the DREAM Act, and I was pretty despondent over it. Senator REID came to the floor and said a few kind words about my efforts, but then out of nowhere Senator INOUYE sought recognition. He knew that I was trying to get for millions of these young people living in America a chance to serve their Nation, prove their love, and become legal citizens in America. I will read what he said because it touched me. He said:

> Madam President, I wish to step back in history, if I may. On December 7, 1941, something terrible happened in Hawaii—Pearl Harbor was bombed by the Japanese. Three weeks later, the Government of the United States declared that all Japanese Americans, citizens born in the United States or of Japanese ancestry, were considered to be enemy aliens. As a result, like these undocumented people, they could not put on the uniform of this land.

Senator INOUYE went on to say:

> Well, I was 17 at the time, and naturally I resented this because I loved my country and I wanted to put on a uniform to show where my heart stood. But we were denied. So we petitioned the government, and a year later they said: OK, if you wish to volunteer, go ahead.

Senator INOUYE said:

> Well, to make a long story short, the regiment I served in, made up of Japanese Americans, had the highest casualties in Europe but the most decorated in the history of the United States.

He turned and said:

> I think the beneficiaries of the Senator from Illinois—

And the DREAM Act—

> will do the same.

It was the type of short statement that in a few words captured his life, his sacrifice, and what he had proven by risking his life for this country. There is a reason we honor him this morning.

I close by saying two things. First, Senator AKAKA came to the floor last night—his colleague of so many years—and put in a few words. He said on the floor last night:

> Tomorrow will be the first day since Hawaii became a State in 1959 that DAN INOUYE will not be representing us. He really worked to shape Hawaii and this great country.

He went on to say:

> You will be missed in Washington as much as you will be missed in Hawaii. Rest in peace [Senator INOUYE].

That was DANNY AKAKA's farewell tribute, and it summarizes how much he meant to Hawaii and how much he meant to America. His last word:

''Aloha.'' As Senator REID said, it is so appropriate that this kind and gentle American hero would leave the message of love for everyone else. That was his life.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, I wish to associate myself with the eloquent remarks made by my colleague Senator DURBIN, Senator REID, and all those who have come to praise a one-of-a-kind Senator and extraordinary human being, my friend DAN'S INOUYE.

I was telling Senator LIEBERMAN that when the Senate put on a little retirement dinner for our retiring Senators—including Senator LIEBERMAN—there was Senator INOUYE. When we look back, it was only 2 weeks ago. We know he could not have been strong, he was not well, but he came to that dinner and sat at that table because of the love and respect for the individual Senators and for this institution.

As for me, I will miss DANNY's sonorous voice, his big heart, his self-effacing manner, his integrity, and his patriotism.

Over the years, so many of us have worked together on so many issues with DAN. I worked on bringing a state-of-the-art, first ever comprehensive casualty care center to my State to take care of the wounded vets who were coming home without their limbs, post-traumatic stress, and all the problems they had. There was no such place on the west coast, and with DAN's help—and we worked with Senator Stevens—we got it done. Now that facility really stands as a tribute to DAN'S INOUYE.

In 2010 I had a very difficult campaign, as most of us did at that time, and DAN's said: I am going to come out there and help you. I was under fierce attack, and we had an event for veterans. DAN's was a speaker, and I was a speaker. As I was speaking, we heard these voices of screaming demonstrators yelling things that were not complimentary toward me, let's put it that way. It was very loud, and I was so humiliated and embarrassed. Here was this amazing patriot, and they would keep screaming when DANNY was speaking about my work and his work for veterans. Sure enough, the demonstrators kept it up, and I was so upset.

I went up to him and I put my arm around him when he was finished and said: DAN, I am so embarrassed. I am so sorry.

He said: BARBARA, they are not going to beat you by screaming. Don't worry about it.

He went on to go to a couple of other events, and he took his wife to them. He was extraordinary.

I loved DANNY with all of my heart. Every time I looked at him, I smiled because he was so good. He was such a good person, and I pay tribute to him today. I don't think we will ever replace him. We will never replace this remarkable American. He personified the meaning of love and the meaning of country.

I send my love to his family.

NEWTOWN, CONNECTICUT TRAGEDY

Mrs. BOXER. In my remaining remarks, I want to talk about what happened in Connecticut.

First, to the Senators from Connecticut, I send all my strength. I have gone through things like this, although not quite the same. As a mom and grandma, I know all of our hearts are broken. So many people are touched by gun violence.

I want to go back to July of 1993. A gunman with an assault weapon walked into a law office in San Francisco and killed eight people and wounded six. Just as we see in Connecticut, the stories of heroism came forward. One of the people who was killed was a brave young lawyer who threw his body over his wife's body, sacrificing his own life to save hers. That young man was one of my son's best friends. This was so long ago, but it feels like yesterday because time stops when these things happen.

I know without a shadow of a doubt how these horrific and senseless tragedies live on with the survivors and all of us forever. The psyche of the parents, the spouses, the children, the families, and the friends is pierced forever.

Yes, as human beings, after these tragedies we come together. We try to find meaning, we try to find justice, and we try to find love in the midst of the mayhem. Some find solace in their faith and their God, some find solace in their communities, and some never find solace.

The slaughter of the innocent must stop. I say to my colleagues in Connecticut how deeply everyone has been touched by this tragedy. In my communities at home, people are running up to me and saying: Our hearts are breaking. He killed babies. They were barely on this Earth. They trusted us, and we failed them.

Some of the people coming up to me are proud gun owners, and they are saying: Why couldn't we stop a sick person like this from getting a high-capacity clip? The gunman didn't even have to reload his weapon until he fired off 30 shots.

There is the whole issue of protecting our schools, which is something I have cared about. I have a school safety act. I have introduced it so many times, and I will introduce it again.

Instead of having an appointment with a mental health professional, this mentally ill young man had an appointment with death. People say: Don't talk about doing anything about this now; it is not the time. To them I say: When is the time?

If we go back to 2009—that is the last year we have records—31,347 people died from gun violence in our Nation.

That is 87 people every day of the year. Another 73,000-plus were injured. So 87 people a day are killed by gun violence. When is the time to speak out? Because every day there is another tragedy.

Without going into specifics, there are certain things we need to do.

First, we have to take the weapons of war and high-capacity clips off our streets; second, we have to ensure that local law enforcement is involved in concealing carried permits; third, we have to close the gun show loophole so background checks are conducted; fourth, we have to keep guns out of the hands of the mentally ill and get them the help they need; five, we need to keep our schools safe by utilizing all the law enforcement tools at our disposal.

We have failed our children. We have to stop worrying about our political skins because judgments will be made about us. So let's pull together. Let's show our children we love them, not just by telling them we love them—we must do that—but by showing them we will protect them.

I send my love to everyone in Connecticut trying to pull themselves together. I send my love and support to my colleagues whom we will hear from now.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the Chair.

I also wish to thank my dear friend and colleague from California for her words of support and comfort and resolve. We appear to be in one of those periods of time where we are walking too often through the valley of the shadow of death. Senator BLUMENTHAL and I have come to the floor to speak about the tragedy that occurred; the senseless, horrific attacks on innocent people in Newtown, CT, last Friday.

Mr. President, I note with extraordinary respect and a sense of loss the death of our truly beloved colleague Senator DAN INOUYE of Hawaii. America, as Senator REID and Senator DURBIN made so clear, has lost a true hero, a patriot. This Senate has lost a great leader—a leader whose accomplishments have been literally historic. I think all of us have lost a friend.

Last evening, Senator AKAKA spoke about how DAN INOUYE's legacy—I am paraphrasing—was all around Hawaii and all he had done for the State. The truth is I think most every State in the country is full of legacies of the service of DAN INOUYE. I know it is true of Connecticut.

It was truly my honor to serve for 24 years with DAN INOUYE. He was exactly the opposite of all the caricature pictures people have of Congress today and particularly about the rabid partisanship and personal incivility. DAN was a great gentleman and the most civil of people, the kindest and most decent of people. As Senator REID said, he was a proud Democrat, a faithful

Democrat but not at all partisan. The relationship he had with the late Ted Stevens on the Appropriations Committee was historic and actually inspirational. They were so different ostensibly in their background and in their temperament, particularly. Ted Stevens, bless his memory, was my neighbor and my dear friend. Let's say he had a—how do I describe it? He was a very emotional person. DANNY INOUYE was more calm. But they formed this remarkable friendship based on shared history, going back to World War II, and probably some sense of shared destiny in the sense they were both from the two last States to join the Union, not part of the continental United States, and came as the first Senators and were here so long. But truly what united them was an enormous dedication to America and patriotism.

I said DAN INOUYE's legacy is in Connecticut and probably most every other State. I could go around the State, and I am thinking of the years and years that DANNY was the chairman of the Appropriations Committee and the Defense Appropriations Subcommittee. There wasn't anything we were able to do for Connecticut in that time that he didn't support, including protecting Long Island Sound, the Connecticut River, improving our transportation systems, making grants to our schools, colleges, and universities, and support of the defense industries in Connecticut which have meant so much to the defense of our country but also to the economy of our State.

I salute his memory. All of us should honor it and all of us should try in our own way to emulate this great man.

NEWTOWN, CONNECTICUT TRAGEDY

Mr. LIEBERMANN. Mr. President, Senator BLUMENTHAL and I come to the floor to thank our colleagues for adopting by unanimous consent S.R. 621, which is exactly mirrored in the words of H.R. 833, condemning the attacks that occurred in Newtown, CT, last Friday and expressing sorrow to all those affected by those attacks. We are still in shock in Connecticut. All of us who know this little town, as America has come to know it, which includes 27,000, 28,000 people, known it is a beautiful town with hard-working people who worked their way to get there. These are tight families, very religious, very much involved in the life of the community, and peaceful. Out of nowhere—and this tragically is the point and the warning—comes this one deranged individual with guns and slaughters 26 innocents, breaking our hearts, and 20 of those being young children.

I am sure everybody now feels as if they are part of the family of those who were killed. We look at the faces of those children, pure and innocent, and I think of the words of one of the clergymen at the interfaith service the other night: These are angels and they are really with the angels in Heaven now.

With the work and response of the first responders and the trauma they have gone through to face what they had to face and the carnage they witnessed there, as we talk to some of them they feel guilty they didn't get there earlier and couldn't have stopped it somehow. Of course, they did more than we could ask of anybody. They ran to the danger. The principal, the teachers—I mean the stories that come out about the heroism.

I remember long ago I heard someone speak who said the definition of courage is grace under pressure. ''Pressure'' is not even the right word here; it is grace in a moment of terror, the single-mindedness and the grace of the principal, the teachers who acted in a way that put their own lives on the line to protect the lives of the children. Let us speak the truth. There were hundreds more children in that building that could have been targets of this madman.

We are wounded, but I will tell my colleagues America is wounded and the world is wounded. A priest said to me the other night at the service he was so touched that he had received a bundle of letters from schoolchildren in Russia. It reminded me there was an incident in Russia years ago where a gunman went into a schoolhouse and wantonly killed children, and monsignor was so touched by it, but that is the way this event has touched the world.

I will tell my colleagues this is a strong town and we can feel the people of this community pulling together to support the survivors and thinking about how they can rebuild the town and its spirit. One woman said so poignantly the other night at the interfaith service that we will not allow this event to define Newtown, CT—and they will not—but the families of those who have been lost have been changed forever.

It is in that regard I particularly want to thank my colleagues for this resolution of condolence and support. I wish to thank my colleague Senator REID for the moment of silence yesterday in this Chamber. In my faith tradition, when a person visits a house of mourning, one of the customs is for the visitor to sit silently with the mourners. It is very awkward. It is actually not the natural thing we want to do, but this tradition has come about as an act of respect to the mourners because they may be in their own mourning internally, and we want to allow them to speak first if they want to speak. The other is that in the face of death, and particularly in the senseless, brutal deaths of these 26 in Newtown, sometimes the best response is silence and all that the silence contains. So I thank my colleague Senator REID for that moment of silence.

Senator BLUMENTHAL and I and our Connecticut congressional delegation convened a vigil last night at which we all spoke, and Father Conroy, the Chaplain of the House, offered prayer. Chaplain Black could not be there because he was at Senator INOUYE's bedside with his family. We thank all our colleagues who came last night. Their presence meant a lot to us and it meant a lot to the people back home in Newtown.

The question is, Can we do anything to stop this from happening again, even once, but hopefully more often. What can we do? As the President said—incidentally, the President's visit to Newtown was so comforting to the families and all the town, all the people of Connecticut. He brought comfort, and I will say he brought resolve, which was very moving and inspiring to everyone there. As he said, these situations are always complicated. We can always say, as we look at all the possible causes of such a tragedy, that even if we did something about that, even if we banned all guns, there would still be violence or even if we provided better mental health treatment, there would still be people who would break through and commit acts of violence, and even if we removed all the stimuli to violence in our entertainment culture, still people would commit these acts. Of course, that is true, but do we not have the capacity to intervene at the different points in the story of this young man to stop this from happening, at least once, again, and probably many more times? Of course we have that capacity.

I keep being taken back, as people say that human nature is violent—of course, there is violence that goes back to the beginning of recorded history. We remember the two children of Adam and Eve. Cain killed Abel in a terribly violent act. But I think we also have to be instructed by what happened after that when God speaks to Cain and says: Where is your brother?

Cain feigns ignorance and asks the question that echoes through the millennia since then: Am I my brother's keeper?

God says to Cain, in Genesis: What have you done? We can hear in our minds' ears the voice of God in anger: What have you done? You have killed your brother. You have killed my creation.

Then God says: Your brother's blood cries out to Me from the ground.

I think in that the Bible instructs us—the words of God instruct us—that we are our brothers' keepers, we are our sisters' keepers and, of course, we are, most of all, our children's keepers. We can never say, oh, people are violent and turn away. We have the capacity—particularly we here, honored and privileged to serve in the Senate, serve in the House, serve in the White House—to do something about this.

Somebody said to me, as the President said the other night, if we save just one child's life by what we will do, it will have been worth it.

We can save a lot more than one child if we work together. I have talked to people since Friday who said to me:

Why will this be any different? Nothing happened after Columbine or Aurora or Virginia Tech or any of the other acts of mass violence in our society. I do not blame people for being skeptical. That is the truth. We should have acted earlier, and we have not.

I went back. I proposed, with Senator MCCAIN, Senator Byrd, Senator JACK REED, and a bunch of others, the creation of a national commission on violence 3 weeks after Columbine in 1999. It passed the Senate, but it did not make it through the House in conference committee.

So I understand why people are skeptical, but that does not mean we should not hear the cries of those children as the guns of that madman turned on them and actually see their blood on the ground on the floor of that schoolhouse until we get something done. We can prevent this from happening to people again. We can certainly prevent it from happening to some people.

I see signs of hope around us; people, colleagues, who have been protectors of gun rights saying, in the last few days: This has to change. We have to come together and reason together and act together, and everything has to be on the table, including our gun laws.

There was a poll in the Washington Post today. It was very striking to note that for the first time, when people have been asked this question—and they have been asked it after a series of acts of mass violence: Columbine, Virginia Tech, Aurora, et cetera—do you think this was an isolated act or does it say something about more troubling conditions in our society—I am paraphrasing—for the first time—every other time people said it was an isolated act of a madman or mad people—this time they said it reflects a deeper problem in our society.

I believe what causes that change is that 20 of the victims in Newtown, CT, were young children, and there is not only a heartbreak across our country about this, not only anger, but I think there is guilt, and we all ought to feel guilty because, as a society, what the attacks in Newtown say to us is that we have failed to fulfill what would seem to be our most natural—natural law, if you will—responsibility, which is to protect the safety and lives of our children.

So I hope we will act. There will be no better tribute, no better source of consolation to the families who have lost loved ones. I have proposed a commission, as I did in 1999, because these are complicated questions. In almost every one of these acts of mass violence, we have a young man who is troubled. Clearly, in hindsight, family, friends, schoolmates say something was wrong with him. Very often—I have heard rumors about this being the case with Adam Lanza in Newtown; I do not know for sure, so I am not saying it is any more than a rumor—very often, these young men have had an almost hypnotic involvement in some form of violence in our entertainment culture, particularly violent video games, and then they obtain guns and they go out and become not just troubled young men but mass murderers.

We need to try to intervene, particularly at the beginning with the troubled young man and get him—or if it is a woman her—help quickly, and to make sure our mental health system is there to protect and offer that help, and perhaps in our health system, insurance is there to guarantee payment will be made for that. It is complicated.

The impact of the entertainment culture is complicated as well. Obviously, not every young person who plays a violent video game becomes a killer. I know because I have spent a lot of time looking at the social science—and it goes back decades—that there is a very clear pattern where young people who are involved in violence in the entertainment culture are more aggressive. Thank God, of course, almost none of them become murderers. But some of them do, and we have to ask why.

Then, of course, we need to strengthen our gun laws. I hope either by executive action or legislative action we will convene such a commission, but I want to make very clear I am not offering this idea as a substitute for any action we can take now, any action that the President can take now, for instance, with regard to the existing laws that are aimed at preventing people who should not have guns from having them, keeping guns that really are military and are not part of hunting or sports shooting off the market—anything the President could do, anything Congress could do.

I would support a restoration of the assault ban today.

These are weapons developed by our military originally, not by private industry for hunting or sports shooting purposes. They should not be sold. We have the background checks in the Brady bill if you attempt to buy a gun from a licensed Federal firearms dealer. Why shouldn't that exist for people who buy a gun at a gun show, where, incidentally, terrorists we know have bought guns?

So anything we can do quickly, we ought to do, but I also think a commission will make sure that we will not let the anger, the hurt, the guilt that we feel now dissipate with time or as a result of legislative gridlock—yes, legislative gridlock again.

Remember Lincoln's words at Gettysburg, that these dead shall not have died in vain. I think that should be our animating emotion and sense of purpose here, as reflected and I think led by the President's very powerful words in Newtown on Sunday night.

I remember after the terrorist attacks of 9/11 all the work we did in Washington to create the Department of Homeland Security, the 9/11 Commission, the legislation, passing the legislation, implementing the 9/11 Commission. A lot of work, bipartisan work, was done in Congress and in the executive branch to make those laws and to keep us a lot safer, to prevent another 9/11 from happening. But I will tell you this, Mr. President, my belief—and I was at the center of all of this—those laws would not have been passed and enacted, and we would not be safer today if it were not for the extraordinary commitment of the families of people who were killed on 9/11 to get involved. They talked truth to power, and when Members of Congress and members of the executive branch were reluctant to act and were falling back in all political ways, self-defensive ways, those families faced them, face to face, and some in power turned their faces away because they could not take it. But, ultimately, those families brought about action.

These families in Newtown who have lost people—loved ones, children—will never be the same. I hope and pray they can come back to some semblance of normalcy. I hope that some of them will have the courage and the strength—which will take an enormous amount—to get involved in forcing our country to do whatever it can to stop anything like this from happening again. But in the larger sense, we are all members of the family. This is the American family. Those 26 people—those 20 children—were our children, our family members, and it is incumbent upon us now to summon not just the remorse and the guilt but the will to act to stop this from happening again and to save the lives of our family members.

I thank the Acting President pro tempore and yield the floor for my colleague and friend from Connecticut.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I thank my colleague from Connecticut for those very moving and important comments on the Senate floor at this profoundly significant time in the history of our State and our Nation.

REMEMBERING DANIEL K. INOUYE

I want to join my colleagues who have expressed their admiration for Senator INOUYE and our sense of loss at his passing. I admired him deeply as a patriot, a warfighter, a public servant, who was unstinting and unwavering in his commitment to our Constitution, the principles of equality and justice, and our national defense.

His loss is a loss for the country, but, particularly, personally, for all of us who serve in this body. I knew him less well than colleagues who have spoken eloquently, such as Senators REID and DURBIN and BOXER and LIEBERMAN, and one of my regrets, as I stand here, is that I did not have the time to know him better because he was such an extraordinary human being.

Perhaps one of the lessons for me personally is that time is short, as we all know, and we should make a greater effort in this body and among us in this profession to know our colleagues and to treasure their friendship.

I want to also thank my colleague from Connecticut for his very perceptive and powerful words on the tragedy in Newtown, CT, which brings me to the floor today with such a heavy heart. I thank my colleagues who have reached out to me, including the Senator from Vermont, a great friend, Senators KLOBUCHAR and DURBIN and BENNET and so many others seeking to help Connecticut. The collegiality of this body has been brought home to me in these days when others have sought to provide not only consolation but also suggestions for action.

One of my reasons for being on the floor today is to talk about action we can take. I want the families who are grieving now to know that my standing here to talk about policy and action in no way means any disrespect or effort to intrude on their grieving and emotional rebuilding. But we know on Friday a tragedy befell the community of Newtown, CT, and that tragedy is expressed in S. Res. 621 and H. Res. 833.

I thank my colleagues in both Houses for condemning the attack and offering their condolences to the people of Connecticut and, more importantly, the people and families who suffered these losses most directly. I have spent the last 4 days—or a better part of them—in Connecticut. Those 4 days are a time that I do not want to relive, ever.

I first learned about this incident on Friday morning in the midst of a normal day. I had events scheduled. I heard there was something wrong in the Danbury area.

As the details mounted, I left Hartford to go to Newtown and to the firehouse in Sandy Hook. I arrived there as a public official, but what I saw was through the eyes of a parent.

The firehouse in Sandy Hook was where parents went to find out if their children were okay. The way they found out was that their children appeared, or they did not. After a while, some of the children came. Some were reunited with their parents there or at the school, and their parents took them home, and others did not.

I will live forever with the sights and sounds of those parents as they emerged—the cries and sobbing, the cries of grief and anguish, the look on those faces.

The murderer blasted his way into the elementary school in Sandy Hook armed with a Bushmaster AR–15, an assault rifle; a 10mm Glock pistol; a 9mm Sig Sauer; and with multiple magazines filled with hundreds of rounds, that he used in an execution-style massacre.

Wayne Carver, who is the State medical examiner for Connecticut, has been in that job for more than 30 years. He has seen it all. But he has said he has seen nothing like this ever. There were 20 small bodies ripped apart, executed en masse.

There is no question evil came to Newtown, as Governor Malloy said that day. Evil came in its starkest, most inhumane terms. But heroism also came to Newtown.

The SWAT teams that went into that building actually saved lives. They saved hundreds of lives of students and staff in the school because the murderer took his own life when he knew they were entering.

There is the heroism, of course, of the principal, teachers, and others who ran toward the sound of gunfire. They ran toward danger to protect their children, children who were 6 and 7, their faces now on the front pages of newspapers with their stories inside.

There is the heroism of the State troopers who had to confirm the identities of the victims for their families and stayed with those families throughout the weekend.

There is the heroism of the community itself. Newtown is, indeed, a quintessential New England town. Everybody knows everybody else, which is a good thing but in a way also a bad thing because everyone's children knew the other children.

At the vigil Sunday night, two of the children who attend that school came up to me to show me some of the necklaces they had made with blue beads, 20 of them. There were 20 blue beads, each one for a child victim, and 6 stars for the adults. This community is not only quintessentially New England, it is quintessentially American in its strength, its resoluteness, its resiliency, its caring and courage.

Part of what has also inspired Newtown is the outpouring of support they have received from all across America and all across the world. Never doubt the messages you have sent, the thoughts and prayers made a difference to them. They truly have.

Newtown is a call for national reflection and for coming together. This tragedy hit Connecticut, but the town of Newtown is supported by the grief shared by all Americans, but it is also a call for action. It is the right time to ask what we can do to stop this sort of tragedy.

In recent years, there have been horrific shootings at Virginia Tech, in Aurora, in Oak Ridge, on university campuses, movie theaters, and in places of worship. There were many other places where unsuspecting Americans, going about their everyday lives, had those lives cut short in a few minutes of slaughter.

In Newtown, a lone gunman was able to kill 20 elementary schoolchildren ranging from 6 to 7 years old. He killed the school's principal, the school psychologist, and four teachers.

Sadly, there have always been and there always will be mentally ill people, mentally deranged or hateful people who want to lash out violently at the world. We will never be able to stop all of them from doing harm. But even if we cannot prevent all these tragedies, we must not surrender and say we will do nothing to prevent any more of them.

In the last few days, everywhere I have gone in Newtown, people have come up to me and said the same words over and over. ''We have to do something.'' People in law enforcement, families of victims, members of the clergy again and again have said those words, ''We have to do something.''

That is my commitment today, to do something; in fact, to do everything I can as a Senator to press and prevent the next tragedy. As a former law enforcement official, and as a father, I cannot do less.

There is no single law, no simple solution that will be a cure-all. But there are sound, sensible steps we can take, some involving new laws, some involving better enforcement of existing laws. Our local and State police, for example, and Federal agencies need more resources and support.

We need to do something to effectively ban assault weapons. I am talking about weapons that are not designed for self-defense or hunting but, rather, for killing and maiming human beings, often as many as possible, as fast as possible. These are weapons that are civilian versions of military weapons. There is no reason any such weapon should be for sale today in America.

We need to do something also to ban high-capacity magazines, also involved in this mass murder. What real hunter uses or needs 30-round clips? What self-defense situation is served by them?

We need to do something to prevent mentally ill people and criminals from having firearms. I don't know whether better laws could have prevented the shooter in Newtown from getting his hands on the weapons he used, but we must look at what we can do to identify such people with serious mental problems before it is too late and provide intervention and treatment to take those weapons out of their hands.

Today, the National Instant Criminal Background Check System has prevented nearly 1.8 million attempted purchases of firearms by mentally ill people or criminals. Clearly, that alone was not enough to prevent a number of tragic shootings. But I think we can all agree it is good those sales were not completed, and right now only 60 percent of gun sales involve a background check. We should ensure that all firearms sales involve a background check, including guns that are not sold by licensed dealers, and that those checks, wherever they are done, are thorough and comprehensive.

Nothing here means we should trample on the second amendment. The Supreme Court has spoken clearly in the Heller case that law-abiding Americans have constitutional rights to own firearms, whether for self-protection, hunting, competitive shooting or any other proper purpose. That is the law.

But the Supreme Court has also made clear the government can appropriately impose sensible regulations, as it can in many other areas of constitutional rights, on how firearms are used and purchased. Everyone would agree criminals and deranged people should not be able to get their hands on firearms.

On all these issues, we have to look for sensible common ground, rooted in common sense, and I believe there is room for people of good will to work together to find it.

Even as I say that, I am mindful that issues involving the second amendment rights and violence in the past fueled deep passions. Suspicion and passions have run deep and wide on both sides of this debate, including in this Chamber, and there is a lot of distrust to overcome.

I am here to keep faith with the people of Newtown who have grabbed my arm and said, ''We have to do something.'' That is my commitment. I will work with the President and my colleagues in the Senate regardless of party or geography. I will work with any organization that is willing to engage in a thoughtful, constructive discussion about what steps to take to avoid tragedy such as the Newtown shootings in the future.

I will work to find a solution to this crisis, because it is a crisis, and I will not be deterred by any organization or campaign that uses scare tactics or intimidation. Because there was nothing more frightening, nothing more horrifying, than looking into the eyes of the parents who came out of that firehouse in Sandy Hook who lost their babies last Friday. That is any parent's worst nightmare.

I know there are some who say we can never do anything about the problem of gun violence; that we are entrenched as a nation and so polarized as a political body that we will continue to wring our hands at every massacre and never take action. Yet sometimes events happen that so horrify our country and our fellow citizens that they change the nature of the discussion. They change the political ground under us. They are a tectonic shift, and I believe the massacre of the innocent children and their loving teachers in Newtown is exactly such an event.

Yesterday, some of my Senate colleagues had the courage to join this call for action and say publicly we cannot go on as before. I wish to thank, particularly, Senator MANCHIN and Senator WARNER. Their heroic stance is an invitation, indeed a challenge, to every other Member of the Senate to join in this common effort to find common ground and at long last do something to stop the killing.

I also wish to thank, particularly, Senator REID, our majority leader, for his leadership in calling for a meaningful and thoughtful debate on gun violence.

''We have to do something. We have to do something. We have to do something.'' That is what people in Newtown have beseeched me over and over. I believe the American people agree. This is our moment, and we are the people to do it. We can. I ask each of my colleagues to listen to those voices and to hear their own hearts.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, first, I wish to join my thoughts on those of the two Senators from Connecticut and the Senator who just spoke, Senator BLUMENTHAL. He and I talked this weekend during these terrible times, and I told him the Judiciary Committee and the Department of Justice, on behalf of all the victims, were standing by to help them in any way they can.

REMEMBERING DANIEL K. INOUYE

Mr. LEAHY. Mr. President, today is the first day since Hawaii became a State that it is not represented by DAN INOUYE, either as a House Member or as Senator.

As I look at my dear friend's desk with the traditional white flowers, I can't tell you how much it pains me. He was one of the greatest Members of this body ever to have served and a dear friend to so many of us. He was perhaps the best role model for public service any American could ask for. Senator INOUYE's story is one of great passion for his people, commitment to his calling of public service, and dedication to finding a better way forward for all Americans, a true patriot.

A soldier in World War II, a veteran of the Armed Forces, he fought for the freedom of the Nation he so loved and believed in. The Nation finally recognized that, making him a recipient of our Congressional Medal of Honor.

As a representative of Hawaii, he dedicated his career to establishing and solidifying a place for his State in Washington so generations of Hawaiians to come might know the benefits of what he did not have, Federal support for such important causes such as higher education, transportation, health care, and security. His advocacy was never in vain, and the people of Hawaii benefited immensely from his service.

But I think his efforts to bring people together is unmatched. The grace with which he conducted his work should inspire all of us, as it does me. He was the man who could reach out to both sides of the aisle, make friends and make peace. He poured his heart and soul into the Senate. He was first and foremost a person of the Senate, and we all felt his passion and concern for the work of this body. There is no doubt he is going to be greatly missed in these halls. He was a mentor. He was a friend. We traveled together. Our wives were friends.

The reason I didn't speak last night, I opened my desk and looked again—the desk I have now, this seat, I inherited from DAN INOUYE—and his name is inscribed in it. As the distinguished Acting President pro tempore knows, we inscribe our names in our desks, and DAN INOUYE's is there. When I looked at that last night I was overcome with emotion and so I did not speak then.

I realize I am delaying things a couple of minutes here, but when I think of my friend and I think of his name, I remember he said he wanted to be remembered as having represented his people and all Americans honestly and to the best of his ability. He filled that. He filled that. We all know he gave his everything to the Senate, and his legacy is for us to continue the work he has done.

Mr. President, I yield the floor.

ADMINISTRATION OF OATH TO SENATOR PATRICK J. LEAHY AS PRESIDENT PRO TEMPORE OF THE SENATE FOR THE 112TH CONGRESS

The VICE PRESIDENT. The senior Senator from Vermont, the President pro tempore elect, will be escorted to the desk for the oath of office by the Senator from Nevada [Mr. REID] and the junior Senator from Vermont [Mr. SANDERS].

The President pro tempore elect, escorted by Senators REID and SANDERS, advanced to the desk of the Vice President; the oath was administered to him by the Vice President; and he subscribed to the oath in the Official Oath Book.

(Applause, Senators rising)

NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE U.S. SENATE

The VICE PRESIDENT. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 622.

The VICE PRESIDENT. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A Resolution (S. Res. 622) notifying the House of Representatives of the election of a President pro tempore.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolution (S. Res. 622) was agreed to, as follows:

S. RES. 622

Resolved, That the House of Representatives be notified of the election of the Honorable Patrick J. Leahy as President of the Senate pro tempore.

NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE OF THE U.S. SENATE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 623.

The VICE PRESIDENT. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A Resolution (S. Res. 623) notifying the President of the United States of the election of a President pro tempore.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table, with no intervening action or debate.

The VICE PRESIDENT. Without objection, it is so ordered.

The resolution (S. Res. 623) was agreed to, as follows:

S. RES. 623

Resolved, That the President of the United States be notified of the election of the Honorable Patrick J. Leahy as President of the Senate pro tempore.

Mr. REID. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

CONGRATULATIONS TO SENATOR LEAHY

Mr. SESSIONS. Mr. President, I first wish to congratulate my friend, the chairman of the Judiciary Committee, Senator LEAHY, who has been honored to receive one of the Senate's highest honors, President pro tempore of the Senate. I congratulate him and join with him in expressing my sadness over the passing of Senator DAN INOUYE.

REMEMBERING DANIEL K. INOUYE

Mr. SESSIONS. Mr. President, I wish to express my sadness over the passing of Senator DAN INOUYE.

DAN INOUYE came to this government, started his government service, at least, 60 years ago in the territorial legislature of Hawaii. He came to Congress when Hawaii became a State in 1959, to the Senate in 1963, and was second only, I guess, in service to Robert Byrd. He was a serious man, a solid man, a patriot, and one who always had a good spirit about how he conducted his affairs and how he related to other Members of the Senate, to his constituents, and to the American people.

DAN had served in the most violent combat and was grievously wounded himself. He was part of the 442d Regimental Combat Team, a 4,000-man unit that served in brutal combat. They were replaced 3½ times in personnel to maintain their strength, with 14,000 having served in that combat team during the brutal combat in Italy. There were 9,500 who received Purple Hearts and 21 Medal of Honors, including Senator INOUYE's Medal of Honor.

It was a remarkable time and a remarkable commitment DAN INOUYE demonstrated to the country he loved.

I know we will talk about his record, and I may do that later myself, but I want to say what I think about DAN INOUYE at his core. He shared with us a few weeks ago at the prayer breakfast—and we don't quote what people say at that meeting—his feelings about war and his participation in it. It was one of the most moving presentations I think any of us had heard, and it was so well received by the people there. The truth is, Senator INOUYE did not like war. He hated war. He knew the destructive power of war and how people suffered as a result of it, and he voted against a number of resolutions that would commit the United States to military action.

But at the same time, there was no doubt, based on his ranking and chairmanship of the Subcommittee on Defense of the Appropriations Committee over a period of years—decades—he was the person who always, at bottom, could be counted on to ensure this Nation was well defended; that we did not make mistakes.

He and Senator Ted Stevens had a unique relationship. When something developed that was important for the Defense Department, and it involved a danger to our government or could do damage to the Department or they seriously needed something—and oftentimes in this government, we can't respond and we don't respond effectively—DAN INOUYE and Ted Stevens would go in and it would be fixed. They understood that peace through strength was the best way to avoid war, and they felt a sense of great responsibility to ensure the Defense Department was not damaged on their watch. Their experience and their judgment was such they could tell the difference between whines and complaints and real danger to America's defense capability.

I would say that DAN INOUYE has established a record that places him among the finest Senators ever to serve here, one of the finest human beings to serve here, and I want to say, as a member of the Armed Services Committee, how much I appreciated his particular commitment to ensuring that America's defense capability remains second to none and his willingness to take the steps necessary to maintain our defense at the level we would want it to be.

Mr. President, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

NEWTOWN, CONNECTICUT TRAGEDY

Mr. HATCH. Mr. President, to begin, I want to take a few minutes to express my deepest sorrow for the events of last Friday. As a parent, grandparent, and great-grandparent, I was horrified to hear the news of the tragedy in Newtown, CT. My sadness remains for those who have lost their children and loved ones and for the quiet community that saw its sense of peace and well-being shattered through such a terrible act of violence.

I, like almost everyone I know, am at a loss when it comes to making sense of such a horrible tragedy, and I won't try to do so today. All I can do is offer my prayers and sympathies for those who lost their children, friends, and family members, and to the people of Newtown.

In my faith, we believe families are eternal; that those who have lost loved ones will one day be reunited with them. That belief has helped me to cope with losses I have experienced over the years. And while I know nothing can relieve the pain of losing a child, I hope this notion will bring the parents of those sweet innocent children some measure of comfort.

Once again, I offer my heartfelt prayers and deepest sympathy to those in Newtown and throughout the country who have cause to mourn this day.

REMEMBERING DANIEL K. INOUYE

Mr. HATCH. Mr. President, I want to take a moment to pay tribute to a person I loved, appreciated, and worked with for all these years—all of my 36 years in the Senate—and to bid a fond farewell to our dearly departed friend, the senior Senator from Hawaii, DAN INOUYE.

In addition to being a distinguished United States Senator, Senator INOUYE was many things: a Pearl Harbor survivor, a Medal of Honor recipient, a father, a grandfather, and a loving husband to his wife Irene.

As a volunteer with the Red Cross, young DANIEL INOUYE tended to the wounded in the aftermath of the attack on Pearl Harbor.

During World War II, when the Federal Government was placing thousands of his fellow Japanese Americans in internment camps, Senator INOUYE was one of many Asian Americans who petitioned the government for the right to serve their country in the military. His petition was successful, and he served heroically. In fact, the story of Senator INOUYE's military service has become the stuff of legend here in the Senate and throughout the country.

In 2000, Senator INOUYE, along with 21 of his fellow Japanese-American World War II veterans, was awarded the Medal of Honor, our Nation's highest honor for valor.

In 1959, when Hawaii achieved statehood, he was elected the State's first full member of the House of Representatives. Three years later, in 1962, he was elected to the U.S. Senate, where he would serve for five decades, the second longest tenure in this Chamber's history. I am honored to have served with Senator INOUYE throughout my entire Senate service.

While he and I often found ourselves on different sides when it came to

issues, I always knew him to be a man of principle and decency, and I never doubted his commitment to the people of his State and to doing what he believed was right.

One of the few times we found ourselves on the same side came when our mutual friend, the late Senator Ted Stevens, asked us both for help when his character was called into question. Politically speaking, participating in Senator Stevens' trial held no benefit for Senator INOUYE. It would have been easy for Senator INOUYE to deny his friend's request, and few would have blamed him for it. But that wasn't how Senator INOUYE operated. Rather than letting a friend fend for himself, Senator INOUYE showed great loyalty and characteristic integrity in his willingness to testify to his friend's good character, and put his own reputation on the line in service of a friend. And I had a similar privilege.

Both Senator INOUYE and I were mystified by what happened in that trial, and we were justified in our mystification when, finally, they had to admit it was a trial that should never have been brought. All I can say is I remember him testifying and I testified after he did, and I would mention that Colin Powell also testified as to Ted Stevens' character. All three of us felt this was a besmirchment of a truly honorable and decent man.

Once again, I am proud to have been Senator INOUYE's colleague, but I am more proud and more pleased to have been his friend over all these years. He actually showed me a great deal of concern, showed me a great deal of friendship, and spent time with me when I needed particular help, and was there in many ways for not just me but for others as well, one of the kindest, most decent, and honorable people I have ever met. I express my deepest sympathies to his wife and family and their many, many friends.

DANIEL INOUYE left an indelible mark on the Nation he loved so much and he will surely be missed. Aloha, my friend.

SENATOR PAT LEAHY

Mr. HATCH. Mr. President, I wanted to compliment Senator LEAHY, who now is the President pro tempore of the Senate.

I have served with PAT LEAHY all my 35 years. He is a strong, intelligent, hard-working Senator, and I am sure he will fill this position in every way it can possibly be filled.

I know he, like I, is sad that we lost Senator INOUYE, but Senator LEAHY will be a worthy successor and he will have my support. I hope everything goes well for him in this transition and in this new opportunity he has.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

REMEMBERING SENATOR DANIEL K. INOUYE

Ms. MIKULSKI. Mr. President, I too rise to pay tribute to the great Senator DANIEL INOUYE.

First, I want to express my deep and most heartfelt condolences to Senator INOUYE's family, his wife Irene, his daughter Jennifer, his son Ken, Ken's wife Jessica, and their lovely little granddaughter Maggie. And to the people of Hawaii, also our condolences, because he loved them dearly, and they reciprocated by sending him time and time back to the Senate. I also want to express condolences to his very able and capable staff, the other INOUYE family, many of whom were among the longest serving staff in the Senate, who were devoted to helping him help the people of Hawaii and helping the people of America. Hawaii and the Nation have lost a great hero and a true patriot, and I have lost a real good friend.

Senator INOUYE was one of the great men of the Senate who welcomed me and helped me get started when I first came to the Senate. It is well known that I was the first Democratic woman elected in her own right. When I came to the Senate there was only one other woman, Senator Nancy Kassebaum of Kansas. But I said this, and I say today, though I was the only Democratic woman, though I was all by myself: I was never alone because I had great men in the U.S. Senate who helped me get started and mentored me and taught me how to be an effective Senator.

Senator INOUYE was in a group of those men who in the warmest, most generous, most helpful way welcomed me to the U.S. Senate. He helped me get on the powerful Appropriations Committee. He was my teacher. He was my mentor.

He also had a wonderful way of communicating with all of us. And as each new class of Senators—and each new class of women Senators arrived—he welcomed each and every one of us with the same warmth and generosity he showed to me.

We have a saying among us, the women of the Senate, which is that men of quality always stand up for us women fighting for equality. And DAN INOUYE was there every step of the way. When we wanted equal pay for equal work, he was there. When we wanted to be included in the protocols at NIH and establish an Office of Women's Health, he was there, issue after issue.

Last year, I had the wonderful honor of traveling to the Middle East with Senator INOUYE, and he admired the pin that I have on today. It is an eagle that many of the women in the Senate wear. There are those of various styles, of which we have a little collection. This one is from the Smithsonian. He said, I love it. It is so pretty. I want to get one for my wife.

Well, I don't know if Senator INOUYE ever got it for his wife Irene, but I say to my colleagues today, at an appropriate time, on behalf of the women of the U.S. Senate, I will present this pin to Mrs. Inouye in honor of her husband, our gift to her, because he gave so many gifts to us.

He was a lion in the Senate, a real American hero. Although gentle in style, he was a fierce warrior when it came to fighting for his Nation or standing up for Hawaii.

When he received his Medal of Honor, he was rising to the call of the sirens of Pearl Harbor, volunteering to serve his country, putting aside his own dreams to be a physician. But he went on to be a healer of many wounds. He was decorated in World War II for saving his fellow soldiers.

My experience with Senator INOUYE as a friend was that he was a devoted, dedicated public servant. He was Hawaii's first representative of the Nation's newest State. He was the first person of Japanese heritage ever to be elected to the Senate. Imagine, he himself knew what it was like to break barriers and to break boundaries. When he came to the Senate, he cherished his love for Hawaii and its people. He fought tirelessly to improve their lives.

His style was one of absolute civility. He was the one who believed that the decorum of the Senate enabled the Senate to do the people's business. He was the essence of civility, and he showed that often good manners was good politics, and that led to good politics. He did not argue the loudest; instead, he worked diligently. He marshaled his arguments and with quiet determination won the day.

As a fellow appropriator, I saw that he loved his earmarks. He liked earmarks. And what did he do with those earmarks? I can tell you. He made sure that we looked out for Indian tribes. He made sure we looked out for the poorest of the poor in Hawaii. He cleaned up a superfund site that had been left by an old agricultural legacy. And he made sure that children who needed help were able to get the education they needed in a small community setting who might not have been able to do it.

Yes, he was the old school. And it was the old school that should teach us a lesson or two.

As a member of the Appropriations Committee for 41 years, he led us by example. He came in 1971 and became the chairman in 2009. Leading by example, he showed how we can accomplish great things by working together. He saw we could have a stronger country, a stronger economy, and yet have a sense of frugality. He treated the minority party with great respect.

All have spoken about his legendary friendship with Senator Ted Stevens, another World War II hero. But now, as Senator COCHRAN, serving as the ranking member—he called him his vice chairman, and I know he was ready to reach out to Senator SHELBY who assumed the role. He knew we needed the input of all Senators to not only enact our bills but to craft our bills.

He also served as chairman of the Senate Commerce Committee, the Indian Affairs Committee; he was the very first chairman of the Select Committee on Intelligence.

There will be those who will read his résumé. But when the history of Hawaii and this man is written, I hope they say he didn't come here to gain fame, he didn't come here to do press releases or to be on talk shows. He came here to govern. He came here to the U.S. Senate, having fought for his country in World War II while even members of his own family had been held in an internment camp because of their Japanese heritage. But he was loyal and faithful from the day he took his oath to defend the Constitution as a young private all the way to the day here now. He was a fierce defender of our military. For him, it was always about the troops. And he never forgot what it was like to be fighting in a foreign land. That is why he was devoted to our veterans and to our health care. And we are devoted to the memory of Senator INOUYE.

So to an old-school war hero, let us give our final salute and a fond aloha. But let's take the lessons learned from his great life and incorporate them in our very day here today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, Senator INOUYE told me a story which I wish to repeat for our colleagues.

In 1973, George Gallup, the pollster, asked to come see him. This was at the height of the Watergate hearings. Back then, these investigations into President Nixon's Watergate break-in were consuming the country. Then there were only three major television networks, plus the Public Broadcasting System, and the Watergate hearings were televised from the Senate every single day, for several hours a day, on all four of those networks. So, almost everyone in the country watched the Watergate hearings for weeks. They got to know Sam Ervin, the chairman. They got to know Howard Baker, the ranking Republican. But George Gallup came to see Senator INOUYE. And Senator INOUYE said, I am glad to see you, but why do you come to see me?

He said, Senator, who would you say is the most recognized person in the United States today? Senator INOUYE said, Well, I am sure President Nixon is. And Gallup said, That is right. But the second most recognized person is Senator DAN INOUYE.

INOUYE said, Well, how could that be? George Gallup said, Well, Senator, I suspect so many Americans have never seen a United States Senator of Japanese ancestry with one arm and a distinguished voice and presence, and you have made an indelible impression on the American people.

That was 1973. That was a long time ago. Since then, DAN INOUYE made an indelible impression on a great many people around the world, and especially on the 100 of us who serve here. He commanded our respect in a remarkable way, in part because of his service in the war.

He and Bob Dole, our former colleague, were wounded at about the same time in Europe and were in the same hospital recovering from tremendously serious wounds. Of course, Senator INOUYE was later awarded the Congressional Medal of Honor for that.

Senator PRYOR was telling the story that when Senator INOUYE was finally elected to Congress, he wrote Senator Dole a note and said, I am here, where are you? Because both of them, when they were recovering from their war wounds, had determined that one day they wanted to serve in the United States Congress. INOUYE got here first.

A few years ago, Senator INOUYE and Senator Ted Stevens invited a number of us to go with them to China. It was quite an experience. Senator Stevens—of course, another World War II veteran—had flown the first cargo plane into what was then Peking, in 1944. Of course, Senator INOUYE was well regarded in China for his service. So the group of Senators—there must have been a dozen of us of both parties—got more time with Mr. Hu and Mr. Wu, the No. 1 and 2 leaders of China, than the President of the United States nearly did. We were accorded every courtesy possible because of the presence of Senator INOUYE and Senator Stevens. They were like brothers. They called one another brothers. They acted that way in private. They served that way in the Senate, as chairman and vice chairman of the Defense Appropriations Subcommittee. Over a number of decades, they singlehandedly shaped our American defense posture, and they did it with skill and patriotism and knowledge of our structure that very few could have.

Several Senators mentioned how bipartisan DAN INOUYE was. He was of the old school—not a bad school for today, in my point of view. He treated each Senator with courtesy, even the newer Senators. He treated each Senator with a sense of equality, even those who were in the minority and not on his side of the aisle. He was always fair, he was always courteous, and he always tried to do the right thing. He was a textbook U.S. Senator.

He announced for reelection after his last election. I don't know his exact age at the time—maybe 85, 86. He will not be able to run for that reelection now that he is gone, but he will be well remembered.

Not long ago, he spoke at our Wednesday morning Prayer Breakfast that we have here. Usually we have 20 or 30 Senators. On the day he spoke, we had maybe 60 or 70. We had Senators sitting on the windowsills, standing around the back, just to hear what he had to say. I won't repeat what he had to say because we don't talk about what goes on there in public except to say he talked about his war experiences—and in a quiet way. He stood there for 10 or 15 minutes and explained those experiences to us, most of whom had never had that sort of experience. It gave us a new sense of him, and it increased our respect for him, if that could have been possible.

I join with my colleagues to say Senator DAN INOUYE was a patriot. He set the standard, really, for a U.S. Senator. He set the standard for a man or woman in our military fighting to defend his or her country. And he set the standard as an individual who showed courtesy to everyone he met. We will miss him. We honor him. And we give his family our expressions of grief, but, more important, our great respect for our colleague who today is gone.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. BEGICH. Mr. President, I ask consent to speak until my comments are completed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BEGICH. Mr. President, I rise today to pay tribute to a mentor of mine in the Senate, Senator DANIEL INOUYE. The histories of my State and Senator INOUYE's are closely connected. We both entered the Union at the same time, in 1959. As a matter of fact, I know as a kid growing up I was not sure if we had two Senators or three Senators because Senator INOUYE's name was so well known throughout Alaska.

When our States were entered in 1959, there was opposition to both of us becoming States, but we have proven our opponents wrong. Thanks to DANIEL INOUYE, Hawaii has become a modern, prosperous State. Many Alaskans have a special fondness for the 50th State, especially, I have to say, at this time of the year when it is 40 below in Fairbanks.

DANIEL INOUYE began his public career and service at the age of 17 when he entered the Army after the attacks on Pearl Harbor. He served with incredible distinction, earning the Nation's highest medal for action in Italy. As a Member of the Senate, Senator INOUYE continued his fierce defense of his State and his partnership with Alaska.

My predecessor, Alaska Senator Ted Stevens, knew Senator INOUYE as his brother. They worked together and produced much good for both our States that will last for generations.

When I was elected to this office, Senator INOUYE was one of the first Members to reach out to me to ask how he could help. The unique thing about Senator INOUYE was always his quiet approach to all the issues. He provided me quiet advice and helped me learn how this place works. Many times I would be down in the well waiting for the vote to be tallied and Members to vote, and Senator INOUYE would come in, stand at the edge there, and look up and just say: How is it going, Alaska? We would have a brief conversation. Usually his words would have incredible insight. They may not even have

been relevant to the topic we were voting on, but he would say something to me about something he knew I was working on and just share a few words.

I know the first people of Alaska will especially remember him for his dedication to their success. He met with Alaskan Native peoples during their visits to Washington as often—and I would say even more often—as the Alaskan Members of the House and Senate. They made a point to stop by his office on a regular occasion to talk to him about what happened in the past and what was going on today and what they looked for in the future.

Earlier this year, Senator INOUYE was in Alaska at my invitation—his last trip to Alaska. He told a memorable story about his support of the trans-Alaska oil pipeline, which was controversial when he supported it and its construction. Senator INOUYE has a unique style of how to tell stories. You have to just pay attention and listen. They are not wordy, just to the point. Senator INOUYE told this story, told by opponents of the pipeline, that it would destroy the caribou that lived in Alaska's North Slope. This is what he was told over and over.

On his last trip, he was in front of a group of people. I was anxious as he started to talk. He said: I have this story to tell you. He talked about this time of controversy about the Alaska North Slope and the oil pipeline, the caribou and what was happening, the destruction that may occur based on what he was hearing. But he was a strong supporter of the pipeline. In his words, here is how he actually said it. In fact, he said, the warm oil going through the pipeline heats the ground, so grass grows year round. The caribou come around to eat the grass and, in his words, ''make love,'' and the caribou population has grown threefold. Who was I to let facts spoil that wonderful story by Senator INOUYE and get in the way of its telling?

But he has done enormous work for our Alaskan people and Alaska in total, the work he did that he described to me when he went out to rural Alaska many years ago and saw the deplorable conditions of our water and sewer, saw an important effort to preserve not only the languages of Alaska but also Hawaii. Yes, like Hawaii, Alaskans loved our earmarks and we still love them. He was an adamant proponent of earmarks, making sure that, as mentioned by Senator MIKULSKI, they went for the right reasons. As was also mentioned, in his defense of this country and his personal heroic actions, his ongoing everyday work he did to shape the national defense and really international defense, it was an incredible sight to watch him in action.

I will always remember DANIEL INOUYE for his truly hearty laugh, ready smile, his partnership with my State of Alaska, and his dedication to his State—truly a silent giant.

My condolences go to his wife Irene and the entire Inouye family. We will miss him greatly. When we come down to the Chamber every day, we get the calendar of business, this one dated today. You look on the list of all the committees, and you see the chairman and the Members. But today his name is not there after 41 years.

My heart goes out to him—truly the silent giant.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor to pay tribute to an American hero, a great Senator, an amazing man, and a dear friend, Senator DANNY INOUYE.

Senator INOUYE dedicated his life to public service, and through his hard and faithful work, he has left his Nation and the State that he loved so dearly far better in so many ways.

We will all hear a lot in the days ahead about the barriers DANNY broke down during the course of his life. We will hear about his service in times of war and in peace, about his heroism, about his love for his family and State and country. We will hear about the admiration and respect he earned from so many of us here in the Senate, on both sides of the aisle, over the course of a long and very historic career.

What I want to focus on for a minute today is the DANNY INOUYE who has been there for me as friend and mentor for the past 20 years, who has been a shining light in this Chamber and has set an example for all of us who measure our work not simply in words but in actions.

Senator INOUYE was certainly not the loudest Member of this Chamber. He was certainly not the most verbose. He was not a Senator who spent his time making long-winded speeches. But through his quiet resolve, his understated strength, and his commitment to do the right thing no matter what, he was able to accomplish so much.

Senator INOUYE led the Appropriations Committee through difficult times with grace and incredible effectiveness. The partisan rancor that too often dominates this city was unacceptable to him, and he made that clear to all of us. DANNY'S focus was on people, on the infrastructure on which they depended in their communities, on the most vulnerable, on our military families, and on the State of Hawaii, for if DANNY INOUYE was a giant here in the Senate, he was a mountain back home. Hawaii would not be Hawaii without DANNY INOUYE. He fought for his State. He would not allow it to be ignored, and he made it a better place to live and work for generations to come.

As the Senator of another State far from Washington, DC, I learned a lot from Senator INOUYE about how to advocate for the people who elect you and how to make sure they never get lost in the mix. Through his quiet and shining example, we all learned a bit more about bipartisanship.

I so remember DANNY huddling here on the floor, working closely with his good friend Senator Stevens from Alaska. We all learned a bit more about effectiveness. He knew how to get things done, more than anyone I have seen before or since. We all learned a bit more about humanity.

You would never hear DANNY talk about himself. We all learned a bit more about respect, about kindness toward all, not just those who agree with you.

DANNY helped us all remember every single day why he came here in the first place. I cannot tell you how many times DANNY would stand his ground on issues that others would have given up on, simply because he knew the impact it would have on real people. He knew this was about so much more than politics or legislative games; it was about helping people and solving their problems and delivering for our communities and our Nation.

DANNY INOUYE impressed me every day for 20 years, but nothing impressed me more than his love and commitment to his family. I just got off the phone a few minutes ago with his wife Irene and expressed my condolences. She is such a gracious lady.

DANNY will be missed terribly, but he has left so much for us to remember him by: his legislative achievements, of course, the roads that would not have been built had he not been here, the military bases that wouldn't have existed had he not fought so hard for them, the ports and bridges and trains that would have been less safe had he not been there to move legislation that strengthened them—so much more. But DANNY will be remembered far beyond his many tangible achievements. He will live on through the values he embodied and spread; through the principles he stood for and shared; through his family, who loved him dearly; through the people who will never forget his advocacy; through the country he sacrificed so much for; and of course through all of us who are forever better simply for having served with the greatest Senator of all, Senator DAN INOUYE.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, on behalf of the people of Georgia, the United States of America, and the 99 Members of the Senate, I want to pause to pay tribute to the family of DAN INOUYE. When a great football coach passes away and players are interviewed and asked what kind of coach he was, they will say he was a player's coach. When great generals are lost and the people who go to the funeral ask what kind of general he was, they say he was a soldier's general.

I am here to pay tribute to a Senator's Senator. He was a great role model for me. He came here when Hawaii first became a State, and he was here ever since. He influenced the lives of not a few but of many.

I got an e-mail from Mike Mattingly, a U.S. Senator who was elected in 1980.

He said: Please remember when you are on the floor of the U.S. Senate to express the love and affection my wife Leslie and I have for a great American, DAN INOUYE.

I share that same affection. I know I owe a lot of whatever success I have had in the Senate to learning from his patience, guidance, temperament, and also his determination. Yesterday, I was told his last word was aloha, but we have to remember that was always the first word we heard from DAN INOUYE as well because he meant it in a welcoming, friendly way.

I want to follow up on what Senator ALEXANDER said earlier. I too was at the Prayer Breakfast when DAN INOUYE was there. It was the largest crowd we ever had, and it was not because invitations went out but because DAN INOUYE was going to be there. Everybody there was mesmerized by his candor, by his life, and by his commitment. We don't discuss what goes on inside those rooms, and I will not here, except to say that when DAN INOUYE opened his heart, it was as big and rich a heart as the one we have all seen in the Senate.

To his loved ones, the State of Hawaii, and the people of America, we have lost a great man. We have all been better off for knowing him, loving him, and serving with him. I pay tribute to the life and times of a great American hero, DAN INOUYE.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, let me associate myself with the remarks of Senator ISAKSON. I thank him and all of my colleagues who have come to the floor to eulogize Senator DANNY INOUYE. The Senate and our Nation has lost an unsung hero. He was heroic in military valor, receiving the Nation's highest honor, the Medal of Honor. He was heroic as the one chosen to lead with dignity in inquiries seeking the truth during our most challenging times. He was a tireless guardian of our national security and champion to the men and women who put their lives at risk to protect the United States and whose legislative achievements have been simply remarkable. All this from a man who always gave others credit and never sought the spotlight.

Yesterday Senator JOHN MCCAIN from Arizona—a hero in his own right—reflected on the passing of Senator INOUYE: Today, the Senate, America, and especially his beloved citizens of Hawaii, lost a unique, brave, and wonderful legislator. He was a man who brought the most unique credentials to this institution—I would argue—of probably anyone who has ever served in this very diverse body.

Senator MCCAIN certainly hit the nail on the head.

He went on to say: In Hawaii there was a group of young Japanese Americans who decided they wanted to serve their country in uniform. One of the most well-known, famous, and highly decorated units of World War II was the battalion in which DAN INOUYE served.

DAN INOUYE was a proud member of his battalion. In fierce combat, he was gravely wounded on the battlefield and was brought home. He, as we all know, lost his arm as a result of one of the wounds he sustained.

Senator MCCAIN went on to point out that he went to the Veterans Hospital in Chicago where a person in the same ward was an American Army second lieutenant who had also been wounded seriously in combat in Italy, 2LT Bob Dole of Kansas. Bob Dole is a man who still represents the very best we have in Kansas, our country, and he did such a great job as leader of this body. Their friendship has lasted to this day.

Both men were gravely wounded, both were certainly dedicated to serve their country, and both served with distinction. The friendship and the bonds of friendship that were forged in that hospital between Bob and DAN were unique and also enduring.

Yesterday, Senator DANNY AKAKA also pointed out that his colleague from his native State was a true patriot and American hero in every sense and at this time in Hawaii, the greatest leader.

Then DANNY AKAKA said that it is an incredible understatement to call him an institution. This Chamber will never be the same without him. He also said DANNY INOUYE leaves behind a list of accomplishments unlikely to ever be paralleled. His lifelong dedication and hard work in the name of his beloved country, the United States of America, influenced every part of his life and set him apart—even in the Senate.

Today will be the first day since Hawaii became a State in 1959 that DANNY INOUYE will not be representing us in the Congress. Every child born in Hawaii will learn of DANNY INOUYE, a man who changed the islands forever.

Senator AKAKA then went on to say he was praying for his wife Irene, his son Ken, his daughter-in-law Jessica, his stepdaughter Jennifer, and granddaughter Maggie, who was the apple of his eye.

Like so many, with DANNY'S untimely passing, I have lost a very dear friend. In truth, as an institution, every Senator in the Senate lost a dear friend. We lost one of the last institutional flames of the Senate.

Upon reflection, the occasions I have had the privilege to be with DANNY also represented my personal career highlights. There were codels with Senator Ted Stevens, affectionately called Uncle Ted. DANNY always had T-shirts made that said ''I survived Codel Stevens.'' He took us to Antarctica, North Korea, the Russian Far and wild East, and any number of places of national interest that nobody else would go. As the song says, through the bushes and brambles where a rabbit wouldn't go.

DANNY was the personification of those who get things done the effective way. He stayed in the background until it was time to take charge and then gave others the credit. I will always remember his sonorous, basso profundo voice advising the North Koreans at one point during a trip to make P'anmunjom and the 38th parallel a tourist site—not a shooting gallery.

In the Russian Far East we traveled to Sakhalin Island, with mountains and raw materials that rivaled Alaska and where locals say there are still saber-toothed tigers north of the island. DANNY, while visiting with staff, went into detail about his many travels, with a little fact and fiction mixed in, all with a twinkle in his eye.

I also remember while in the city of Khabarovsk in the Russian Far East—we were at a hotel. Of all the hotels in the Russian Far East, this one had to be one of the last on the list.

As we went into our rooms, I discovered that my bed was a wooden frame with just straps—no mattress, one blanket, and no pillow. I thought, being a junior member of this codel, this was something they assigned to me. So I went down the hall with my special key in hand and my special ID that was required in that part of the world and knocked on DANNY'S door. He said: How can I be of service to you, dear friend?

I said that I wanted to look at his accommodations, thinking, of course, he would have a bed. There was a wooden bed with the same kind of accommodations—no mattress, straps, and just one blanket. He said: Why are you interested in that bed?

I said: Well, I thought being a junior Member that things might be better in your quarters.

He got a big kick out of that. He always reminded me of that at various times when I would get a little upset about anything.

At any rate, it is not an understatement with regard to his leadership, bipartisanship, integrity, and achievement. It would serve every Member of this Senate to ask: What would DANNY INOUYE want us to do?

In today's Washington Post there was a reference to the keynote speech that Senator INOUYE gave in Chicago. It was a period of unrest after the assassinations of Senator Robert Kennedy and Rev. Martin Luther King—troubling times, indeed. Speaking not as a Democrat but as a citizen disturbed by unprecedented violence, Senator INOUYE described a ''troubling loss of faith among Americans.''

He went on to say: I do not mean a loss of religious faith, I mean a loss of faith in our country, its purposes, and its institutions. I mean a retreat from the responsibilities of citizenship.

DANNY called for Americans to rebuild their trust in government—an extraordinary statement from a man whose people had suffered grave injustices at the hands of government.

The article went on to say that Senator INOUYE's remarks were immediately overshadowed by events at that convention, but his speech was truly remarkable. It was a speech that drew

little attention then and is even less remembered now.

My colleagues, DANNY'S speech should be required reading today given the recent tragedies. It was just last week that I was asked to speak on Senator INOUYE's behalf at an event concerning the proposed Eisenhower Memorial. It is a joint bipartisan effort that has taken far too long to bring to fruition. In the cloakroom the day before we had one of our many discussions where he grabbed my hand and looked me in the eye and said: You and I probably vote differently 80 percent of the time, but in all of our mutual efforts and all of our travels, I have considered you a brother.

I didn't know what to do. I responded with a tear in my eye, and I said: I love you, DANNY INOUYE.

And he said: I love you too.

What a wonderful thing to hear from a true American hero in every respect. It has been a privilege and an honor to serve with such a remarkable and truly humble man.

I also want to thank his wonderful staff in working with my staff on so many mutual projects.

Aloha, my dear friend. I will miss you every day.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, there are few times in the history of this institution when one Senator, a singularly iconic leader, comes along and reminds us of what it means to be a U.S. Senator and what it means to represent the very best of what this Nation stands for and to do it, as he always did, with the utmost dignity, honor, pride, and integrity.

I am deeply saddened to have to speak to the passing of a true American hero. He was someone who inspired so many of us in the Senate. His ideals and sense of justice were always on display.

The passing of Senator INOUYE leaves a painful void in the leadership of this body. In so many ways, the life and sacrifice of Senator INOUYE embodies the essence of the ''greatest generation.''

Even when faced with the suffering, indignity, and humiliation of an internment camp, he did not allow his heart to be turned or his love and commitment to his country to be diminished. Justice was a constant theme in his life. He represented the challenges faced by his Hawaiian people since statehood, when he became its first representative in the U.S. Congress.

We had a close bond when it came to our concern for minorities in our country. Because of the struggles in his life, he understood the struggles in both of our communities. He felt a kinship to the Hispanic community and shared the community's hopes and aspirations. In recent conversations, I know from his comments that he understood the growing importance of the Hispanic community and the benefit of advancing their interests within American society. He lived it, he understood it, he knew.

We worked together on the recognition of Filipino veterans—something he was very passionate about—and he thanked me most graciously, as always, for my interest and for my commitment to working with him on an issue so dear to his heart.

These are just a few stories of a man who led a quintessentially American life. I know there are thousands more stories to be told, some of which have already been told on the Senate floor, but the real story is that this was a man who sacrificed for his country, met the challenges it presented, but ultimately, because of a kind heart and loyalty to the ideals we profess as Americans, he became one of the most important, yet most humble, leaders in the U.S. Senate.

Senator INOUYE and his life and deeds remind us what it means to be an American hero, a war hero who carried the burden of his service with him all of his life. His courage, his patriotism, and his respect for the values he fought for informed his views and his votes in this Chamber.

The Senate is sadly diminished today with the passing of one of our most respected and iconic leaders—a hero, a powerful voice for reason, rationality, and common sense when reason, rationality, and common sense are too often in short supply. He will be missed not only by all of us who had the privilege to serve with him but by a nation that needs more leaders like him.

We, all of us, remember his lasting influence, his way of making us look into the heart of the matter without prejudice or preconceived political impressions. He knew how to get to the crux of an issue, and he led the way so many times for the rest of us. We followed his lead, and the Nation is better for it.

All of us who worked with him as chairman of the Appropriations Committee respected his word and his commitment to fairness. He was always willing to listen, always willing to hear your side, always willing to reach out across the aisle for what he believed was right.

Most recently, he was the voice of support and wisdom in our efforts to secure disaster relief for my home State of New Jersey. He empathized with the needs of New Jerseyans, just as he addressed the needs of Hawaiians for decades. There is no more gracious man than DAN INOUYE, no one who was as dignified and respectful than the senior Senator from Hawaii.

Our thoughts and prayers go out to his wife and his family and to the people of Hawaii today. We have lost an incredibly great man.

Mahalo, my friend, until we meet again.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:33 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

The PRESIDING OFFICER. The Senator from Maryland.

EXTENSION OF MORNING BUSINESS

Mr. CARDIN. Mr. President, I ask unanimous consent to extend morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

REMEMBERING DANIEL K. INOUYE

Mrs. HUTCHISON. Mr. President, I rise this sad day to comment on the passing of a great patriot, Senator DANIEL INOUYE. He fought for his country as part of the Greatest Generation and served his State with distinction for more than 50 years.

We were all honored to know him and blessed by his sacrifice in defense of American freedom. We served together on the Armed Services Committee and later on the Appropriations Committee as well. DANNY'S insight was invaluable to our Nation's defense and military policy. He did make America stronger.

I had the pleasure of working with him when we traveled together to Bosnia to visit our troops in the very early stages of that conflict. We later went to the Middle East on a CODEL with Senator Stevens as well. One of the pictures in my office is of Senator Stevens, Senator INOUYE, Senator SNOWE, and myself in our helmets and flak jackets the first time we flew into Sarajevo in the early 1990s, when the Serbs had still been shooting from the hills into the airport.

In 1995, on the 50th anniversary of the end of World War II, Senator INOUYE and a number of other World War II veterans gathered at the Smithsonian to reminisce about their time in battle.

Senator INOUYE recalled the morning of December 7 at Pearl Harbor, when he recognized that the men in the Japanese planes looked like him, and he said he knew then his life would never be the same.

As soon as the Army permitted Japanese Americans to volunteer, he signed up and ventured to the mainland of the United States for the first time in his life. He and his fellow Hawaiians of Japanese descent worried about how they would be treated in the United States but, as he recalled it, they encountered kindness and respect at every stop their train made.

By the time he finished his training and prepared to depart for Europe, he said he had learned this was truly a country worth dying for and certainly one worth sacrificing an arm in order to preserve our freedom and our way of life. He did lose his arm, and it was during this time that he also distinguished himself to earn the Congressional Medal of Honor, the highest military award in our country for valor.

There is often talk of partisan acrimony in Washington, but we know strong friendships can form across party lines. Senator INOUYE and Senator Ted Stevens had such a friendship. They were both war heroes from the last two States to join the Union, and they both recognized and guarded the congressional prerogatives under our Constitution to play the primary role in determining appropriations to fund the government.

When they were the two senior Senators on the Appropriations Committee and on the Commerce Committee, they considered themselves as cochairs and officially designated each other as that. When control of the Senate changed hands, it was not unusual for one to retain key members of the other's staff.

So today, I add mine to the many voices mourning his passing and say to his family: You are in our thoughts and prayers.

DANNY INOUYE was someone in our Senate whom I think we should all strive to be; that is, he was a warrior, but he was a gentleman. He was a man who was loyal to the core for not only his beliefs but also his friends, and if he gave his word, his word was good. He is someone whom every one of us who knew him cared for and regarded as a giant among us. In fact, I would say the Senate has lost a gentle giant.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I join with Senator HUTCHISON in paying tribute to Senator DANIEL K. INOUYE.

I rise to pay tribute to our dear colleague. Senator INOUYE was not one of the tallest Senators; in fact, he had a slight build and a quiet demeanor. But he was a giant. He will be missed by all in the Senate. The people of his beloved Hawaii will miss him. All Americans will miss him.

In the immediate aftermath of the attack on Pearl Harbor, Senator INOUYE was declared an enemy alien because of his Japanese ancestry. But in 1943, when the U.S. Army dropped its enlistment ban on Japanese Americans, he enlisted in the Army and volunteered to be part of the 442nd Regimental Combat Team.

The 442nd became the most highly decorated infantry regiment in the history of the U.S. Army. The 442nd, known by its motto, ''Go for Broke,'' was awarded eight Presidential Unit Citations and 21 of its members, including Senator INOUYE, were awarded the Medal of Honor for their heroism during World War II.

Following World War II, Senator INOUYE finished his undergraduate studies at the University of Hawaii and then earned a law degree from George Washington University. In 1953, he was elected to the Hawaii Territorial House of Representatives and was immediately elected majority leader. He served two terms there and was elected to the Hawaii Territorial Senate in 1957. Midway through his first term in the Territorial Senate, Hawaii achieved statehood. He won a seat in the House of Representatives as Hawaii's first full Member and took office on August 21, 1959, the same date Hawaii became a State, and he was reelected in 1960.

Then, in 1962, he was elected to the Senate and was reelected eight times, only once with less than 69 percent of the vote. Senator INOUYE had been in the Congress since Hawaii became a State. He was the second longest serving Senator in our Nation's history, and he served with distinction, just as he served with distinction in the U.S. Army.

Others on this floor have already detailed his bravery in battle, his service on the Watergate and Iran-Contra Committees and his accomplishments as the first chairman of the Senate Select Committee on Intelligence and as chairman of the Commerce and Appropriations Committees. I would like to highlight his work on behalf of the victims of racial and economic and social inequality and his commitment to making the Senate operate as the Founding Fathers envisioned.

A statement on Senator INOUYE's Web site says: ''DAN INOUYE was always among the first to speak out against injustice whether interned Japanese Americans, Filipino World War II veterans, Native Americans and Native Hawaiians.'' How true.

A few hundred yards from this Chamber is the Smithsonian's magnificent National Museum of the American Indian. Senator INOUYE introduced the legislation to create that museum and fought for Native American and Native Hawaiian and Pacific Islander recognition and rights and restitution as chairman of the Senate Committee on Indian Affairs.

In the Senate, Senator INOUYE treated all his colleagues with respect and courtesy and always reached across the aisle to forge bipartisan solutions to our Nation's biggest challenges. His friendship with former Republican leader Bob Dole, whom he met while the two of them were recuperating from grievous combat injuries—along with, I might say, another wounded veteran who became a giant in the Senate, Senator Philip Hart of Michigan—serves as an example we should strive to emulate. He was a member of the so-called Gang of 14, again reaching across the aisle at a time when partisan tempers were particularly high.

There are few—if any—Americans who have been more heroic in battle, more accomplished as a public servant, more dedicated to family and country and humanity than DANIEL K. INOUYE. Yet he was also one of the most humble and self-effacing people. What a tremendous example of a life well lived he has left for all of us as we mourn his death, celebrate his life, and give thanks for his service to the people of Hawaii, the Senate, and the United States of America.

To Senator INOUYE we say aloha.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, the Senate—both as a legislative body and as a family—is in mourning today after the passing of its most senior and revered Member, Senator DANIEL INOUYE of Hawaii.

In his final days, Senator INOUYE was asked how he wanted to be remembered. He replied, with characteristic modesty:

> I represented the people of Hawaii and this nation honestly and to the best of my ability. I think I did OK.

With similar understatement, speaking about the extraordinary act of heroism in combat for which he was awarded the Congressional Medal of Honor, he explained that it was ''a case of temporary insanity.''

Modesty and reserve were trademark qualities of our beloved DANNY INOUYE. But we can speak more forthrightly about this very extraordinary person.

Yes, Senator INOUYE represented the people of Hawaii and this Nation honestly and to best of his ability. But he did not do just ''OK.'' DANIEL INOUYE was a truly great American, a public servant of extraordinary accomplishment. His qualities of character and conscience and steadfastness have set the standard in the Senate for over five decades.

Think about this. In 1973 and 1974, as a Senate Select Committee investigated the crimes of Watergate, which Senator did we count on to take charge with tough but fair questioning of those involved?

In 1976, after revelations of abuse of power by the CIA and the FBI, which Senator did we count on to oversee reforms as first chairman of the Select Committee on Intelligence? Of course, we counted on Senator INOUYE.

In 1987, as the Iran-Contra scandal rocked the Reagan administration, which Senator did we count on to lead a tough but fair inquiry as chairman of the select committee appointed to investigate the affair? Of course, we counted on Senator INOUYE.

Time and again, over seven decades, the United States of America has counted on DANIEL INOUYE, and he always delivered. He always responded to

the call of duty with courage, selflessness, and excellence.

As we all know, during the Second World War, DAN served in the famed, all-Nisei 442nd Regimental Combat Team. After losing his right arm and sustaining other grave injuries in combat, he spent 2 years in Army hospitals. At one of those hospitals he met two other wounded veterans: a soldier from Kansas named Bob Dole and a Michigan boy named Philip Hart. All three would go on to become giants of Senate history.

It is difficult to imagine, but after returning from the war, LT DANIEL INOUYE was wearing an empty right sleeve pinned to his Army uniform and was denied service at a San Francisco barbershop. The barber dismissed him with the words, ''We don't serve Japs here.'' One of DANIEL INOUYE's great legacies in his successful fight to defeat that brand of racism and discrimination was his successful fight against any form of discrimination against anyone, especially people with disabilities. Throughout his political career, he fought for civil rights and social justice not only for Japanese Americans but for all Americans.

Mr. President, I have lost not only a friend of nearly four decades but also my chairman on the Committee on Appropriations and its Subcommittee on Defense. Senator INOUYE was well known as a stalwart advocate for national defense and for veterans. He also fought very passionately to advance education, the National Institutes of Health, and other programs in the jurisdiction of my Appropriations Subcommittee on Labor, Health and Human Services, and Education.

I will never forget what Senator INOUYE said one time in a meeting in which my bill on labor, health and human services, education, NIH, the Centers for Disease Control—all of the things that are in that bill came forward. Remember, Senator INOUYE was at that time the chairman of the Defense Appropriations Subcommittee, and he said something I will never forget.

He said:

> I chair the Defense Appropriations Subcommittee. That is the subcommittee that defends America.

He said:

> Senator HARKIN chairs the Subcommittee on Labor, Health and Human Services, and Education. That is the subcommittee that defines America.

So Senator INOUYE was not a one-dimensional person. He was not just someone who fought for our veterans and fought for the strong defense of our country. I also remember him saying one time—repeating the famous words of President Truman—that the strength of America comes not just from the number of tanks, guns, and war planes we have but from the health, welfare, and education of our people.

In tributes on the floor yesterday and today, colleagues are remembering DAN INOUYE as one of the greatest Senators of our time, and indeed he was. But knowing DAN and the values he held dear, he would want no greater tribute than to be remembered as a loyal friend, a man of honor, decency, and humility. Senator INOUYE was that and much more.

Senator INOUYE was the finest of men. For half a century, the Senate has been graced by his dignified and noble presence. It will not be the same without him. We will miss our friend DANIEL INOUYE very, very much.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTES TO DEPARTING SENATORS

OLYMPIA SNOWE

Mr. HARKIN. Mr. President, I come to the floor now to bid farewell to one of the Senate's most respected Members, Senator OLYMPIA SNOWE from the great State of Maine. She chose to retire this year after a distinguished career in public service spanning nearly four decades, first in the Maine Legislature, 6 years in the U.S. House, and the last 18 years here in the U.S. Senate.

Throughout this remarkable career, she has been respected for her independence, always putting her values and country ahead of party and partisanship. She can, of course, be a very persuasive advocate for the conservative causes she holds dear, but, as we all know and appreciate, she is willing to buck party loyalty when she believes it is in error or when she believes in what is better for our country. And our future depends on bipartisanship. I cite, for example, when she voted in favor of the Recovery Act and the Dodd-Frank reform of Wall Street.

I especially admire Senator SNOWE's talent for reaching across the aisle and building bridges in order to get things done. On that score, she has represented the United States and her State of Maine at her very best, and that is just one of the many reasons why we are sad that she has chosen, voluntarily, to retire.

OLYMPIA SNOWE has been a wonderful colleague and friend, always congenial, always willing to listen, always willing to examine different sides of an issue. What more could we ask of any U.S. Senator? We have been fortunate to have had a Senator of her high caliber, intelligence, and character in this body for the last 18 years. I join with the entire Senate family in wishing her and John the very best in the years ahead.

JEFF BINGAMAN

Mr. President, in these closing days of the 112th Congress, the Senate is saying farewell to one of our most popular and respected Members, Senator JEFF BINGAMAN of New Mexico.

When JEFF came to this body 30 years ago, he had already led a life of accomplishment. Raised in smalltown New Mexico, Silver City, he was an Eagle Scout. He graduated from Harvard College and Stanford Law School, where he met his future wife Anne. While at Stanford, he worked on Senator Robert F. Kennedy's campaign for President. At the age of 35, he was elected New Mexico attorney general in 1978. Four years later, at the age of 39, he was elected to the U.S. Senate.

During his three decades in this body, JEFF BINGAMAN has been a classic workhorse Senator as opposed to being a show horse Senator. He is truly remarkable and distinctive among Senators for his willingness to shun the limelight and share the credit in order to get important work done for his State and for his country.

Senator BINGAMAN has been a much-valued colleague of mine on the Health, Education, Labor and Pensions Committee, but he has really made his mark in the Senate—a lasting mark—in his role as chair of the Energy and Natural Resources Committee. As chair and also at times ranking member of that committee, he has played a leading role in shaping energy policy for our Nation, authoring bipartisan legislation promoting a balanced energy portfolio encompassing all energy sources.

Senator BINGAMAN worked closely with his New Mexico colleague, Senator Pete Domenici, to pass the landmark 2005 Energy Policy Act, signed into law by President George W. Bush. This was signed, I might add, appropriately at Sandia National Laboratories in Albuquerque, NM. That comprehensive law established groundbreaking policies on many fronts, including a renewable fuels standard for biofuels, support for alternative vehicles, loan guarantees for new energy technologies that reduce greenhouse gases, establishing policies to upgrade the electrical grid, plus a whole range of measures to promote energy efficiency.

In 2007 he again collaborated with Senator Domenici in securing passage of the Energy Independence and Security Act. This act included an ambitious increase in vehicle fuel efficiency standards—from 25 miles per gallon to 35 miles per gallon by the year 2020—as well as significantly greater commitments to the use of biofuels. These two provisions are largely responsible for the significant decrease in oil imports that we have seen over the past several years.

More broadly, Senator BINGAMAN has played a critical role in ensuring the vitality of America's energy research and development community, championing energy programs at all levels, including universities, national laboratories, and in private industry.

I can't close without mentioning a great living legacy of the Senator from

New Mexico: his 2009 public lands management bill that set aside more than 2 million acres in nine States as protected wilderness, including a 5,300-acre national monument to protect Paleozoic fossils located north of Los Cruces, NM. I can say that Senator BINGAMAN stands in line with those great heroes of America who set aside public lands for all future generations, people such as Theodore Roosevelt and others. Senator BINGAMAN takes his rightful place there.

For the last three decades in this body, Senator BINGAMAN has been a tireless advocate for the people of New Mexico and a determined champion of the future of clean and renewable energy for the United States. He has been an outstanding Senator and a wonderful friend. I join with my colleagues on both sides of the aisle in wishing Jeff and Anne the very best in the years ahead.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I rise today to urge my colleagues on both sides of the aisle to support our efforts to come to the relief of millions of Americans who are suffering in the wake of Superstorm Sandy.

I thank my fellow Senators from the Northeast, especially Senators LAUTENBERG and MENENDEZ, as well as my colleague, Senator SCHUMER, for all their leadership. Senator SCHUMER and I have been working in unison with many of our colleagues. We have been testifying at hearings and talking to our other colleagues since the storm hit.

I also give special thanks to Senator LANDRIEU, who, because her State has suffered so much, has had not only deep experience in advocating for families who are suffering but she has demonstrated extraordinary leadership in bringing together a bill that can begin to meet some of those needs.

I also thank Senator BOXER for holding a hearing in the Environment and Public Works Committee. That hearing allowed all of the Senators to speak on behalf of their States, the members of our delegations, to bear witness to what actually took place.

Superstorm Sandy was a storm unlike anything we had ever seen in the Northeast before. The sheer magnitude and force struck the most densely populated parts of the region. As you can see here on this chart, the purple is where the storm hit hardest, then the red and on to the yellow. In Sandy's wake, more than 40 New Yorkers lost their lives and hundreds of thousands more have lost their homes or seen significant damage to their neighborhoods and their businesses, and their families are currently still suffering.

I wish to share just one story that indicates the depth of the challenge these families are facing.

This one man, whose name is Pedro Correa, is from Staten Island. Pedro is a lifelong New Yorker. When he saw the Twin Towers fall on 9/11, he answered the call of duty. He has been to Iraq and served our country. Since returning home to his family, he has continued to serve in public service. He and his wife are raising two kids, ages 2 and 6, in their Oakwood Beach home. As Sandy approached, Pedro was very smart. He got his family and children out to higher ground and a safer place. Unfortunately, he stayed. The brutal winds hit his home and his community so hard—winds of unbelievable force—that it blew his roof off and collapsed the structure of his house, allowing floodwaters in. With the rising water, he literally felt his life was at risk. He called his wife and kids to say goodbye, but he was a strong man and he endured. He actually was able to fight the storm waters and swam to safety to a neighbor's house.

One might think that was going to be the worst for Pedro and his family, but it is not. It is actually not. His house was completely destroyed. And as he has begun his effort to rebuild, he has found roadblock after roadblock, challenge after challenge, and a great deal of difficulty in that small effort of beginning to rebuild. He called his insurance company and discovered his insurance is capped at half the value of his home. He called FEMA, and FEMA offered him $2,800.

This is a man any of us would be proud to call our own son. He lived through 9/11, he went to fight for our country, and he continues public service. Now he is literally in the fight for his own life and for his own family's well-being and safety. His only choice currently is bankruptcy.

Americans watching us might ask: Are we going to come together to help these families? Will we stand as one body and do the right thing by these families, these communities, these businesses that are just trying to get back on their feet? One thing is clear: There are too many of these stories for any of us to bear.

After spending time in the communities that were hardest hit—from New York City to the Hudson Valley to Long Island—I can tell you the images of the devastation are worse than any I have personally ever witnessed. I spent day after day meeting with families whose lives have been shattered, homes destroyed, such as this one. Many of them are worried because, obviously, as winter sets in, they do not think they can return to their homes. How will they get their kids back in school? How will they rebuild their lives?

But amid all this destruction, one story continues to emerge: neighbors helping neighbors, and unbelievable acts of generosity and kindness. I have met volunteers from every State in this country who came to help Sandy's victims—young kids who want to do their part. I met a bunch of kids—veterans—who had already served in Iraq and Afghanistan who were there just to help people clean out their basements. They put on some gloves and work boots and they shoveled out basements for days and days.

I met one gentleman who, as with this house, had a boat in the middle of his restaurant. He said to me: KIRSTEN, we will rebuild and we will rebuild better. And we agreed we would have dinner at that restaurant a year from now. So that resolve, that determination to rebuild, is something that is never in short supply in New York. We New Yorkers are very tough. We can get knocked down, but every single time we will get up. We may be forced to bend, but we will not break. But we can't do it alone. We need the rest of this body, the rest of Congress, to come to our support.

I know there has been a lot of discussion, and I have been involved in some with my colleagues, over the past few days about the bill, that we are moving too quickly, that it costs too much. But please, for a moment, think of devastation in your own States, think of talking to a family with children with no place to go. Imagine what it would be like to be without a home, particularly during these holidays. Families need just a small amount of support to begin to rebuild.

In New York, because of where the storm hit, a lot of our infrastructure was damaged, and a lot of these projects are extremely expensive. But these projects are emergency spending. This is major transportation infrastructure, such as the Brooklyn Battery tunnel. This is the subway, but the Brooklyn Battery tunnel alone would take $700 million to rebuild. So when we are talking about a bill and that we could fund a little today and fund the rest tomorrow, that is not how business works. It is not how a contract works. You either contract to rebuild the tunnel or you don't. You either make the changes to rebuild it or you don't. You voluntarily, to retire. can't say: We will put down a little now. No State or city can operate that way. If you don't know the funds are there in advance, you can't start to rebuild.

The same is true for our houses. We have estimates that there is $10 billion worth of damage to these homes. If you say, we will give a little now, how is that homeowner going to know if they are even going to be able to rebuild if no one is there to help them?

We have always funded disaster projects when they are needed. We have not asked for offsets, we have not asked for them to be paid for in advance. That is what a disaster is. That is what disaster funding is about. So I think it is important we look to New York and say: We will be there for you. We will stand with you. New York has

stood by every other State, every other region in the country when they have had disasters come to their doorsteps.

Another concern my colleagues have brought up is this issue of what portion of the bill is for future prevention. We call it mitigation. The reality is, if you are going to rebuild a subway such as this, and you don't do it in a way that protects against flooding the next time, then you are wasting your money. Mitigation is attached to each and every project it is going to be used for, so when we fix the tunnel, when we fix the subway, when we fix any part of our city, it will be done in a way that is smart and not blind to future risks.

Some have also asked the question about Army Corps of Engineers projects. For those who are not familiar with Washington speak, the Army Corps of Engineers funds a lot of projects related to our coastal shorelines or to any kind of waterway. They do the engineering required and then the work that has to be done to make sure a beach isn't vulnerable after a massive storm, such as the ones we have seen. Because of Sandy, much of the Army Corps's infrastructure that provided this critical protection was washed away or significantly damaged, leaving a lot of our shoreline exposed. So even if a minor storm hits, lives will be at risk.

When we look at the history of Hurricane Katrina, Congress and the Bush administration immediately provided the Army Corps with $3.3 billion for repair and mitigation with no offsets. Even funds appropriated in 2008 for the gulf coast hurricanes, 3 years after the storms hit, were designated as disaster and emergency funding. In fact, since 1989, Congress has passed 36 emergency appropriations for disasters without any specifically dedicated outside offsets.

It has been 50 days since Superstorm Sandy hit our shores. We need to act swiftly. When Hurricane Katrina battered the gulf coast, the Members of this body and the House united. We passed two emergency spending relief bills worth $60 billion within 10 days. Congress did the same for Hurricane Andrew, and within weeks of the Twin Towers falling on 9/11. I know the Members of this body can come together. When disaster strikes, we always find a way to do the right thing. It is time to do the same today.

It is the fundamental role of government to protect people, to help rebuild communities when disaster strikes. When so many lives have been destroyed and so many communities lie in rubble, when businesses don't know how to begin to rebuild, that is when we have to stand strong and we have to come together.

No doubt we have serious challenges ahead of us, but none of us was sent here to Congress to do what is easy. We serve to do what is right, especially when it is hard, especially when families are counting on us. So I ask my colleagues to find good will, to open their hearts and stand by those families who have suffered so much in the Northeast.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING DANIEL K. INOUYE

Mr. REED. Mr. President, I rise, as so many of my colleagues have, to mourn and pay tribute to Senator DANIEL INOUYE of Hawaii.

He was a giant of the Senate. He was an individual whose courage, whose compassion, and whose commitment to this country has never been exceeded by anyone who served here—indeed, by any American I can think of.

A few years ago, I was asked to introduce the Senator at an event. I wrote down some points on a card that I kept on my desk, and will forever keep on my desk:

> Second Lieutenant Daniel K. Inouye, E Company, 442nd Regimental Combat Team, San Terenzo, Italy, April 21, 1945.

That was the day he was wounded leading his platoon against an enemy pillbox, the day for which he would be ultimately awarded the Congressional Medal of Honor for his actions.

Then I have another date: May 8, 1945. That was VE Day, the end of the war. Seventeen days before the end of the war, when Berlin was encircled and collapsing, when American forces were rushing and the end was clear, and indeed every soldier recognized that the war was coming to an end, Senator INOUYE didn't stop serving, didn't stop sacrificing, didn't stop giving his all to protect his soldiers and accomplish his mission. Indeed, that spirit of never giving up, of never failing to do his duty, animated his service in the Senate, animated his service to this country, and to the State of Hawaii.

At the time I gave these remarks, he was 1 of 90 living holders of the Congressional Medal of Honor. Today we mourn his passing, his contributions to Hawaii, his contributions to this Senate which he held in the highest esteem and which he personified so grandly.

I think one of the factors that led him to a career in public service and led him to such distinguished service was the recognition—not theoretically but practically—that despite his great suffering and sacrifice, he was lucky because there were many other young men and women who perished in that war and in subsequent wars; that he had sacrificed much but had not given his life, although he very nearly gave his life.

At the outset of the war, the Librarian of Congress Archibald MacLeish, wrote:

> They say, We were young. We have died. Remember us.
>
> They say, We have done what we could but until it is finished it is not done.
>
> They say, We have given our lives but until it is finished no one can know what our lives gave.
>
> They say, Our deaths are not ours: they are yours: they will mean what you make them.
>
> They say, Whether our lives and our deaths were for peace and a new hope or for nothing we cannot say: it is you who must say this.

In everything DAN INOUYE did, he spoke for those soldiers. He gave their lives meaning by his selfless service and sacrifice to this Nation. He gave it every day by making this place—this country—live up to its highest ideals, a place of opportunity for all, a place of fairness and decency. He did it as few did.

So those voices that were stilled in 1945, and in the Korean War and in the war in Vietnam and subsequent wars, always had a voice here; and it wasn't just words, it was actions. His life gave meaning, and that might be one of the highest achievements anyone can reach in this life.

We all know his extraordinary service in so many different ways. We know also, in one of the great coincidences, three young men were in an Army hospital in Michigan: DAN INOUYE, Phil Hart, and Bob Dole, American heroes; and that later they would come to this Senate and serve with distinction. I think it was particularly meaningful that just a few days ago Senator Robert Dole—another great American—was on the floor of this Senate, still serving, still emblematic of the ''greatest generation.''

We will miss Senator INOUYE. There are few words and not enough eloquence to describe the loss. I, too, particularly want to thank and extend my condolences to his wife Irene, to his son Ken, to his daughter-in-law Jessica, to his granddaughter Maggie, and to his stepdaughter Jennifer Hirano. They have lost more than any of us because they have lost a husband, a father, and a grandfather.

Let me just conclude with the words uttered centuries ago by Thucydides:

> The bravest are surely those who have the clearest vision of what is before them, glory and danger alike, and yet notwithstanding, go out to meet it.

DAN INOUYE knew the dangers. DAN INOUYE knew that the glory was fleeting, and in fact combat wasn't particularly glorious at all. But he knew it was honorable to serve. He knew it was honorable to sacrifice for his soldiers and for his comrades. He knew it was honorable and decent to serve his State and his Nation, and he never failed to go forth to meet the challenges of his time.

Now it is our time. Now we must give words and meaning to the voices that have been stilled in the service to this Nation. One of those giants and one of those powerful voices was Senator DANIEL INOUYE. The test will be whether we can measure up to what he did, and I hope for the sake of this country we can.

EXTENSION OF MORNING BUSINESS

Mr. REED. Mr. President, I ask unanimous consent that morning business be extended to 4 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mr. REED. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

LAKE PONTCHARTRAIN BASIN RESTORATION ACT

Mr. VITTER. Mr. President, I rise today to thank my Senate colleagues.

Yesterday, we passed a reauthorization of the Lake Pontchartrain Basin Restoration Act. That is very significant for my State of Louisiana, particularly southeast Louisiana. Today I expect that package will be similarly approved by the U.S. House and passed into law to fully reauthorize this important restoration program.

In a minute I will get into why it is important and positive and noteworthy. Let me mention in passing its significance to me. It happened to be the first bill I ever passed in Congress. I came to the U.S. House in a special election in 1999, and very soon after that we passed into law in my freshman term this legislation in 2001. More important, it has been a very positive, productive program cleaning up a big part of Louisiana and parts of Mississippi.

The Lake Pontchartrain Basin is about 16 parishes in Louisiana, four counties in Mississippi and southeast Louisiana. Lake Pontchartrain and the areas surrounding Lake Pontchartrain are the most populated part of our State—at least 1.5 million residents.

When I was a kid, unfortunately Lake Pontchartrain had come into a sad state and was visibly dirty. Nobody would have thought of swimming there at the time. Soon after that, however, a positive grassroots effort started to clean up the lake. It wasn't some big government program, it wasn't some edict from the EPA or anyone else. It was a grassroots citizens effort. It was embodied by a great organization that was founded and still exists: the Lake Pontchartrain Basin Foundation. That nonprofit, private foundation, that group of active citizens and stakeholders got together around the need to clean up the lake and make it a suitable lake once again and clean up all the surrounding parishes in that watershed.

That effort had great success from when I was in high school for the next several decades. Then, as I was coming to the Congress, we wanted to take the next step and amplify those efforts. So with an enormous amount of input from that citizens group and other local stakeholders, we came up with a model, a completely voluntary, proactive cleanup effort housed in the EPA focused exclusively on the Lake Pontchartrain Basin. That is when we acted, 1999 and 2000, and passed that legislation in 2001.

It has had an enormously positive impact. It created a real partnership—again, built from the ground up, from local stakeholders, from that local group of civic activists—and it generated restoration efforts, similar statuses, and other important restoration efforts around the country, and over the last many years it has had real impact.

As Carlton Dufrechou, then head of the Pontchartrain Basin Restoration Executive Committee, said:

> It's been the catalyst for over 100 projects that have reduced pollution from sewage plants, dairy operations, and helped preserve Louisiana's fragile coast. And the results are quantifiable. Lake Pontchartrain is again fishable and swimmable.

That is really the ultimate test. That is the ultimate measure, when citizens can go out and swim in the lake as they can now; when they can go out and actively fish in the lake in a way they never did to that extent a decade and two decades ago. That is the ultimate validation. That is the ultimate measure.

We did reauthorize the program in 2006. Now, in 2012, we are reauthorizing it, basing it on the same continuing model, a from-the-ground-up enterprise, a proactive voluntary effort; not some Washington bureaucrat throwing a huge cumbersome rule book at local stakeholders but building from the ground up through voluntary proactive restoration efforts, getting those stakeholders together, the people who know the lay of the land the best, and acting based on their priorities and their recommendations.

That was the model from the beginning. That was the model before this legislation, with the grassroots effort that preceded it and that continues. That is the model we will continue to use. I hope, in some small way, that can be the model we use more and more actively in environmental cleanup around the country. Certainly, that is the positive perspective I will bring as the new ranking Republican on the Environment and Public Works Committee.

So I again thank my colleagues—Democrats and Republicans—for passing this reauthorization. It is important and productive and positive and will continue to be on the ground in southeast Louisiana.

I very much look forward to that reauthorization passing the U.S. House and being signed into law so that those activists and stakeholders and citizens on the ground in southeast Louisiana can help lead that important continuing work.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MERKLEY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING DANIEL K. INOUYE

Mr. MERKLEY. Mr. President, I rise for a few moments to share a few thoughts about our friend and colleague who passed away yesterday, Senator DAN INOUYE. It was a shock to me here on the floor yesterday when his passing was announced and it is still a shock today to see that it is indeed real—the beautiful bowl of white roses on his desk.

I want to share a remembrance or two. When I was 19 I was struggling with what direction to take in life and thought public policy might be something worth pursuing. I asked my father. My father read the newspaper every day and watched the evening news and would run a commentary on the world. I asked him, if I were to try to get a summer internship in Washington, DC, to see how government really works, who should I apply to. Of course he noted I should apply to my home State Senators, Senator Packwood and Senator Hatfield. I asked him if there were any national Senators who stood out. He said there are four I think you should try to talk to: Senator Kennedy, Senator Humphrey, Senator Church, and Senator INOUYE.

I proceeded to write letters to see if I could get an internship with any of my home State Senators or any of those four. I did not succeed outside my State. I did get an internship with Senator Hatfield, which changed the course of my life. But when I was elected to the Senate, Senator Hatfield asked me to bring greetings to his old colleagues, those who served with him, particularly Senator INOUYE, because Senator Hatfield had chaired Appropriations and Senator INOUYE was chairing Appropriations. That was a tremendous introduction because it led to one of my first conversations with Senator DAN INOUYE when I came to the Senate. He showed me his spectacular view down The Mall, looking toward the Washington Monument, and said anytime you want to come and use the balcony you should come and use it. It is one of the best places in Washington.

We shared the joy he took in just the beauty of that space. We shared stories about the old days, the days when Senator Hatfield and Senator INOUYE worked together on appropriations. We also had a chance to talk about some of the challenges that have occurred in the committee. In recent times, we discussed how much harder it is to get appropriations bills to the floor and have them considered in a bipartisan nature.

I indicated to Senator INOUYE at that time how interested I was in serving on the Appropriations Committee and how

important it would be to Oregon. This began a series of dialog over the last 4 years. It was a tremendous honor to have a chance to share these last 4 years with Senator DAN INOUYE. I think all who have spoken about him have recognized he did an extraordinary job of commanding folks.

He took on the difficult tasks in World War II and received the highest recognition for doing so. He did so in a context that was extraordinary. Japanese Americans had been relegated to a second-tier status during the war, and he chose a path that led to first-tier recognition for the leadership and bravery he exemplified.

He did no less of a spectacular job in the U.S. Senate, just days away from completing 50 years of being on the floor of the Senate, advocating for working people, advocating for his home State, and working for a vision of America where all families can prosper. His life was extraordinarily well lived.

It has been an honor to know him, and we will miss him. This Senate will not be the same without Senator DAN INOUYE.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I wish to speak about our friend DANNY INOUYE. It has been a week of emotion. When we look at that black-draped desk with the white flowers, it is hard to believe that such a big part of this institution is gone, not just a living, breathing part of the institution is gone but a part of its history, its memory, its institutions, and its values. DAN epitomized all that.

He was a gentleman first. Actually, we would have to say he was a patriot first. All we need do to see how much of a patriot he was is consider the fact that he had one arm missing because, as an Army lieutenant, he singlehandedly charged a German machine gun nest. He took them out, lost his arm, and ended up in the hospital for 20 months. Of course, we all know he was deservedly recognized with the Medal of Honor years later.

He was a patriot, not only because he served as a young lieutenant but also by being a public servant for well over a half century. He was elected as the first territorial legislator of Hawaii in 1954 and then elected as its first Congressmen when it became a State in 1959. Since 1962, he has been a public servant serving his State.

He was the first Japanese-American Senator. His name is synonymous with Hawaii, and so it is fitting, as told by his staff, that his last word was ''aloha.'' Patriot first but second he was a gentleman. That is a value which all of us in the Congress ought to remember.

This all emanates from some of the greatest moral teachings on planet Earth. It is what those of us refer to in the New Testament as the Golden Rule: Treat others as you want to be treated. To say it in Old English, do unto others as you would have them do unto you. That is a moral principle which runs throughout every major faith on the face of the planet.

DANNY INOUYE exemplified that uniquely American value, and somewhere along the way we seem to have gone astray. We go astray from what we have learned in Newtown, CT, and we go astray when we see how some of us treat each other in this Chamber. The old adage is not just to go along but to get along. We would get along a lot better if we get along or to say it in the context of old country boy wisdom: We can attract a lot more flies with honey than we can with vinegar. That is the life our colleague led.

Some people call it a throwback to the gentlemanly days of the Senate, when there was courtliness and deference. I hope it is not a throwback. I hope we are not throwing back anything.

I hope we will remember the life of DANNY INOUYE. He felt so strongly about this that when he was the chairman of a committee, he didn't refer to the ranking Republican as the ranking member, he called the ranking member the vice chairman. Of course, that was uniquely Senator INOUYE, but it was also practical because he could get more done if he was sitting there as chairman and his vice chairman was sitting right next to him.

We have a lot to learn from these emotional times of losing a valued friend and colleague, but his life exemplified the best part of the Senate. We can sure get a lot more done if we start coming together just like DANNY INOUYE taught us.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

REMEMBERING DANIEL K. INOUYE

Mr. MCCONNELL. Mr. President, the U.S. Senate has been conducting its business here in Washington for just over 200 years, and for more than a fifth of that time, Senator DAN INOUYE of Hawaii stood in its ranks. It was just one of the many astonishing feats for a man who so rarely called attention to himself but who had every reason in the world to do so. In a life of honors he was never drawn to fanfare, and that always made him a different kind of Senator. So today we mourn not only a friend and a colleague but also everything he represented to a nation that will always need courageous and principled men such as DAN INOUYE if it is to flourish and succeed.

The people who worked with DAN INOUYE might have known he served in World War II, but they could have gone years without knowing he was one of the most decorated soldiers of his time. To DAN, his achievements were simply part of the job—and they were many. They start with his military heroism, of course, and they continue throughout his long career of public service. He was the iconic political figure of the fiftieth State.

Until his death, he was the only original member of a congressional delegation still serving in Congress, and there is scarcely an acre of Hawaii or a person in the State that DAN hasn't affected or influenced.

Over many years of diligent committee work, he helped ensure an entire generation of uniformed military went into battle well prepared and that they were well cared for when they returned. Yet despite all this, DAN's quiet demeanor and strict adherence to an older code of honor and professionalism made him a stranger to controversy throughout his many decades in public office. He was the kind of man and the kind of public servant, in other words, that America has always been grateful to have, especially in her darkest hours—men who lead by example and expect nothing in return.

One of my favorite DAN INOUYE stories took place right here in the Capitol back in 1959. The memory of a hard-fought war against the Japanese was fresh in many minds as the Speaker of the House, Sam Rayburn, prepared to administer the oath to a young war hero who was not only the first Member from Hawaii but the first American of Japanese descent ever elected to Congress.

''Raise your right hand and repeat after me . . . '' Rayburn said.

And here is how another Congressman would later record what followed:

> The hush deepened as the young Congressman raised not his right hand but his left and repeated the oath of office. There was no right hand. It had been lost in combat by that young American soldier in World War II. And who can deny that at that moment, a ton of prejudice slipped quietly to the floor of the House of Representatives.

It is a perfect image of how DAN led by example throughout his long career—with quiet dignity and unquestioned integrity.

It started early for DAN. As a young boy growing up in Hawaii, he and his

friends always thought of themselves as Americans. Yet after Pearl Harbor they suddenly found themselves lumped in with the enemy. It was one of the reasons so many of them felt such an intense desire to serve. Their loyalty and patriotism had been questioned, and they were determined to prove their allegiance beyond any doubt.

When the Army lifted its ban on Japanese Americans, DAN and his friends jumped at the chance to serve. An astonishing 80 percent of military-age men of Japanese descent who lived in Hawaii volunteered—80 percent. Mr. President, 2,686 of them were accepted, including DAN, who was an 18-year-old student at the University of Hawaii.

Together, they formed what would become the most decorated military unit in American history, the famed 442nd Regimental Combat Team. As platoon leader, DAN spent 3 bloody months in the Rome Arno campaign and 2 brutal weeks rescuing a Texas battalion that was surrounded by German forces, an operation military historians often describe as one of the most significant battles of the 20th century.

After the rescue, DAN was sent back to Italy, where on April 21, 1945, in a ridge near San Terenzo, he displayed the extraordinary bravery for which he would later receive the Medal of Honor. Dan then spent nearly 2 years in a Michigan Army hospital where he also met Bob Dole and Philip Hart.

DAN had always wanted to be a surgeon, but that dream faded away on that ridge in Italy. Instead, he became a very fine Senator and one of the most impressive and effective public servants of our time.

DAN never let narrow party interests stand in the way of friendship or cooperation on matters of real national importance. His friendship with former Republican Senator Ted Stevens was one of the most storied in all of Senate history. I know I never hesitated to call on DAN when I thought something truly important was at stake. As DAN always said: ''To have friends, you've got to be a friend.''

It is a good principle. It is one he always lived up to. And it is one that is needed now more than ever.

Elaine and I extend to Irene and the entire Inouye family our deepest sympathy on their loss, which is also the Nation's loss. It was a privilege to have worked alongside this good man and to call him a friend. We will miss him. Yet we are consoled by the thought that he has now finally heard those words he longed to hear: ''Well done, good and faithful servant . . . enter into your master's joy.''

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, I would like to speak, as many of my colleagues have, about Senator INOUYE.

When I was a new Senator, the first encounter I had with Senator INOUYE was when he invited me to go with him to the University of Hawaii to debate some issue—and I don't remember exactly what the issue was. Obviously, I didn't know what I was getting into because he had been in the Senate by then a quarter of a century, I believe, and I was new. But I was glad to be invited and felt honored to be invited. So I suppose every Senator here is going to be able to have a lot of memories of Senator INOUYE.

I come to the floor to pay tribute, as we ought to, to our friend. I have heard the tributes paid to Senator INOUYE by his fellow Senators, and that has gone on over the past several hours since his passing. It is a strong testament to the character of Senator INOUYE that his loss as a friend and colleague is so deeply felt. Senator INOUYE impressed many of us with his quiet determination, his dedication to right and wrong, and his sheer decency.

He was a gentle force in the Senate, with emphasis upon ''force,'' but that adjective ''gentle'' is very legitimate. He had a strong work ethic and was very productive on behalf of the entire United States. Also, of course, as all of us do, we have to look out for the people in our States, so he looked out for his beloved State of Hawaii as well.

Because he was restrained in his demeanor, when he spoke he commanded real attention. He was well respected in the Senate for his life-long statesmanship and for his early displays of courage and sacrifice for our country.

Barely out of his teens, Senator INOUYE confronted more tests of his bravery than the vast majority of us will face in a lifetime. He passed those tests with flying colors, and his representation of American interests in the heavy combat theaters of World War II was something he had to pursue. For him, it was not a perfunctory act. Even though he was an eyewitness to the Japanese warplanes flying overhead in their assault on Hawaii, he could not enlist in the U.S. military at the time because he was Japanese American. He and others petitioned our government, and when they were allowed to enlist, he certainly did.

He and his fellow Americans of Japanese descent went on to serve with tremendous skill and heroism. I encourage everyone to read about Senator INOUYE's wartime experience, the medals he won and the bravery he established to win the Medal of Honor.

He teaches all of us about answering the call to duty with determination and without hesitation, just as he did. His example of selflessness and his elevation of common cause over individual interest are especially relevant in these trying times.

In Congress, if we all sacrifice more and worry about self-preservation less, we can accomplish a lot for the country Senator INOUYE fought to save and to serve his people afterwards in the Senate. I am glad to have served with and learned from Senator INOUYE.

I yield the floor, and I suggest the absence of a quorum.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is in a period of morning business.

Mr. LEAHY. I thank the distinguished Presiding Officer. I assume that we are going back and forth.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I would be happy to accommodate other Senators, but I came to the floor to speak for about 10 minutes on the supplemental. I see Senator MCCAIN. I don't know if he came to speak on Senator INOUYE or on the supplemental.

Senator MERKLEY and Senator STABENOW now want to introduce an amendment. Is that appropriate?

The PRESIDING OFFICER. The Senator is correct. That is appropriate.

The Senator from Arizona.

Mr. MCCAIN. Madam President, I would request we do as usual in morning business, back and forth, if that is all right, and I could follow the Senator from Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. If the Senator would yield, the Senators here, the Senators from Oregon and Michigan, just wanted 1 minute to get in their amendment, and then I would speak for a few minutes and then Senator MCCAIN. Would that be all right?

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. LEAHY. Madam President, I am seeing the distinguished Senators from Arizona and others who may wish to speak in morning business.

May I suggest that we close morning business, go back on the bill, and then if somebody wishes to speak, as many do, for our departed colleague, they can always ask consent to go back as in morning business.

I would request that morning business be closed and we go back to H.R. 1.

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 1, which the clerk will now report by title.

The bill clerk read as follows:

A bill (H.R. 1) making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

Pending:

Leahy (for Inouye) amendment No. 3338, in the nature of a substitute.

Leahy (for Inouye) amendment No. 3339 (to amendment No. 3338), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 3367 TO AMENDMENT NO. 3338

Mr. MERKLEY. I ask unanimous consent the Senate set aside the pending amendment and call up my amendment No. 3367.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Oregon [Mr. MERKLEY], for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, and Mr. WYDEN, proposes an amendment numbered 3367, to Amendment No. 3338.

Mr. LEAHY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To extend certain supplemental agricultural disaster assistance programs)

At the end of title I, add the following:

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. (a) Section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) is amended—

(1) in subsection (c)(1), by striking ''The Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012'';

(2) in subsection (d)(2), by striking ''The Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012'';

(3) in subsection (e)(1)—

(A) by striking ''The Secretary'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary''; and

(B) by striking ''per year from the Trust Fund'' and inserting ''for fiscal year 2012'';

(4) in subsection (f)(2)(A), by striking ''the Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012''; and

(5) in subsection (i), by striking ''September 30, 2011'' and inserting ''September 30, 2012 (except in the case of subsection (b), which shall be September 30, 2011)''.

(b) This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SEC. 102. (a) Section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) COVERAGES.—In the case of an eligible crop described in paragraph (2), the Secretary of Agriculture shall operate a noninsured crop disaster assistance program to provide coverages based on individual yields (other than for value-loss crops) equivalent to—

''(i) catastrophic risk protection available under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)); or

''(ii) additional coverage available under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) that does not exceed 65 percent.

''(B) ADMINISTRATION.—The Secretary shall carry out this section through the Farm Service Agency (referred to in this section as the 'Agency').''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking ''and'' after the semicolon at the end;

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i) the following:

''(ii) for which additional coverage under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) is not available; and''; and

(ii) in subparagraph (B)—

(I) by inserting ''(except ferns)'' after ''floricultural'';

(II) by inserting ''(except ferns)'' after ''ornamental nursery''; and

(III) by striking ''(including ornamental fish)'' and inserting ''(including ornamental fish, but excluding tropical fish)'';

(2) in subsection (d), by striking ''The Secretary'' and inserting ''Subject to subsection (l), the Secretary'';

(3) in subsection (k)(1)—

(A) in subparagraph (A), by striking ''$250'' and inserting ''$260''; and

(B) in subparagraph (B)—

(i) by striking ''$750'' and inserting ''$780''; and

(ii) by striking ''$1,875'' and inserting ''$1,950''; and

(4) by adding at the end the following:

''(l) PAYMENT EQUIVALENT TO ADDITIONAL COVERAGE.—

''(1) IN GENERAL.—The Secretary shall make available to a producer eligible for noninsured assistance under this section a payment equivalent to an indemnity for additional coverage under subsections (c) and (h) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) that does not exceed 65 percent, computed by multiplying—

''(A) the quantity that is less than 50 to 65 percent of the established yield for the crop, as determined by the Secretary, specified in increments of 5 percent;

''(B) 100 percent of the average market price for the crop, as determined by the Secretary; and

''(C) a payment rate for the type of crop, as determined by the Secretary, that reflects—

''(i) in the case of a crop that is produced with a significant and variable harvesting expense, the decreasing cost incurred in the production cycle for the crop that is, as applicable—

''(I) harvested;

''(II) planted but not harvested; or

''(III) prevented from being planted because of drought, flood, or other natural disaster, as determined by the Secretary; or

''(ii) in the case of a crop that is produced without a significant and variable harvesting expense, such rate as shall be determined by the Secretary.

''(2) PREMIUM.—To be eligible to receive a payment under this subsection, a producer shall pay—

''(A) the service fee required by subsection (k); and

''(B) a premium for the applicable crop year that is equal to—

''(i) the product obtained by multiplying—

''(I) the number of acres devoted to the eligible crop;

''(II) the yield, as determined by the Secretary under subsection (e);

''(III) the coverage level elected by the producer;

''(IV) the average market price, as determined by the Secretary; and

''(ii) 5.25-percent premium fee.

''(3) LIMITED RESOURCE, BEGINNING, AND SOCIALLY DISADVANTAGED FARMERS.—The additional coverage made available under this subsection shall be available to limited resource, beginning, and socially disadvantaged producers, as determined by the Secretary, in exchange for a premium that is 50 percent of the premium determined for a producer under paragraph (2).

''(4) ADDITIONAL AVAILABILITY.—

''(A) IN GENERAL.—As soon as practicable, the Secretary shall make assistance available to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

''(i) to a 2012 annual fruit crop grown on a bush or tree; and

''(ii) in a county covered by a declaration by the Secretary of a natural disaster for production losses due to a freeze or frost.

''(B) ASSISTANCE.—The Secretary shall make assistance available under subparagraph (A) in an amount equivalent to assistance available under paragraph (1), less any fees not previously paid under paragraph (2).

''(C) ADMINISTRATION.—For assistance provided under this subsection for the 2012 crop year, the limitation in subsection (i)(2) shall be $250,000.''.

(b)(1) Effective October 1, 2017, subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) are repealed.

(2) Effective October 1, 2017, section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall be applied and administered as if subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) had not been enacted.

(c) This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

Mr. MERKLEY. Madam President, I want to be very brief in respect for my colleagues who wish to speak.

This amendment addresses an important disaster that occurred in many places across our country this year; that is, extensive drought and extensive fires.

I have come to this floor a number of times to describe those extensive fires and the damage they did to farmers and ranchers in my home State of Oregon, and I know many others have come to the floor to share their stories.

As we address this extraordinarily important bill to respond to the devastation of Hurricane Sandy, it is only right and well that we also address the disasters that occurred elsewhere in the country earlier in the year. There are five provisions of this program that I am going to leave in the hands of our distinguished chair of Agriculture to address, but I will come back at a further point and speak to them at greater length.

Just suffice it to say, our farmers and ranchers have waited patiently while we have attempted to complete the farm bill. The Senate did extraordinary bipartisan work on the farm bill, but the House has not taken it up. We have not gotten these emergency provisions reauthorized. Now, in the context of the bill before us, it is appropriate that we take action.

I yield for my colleague from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Let me just take a moment and thank Senator MERKLEY, Senator BAUCUS, Senator WYDEN, and Senator MCCASKILL for joining, and I know others will join us as well. We are still working very hard to complete the farm bill and have the House take action. But in the meantime we have disasters that have occurred, and these provisions are lifted directly from what we have already passed in the farm bill that addressed what has happened in terms of livestock, drought, fires, and assistance for fruit tree growers. We will be speaking at a later time about this, but these are essential to be included for thousands and thousands of farmers and ranchers across the country.

I thank my colleagues for allowing us to step in.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Madam President, I am going to truncate my remarks to 5 minutes. I came to speak on the supplemental and the great needs in the Northeast.

Generally, because I know there are other Senators who have other items to discuss, I will come back at a later time for extended remarks. I wanted to come to the floor just to say to all of my colleagues that I hope we can be patient with one another, supportive of the tragedy that is unfolding in the Northeast related to Superstorm Sandy, which I think has caused greater destruction than maybe many people in this Chamber and this Capitol realize.

While Katrina—something that I am very familiar with, a storm that hit us over 7 years ago, in August of 2005—received headline after headline after headline, week after week after week, television station after television station, Superstorm Sandy, because it hit a more dense area that is potentially not as—I don't know—as camera friendly, and maybe because of some of the other things that have subsequently happened, the terrible shooting and other issues in the country, I am not sure the public quite understands how devastating this storm has been for a very important part of our country. I will try to frame it with just a few statistics that might grab people.

In my State, when Katrina hit, in one weekend we lost 18,000 small businesses. To us, it was a nightmare. We have about 1.2 million people in our metropolitan area and 18,000 small businesses represented a tremendous loss. But the businesses that have been lost in New York and New Jersey exceed 300,000. As to homes, we have lost 275,000 homes along the gulf coast. In New York alone we have lost over 350,000 homes, and those numbers are still coming in for New Jersey.

While it is not on the television every night, and CNN is not filming from New York or from New Jersey or any of these communities on a nightly basis like they did from New Orleans and the gulf coast for weeks and weeks, it would be wrong for us in this Congress to underestimate the damage that has been caused to this area.

One thing I wanted to say today is—and I will come back for extended remarks—it is not only the resources that we need to get to this region, $60 billion is not all that the region requested. They requested $90 billion and had good justification for asking for that. The President trimmed back those responses to get to the real core of what was needed for family, for flood insurance, for the Corps of Engineers, for mitigation, for transportation, so that the recovery could get underway in a very balanced and robust way.

It is not all that the region wanted, but it is a large enough package, Madam President, to give hope to people in New Jersey and New York, and, yes, Connecticut, Maryland, and a few other places that were hard hit as well. Then they could begin making plans for recovery.

There are whole towns, portions of towns, communities. I was able to actually get on the ground with Senator MENENDEZ and visit one of the Long Beach communities in New Jersey—I think it was the Long Beach community there—and saw just miles and miles and miles of shuttered businesses, one after another, along that Jersey shore. I just saw a small portion of it that day. It goes on for miles and miles and miles.

Now, just for the next minute or two, yes; insurance is going to cover some of these losses, but insurance is not going to cover it all. In the bill that we are about to talk about, and are talking about now, there is an authorization for $9 billion more for flood insurance. If we don't authorize this $9 billion, which is part of the 60, there will not be flood insurance claims paid to people who have paid into the flood insurance program. They will not be able to get out their legitimate claims. So that is one of the important reasons we should pass the supplemental.

In the final 30 seconds I have—and I will come back and speak longer—there is the mitigation part of this. After Katrina, one of the smartest things we did was to send to the communities on the gulf coast, to mitigate against future storm damage—it was about $14 billion total for several of our large Corps projects. It was a lot of money. People grumbled and complained, but, you know what. They sent it.

The Corps built the project on time and underbudget, and in this last storm that we had, Isaac, which just hit, which people don't even remember—we had a storm in August, the same date as Katrina—there wasn't a drop of water in Orleans Parish or Jefferson Parish except for lower parts of Jefferson, not even in Saint Bernard. Why? Because the mitigation worked.

So the two points I want to make and then, in turn, yield to Senator MCCAIN and others who are on the floor, are this bill is not everything that was requested, but it is robust enough to do the job. No. 2, it has tools in it to help the recovery move faster, more streamlined, more efficiently. And, No. 3, mitigation works.

So as this debate goes on, I know some people are getting hardened hearts about this bill already, but I am asking you to understand that in a catastrophic disaster such as this, regular process won't work, regular appropriations won't work. Supplemental disaster funding is essential, and not just for FEMA but for transportation, for the Corps, et cetera.

I thank Senator LEAHY for his leadership at a very difficult time. I will come back and speak more about this later, but I wanted to get some of these statements in the RECORD as we begin this debate, and I will come back and talk more about the Homeland Security portion of this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

TRIBUTES TO DEPARTING SENATORS

JON KYL

Mr. MCCAIN. Madam President, it is customary in the days before Congress adjourns—and I am still hopeful this Congress will eventually, mercifully adjourn—for Members to offer farewells and testimonials to departing colleagues. I rise today to say a few words about a Senator who is leaving us and whose example I esteem and friendship I have relied on for many years.

Senator JON KYL and I have served the State of Arizona together for a quarter of a century since Jon was first elected to the other body and I to the Senate in 1986. We have worked together in this body for the last 18 years. That is a long time to get to know someone with whom you share responsibilities to the State we are honored to represent, and I have gotten to know Jon very well over these many years. I can also say in all honesty that my admiration for him has grown

every single day I have been privileged to serve with him.

I share that admiration for Jon with the people of Arizona, who elected him to the Senate three times, and would have, I am sure, comfortably elected him to a fourth term had he sought reelection. Arizonans hold him in very high regard for a very obvious reason: He has been a very diligent, very effective advocate for their interests.

I have observed him closely as we tended to issues that might seem arcane and unglamorous to Senators from other States but are among the most important and often the most contentious issues to Arizonans—issues such as land exchanges and water rights settlements. I have never failed to be impressed by the qualities Jon brings to these matters—his unflappable patience, his tireless work ethic, his careful attention to detail, his determination to be fair to all parties involved, and to achieve results that are in the best interests of our State of Arizona.

I have tried to learn from his example, and I wish I could say I have emulated him, but, regrettably, as Arizonans and my Senate colleagues can attest, I still possess a short supply of some of Jon's most conspicuous leadership qualities. His patience, for example, his meticulous preparation and thoroughness are, I am sorry to say, not qualities I will be remembered for, but they have been indispensable to the people of our State. It is fortunate for them and for me that States are represented by two Senators and that Arizonans have had JON KYL here to compensate for my shortcomings.

Jon works harder than almost any Member of Congress I know. We all joke about how we are often required to vote on legislation before we have had time to read it. But it is a poorly kept secret that we rarely, if ever, read from preamble to conclusion any of the bills we consider, even if we have had months to do so. Jon does, though. He reads them. When you debate with him over legislation, you better know what you are talking about, because he does and he is almost always better prepared than you are not only to explain his argument but to explain yours as well. He often writes the bills he sponsors, work that most of us almost happily rely on staff to perform. He takes his responsibilities as the author of legislation literally, rather than figuratively, as most of us do.

It is hard to imagine where he finds the time to hold himself to such exacting standards of responsibility, but he does, often working late into the night after the rest of us have gone home, when he reads bills and writes them and tends personally to the concerns of his constituents. He is a Senator's Senator. He is principled, purposeful, informed, collaborative, and able to get things done by cooperation and compromise without ever sacrificing the principles that motivate his public service. He would rather reason with opponents than insult them. He prefers accomplishments to acclaim.

It is little wonder then why our caucus elected and reelected him to our leadership. He has the complete confidence of every one of us. He is an easy man to trust with leadership responsibilities. He is scrupulous in his attention to his responsibilities and fair-minded in use of authority. He has strong views on issues and advocates for them effectively. But if he can't persuade some members of our caucus to agree with him, he will do all he can to defend our rights to be heard and have our position considered fully by the Senate.

I think Members on both sides of the aisle would testify to Jon's fairness, collegiality, and effectiveness. I think we would all testify too to the credit his service has reflected on the Senate, a place we all love but which we must admit doesn't always function as well or as congenially as we would like, a failing that has not escaped the notice of the American people. Were Jon the kind of politician who worried more about his press than his responsibilities to his constituents, his colleagues, and his country, I think many Americans would recognize him as the kind of Senator they wished there were more of here.

It has been my privilege to work with JON not only on issues of unique importance to the State of Arizona but on many of national importance. We worked together on comprehensive immigration reform in 2007. None of the sponsors of the legislation, including myself and my friend, the late Senator Kennedy, was more instrumental in forging the compromises necessary to put that bipartisan bill together or more diligent and effective in defending it in debate.

I was running for President that year and often away from the Senate. In addition to all the work JON did to write the bill with Senator Kennedy and others, and seek support for it in both Houses, he had to assume many of my responsibilities as well. He did a better job with them than I did, and though we fell short of success, JON deserves none of the blame for failure and much of the credit for making the bill as broadly bipartisan as it was and for providing the framework for what will be the kind of compromise I hope and believe we will get to the President's desk in the next Congress.

Longevity in public office isn't always that important a distinction. I have served one term more than JON and for that minor accomplishment I am referred to as the senior Senator from Arizona. But honestly, I have always looked up to JON as my senior. He has been my leader, my senior partner in much of the work we have done in Arizona, my friend, and one of the people I most look up to in this place, an example of selfless, capable, honorable public service.

He is leaving the Senate, and he will have time now to spend with his lovely wife Caryll, his son and daughter and his grandchildren. He will have more time too to hike his beloved White Mountains. I envy him that. But I think we would all concede the Senate will miss him, and I will miss him particularly.

Thank you, my friend, for your service, your example, and your friendship. It has been a privilege.

I yield the floor.

The PRESIDING OFFICER. The other Senator from Arizona.

Mr. KYL. Madam President, if my colleagues would indulge me for just a moment so I may respond.

I am deeply moved and very appreciative of the remarks of my colleague JOHN MCCAIN. The people of Arizona have been so fortunate to be represented by a very few remarkable people in the State's history—only 10 United States Senators. JOHN MCCAIN is the ninth of those Senators and is as distinguished, if not more distinguished, than any who have served and represented the State of Arizona.

He has set a standard for modern representation after being elected to the House of Representatives. None of the representatives from Arizona were ever the same in their representation. He came home every week, maintained very close contact with his constituents, and set a pace that no one has since matched, let alone exceeded. So in many respects, JOHN MCCAIN has set a new standard for representation.

But he didn't leave it at the State of Arizona. He is a national figure of the first magnitude—one of our great national leaders of the day—and it has been an incredible honor for me to serve with him both in representing the people of our State but also working on the significant issues of the day.

I will confess that some of the more mirthful moments have also occurred on some of the sojourns that Senator MCCAIN has led abroad with our colleague LINDSEY GRAHAM, sometimes Senator JOSEPH LIEBERMAN, and others, and these occasions also will bring great joy to me in my reminiscences, because, obviously, at the end of the day it is friendships probably more than almost anything else we think of when we get toward the end of both career and the end of our life.

Senator MCCAIN was far too generous in his description of my capabilities. I want to thank him for, among other things, the responsibilities he did enable me to undertake, things which, as the senior—and yes, he is senior both in age and seniority—he could have taken unto himself but which he allowed me to do on behalf of the people of Arizona. He was interested in dividing responsibilities in a way the two of us could represent our State and our constituents to the maximum advantage, and I have always not only admired his approach—and the people of Arizona, I would say, should be grateful for that—but it enabled me to be involved in things and to have some extra responsibilities in areas I otherwise would not have. Not all of these

were things Senator MCCAIN wanted to deeply get into, such as the water rights settlements he mentioned. But nonetheless, he has been enormously cooperative on behalf of the people of Arizona in all of those endeavors.

So as I near the end of my time here in the U.S. Senate, I have a lot of different emotions and a lot of things I would like to express. I regret one thing I won't be able to do is to speak on the Senate floor extolling the virtues of my colleague JOHN MCCAIN when he is about to leave, but I assure you and assure him that I will do that from some other place, and that my deep respect for him, my appreciation and my gratitude for what he has said here today, I will try to reciprocate at the time he finally completes his service not only to the people of the State of Arizona but to this Nation of ours, and frankly also to so many people around the world.

For me to have served with him in this body for 18 years is truly an honor, and I thank him for his comments today.

JEFF BINGAMAN

Mr. LEVIN. Madam President, over his time in this body, JEFF BINGAMAN has worn many hats: champion of education, expert on energy policy, steward of our nation's nuclear arsenal, thoughtful voice on national security.

He has approached each of these varied responsibilities with an attitude aimed not at attention-grabbing or point scoring, but at practical, fact-driven problem solving. In the accurate description of the Washington Post, ''Bingaman isn't one to grab the spotlight, but this six-term senator's logical, cerebral approach tends to get things one.''

He has indeed gotten things done, for the people of New Mexico first and foremost, but his practical approach has benefitted Americans from every State. I know first-hand that the people of Michigan have benefitted from his leadership.

I have worked closely over the years with Senator BINGAMAN to preserve programs that are vital to America's manufacturing sector, the heart of my State's economy. His support for the Manufacturing Extension Partnership Program and the Technology Innovation Program has made a major difference in the ability of American manufacturers to research and develop new technologies, to increase efficiency, to improve supply chains and to out-innovate our overseas competitors.

The people of Michigan also have benefitted from Senator BINGAMAN's leadership of the Energy and Natural Resources Committee. He worked with me to enact legislation that has brought significant improvements to Michigan parks and recreational lands. With Senator BINGAMAN's assistance, we have established the River Raisin National Battlefield Park, preserving the site of one of the most important battles of the War of 1812; made major progress toward completion of the North Country National Scenic Trail; enhanced wilderness protection at Pictured Rocks National Lakeshore; and made many improvements at Keweenaw National Historical Park. So, he has played a major role in helping preserve and protect numerous jewels of our State's rich history, culture and natural beauty.

From his post on Energy and Natural Resources, Senator BINGAMAN has been one of our Nation's most influential voices on energy, an issue that affects nearly every aspect of economic and environmental policy. He has worked with skill, intelligence and determination to find practical, bipartisan solutions in an issue area too often dominated by politics and powerful interests. As we seek to strengthen our Nation's competitiveness, his advocacy on renewable energy, energy efficiency and other important topics will yield important advantages.

While we have not had the benefit of his service in this Congress, Senator BINGAMAN served in the past with distinction on the Armed Services Committee. In his committee tenure he chaired the Emerging Threats and Capabilities and Strategic Forces subcommittees. His deep knowledge of science and technology issues was of great value in committee deliberations, in particular during the difficult debate over the Bush administration's determination to invade Iraq. His expertise on energy and nuclear issues gave heft to his skepticism over claims that Iraq had sought to acquire uranium from Niger, claims that turned out to be false.

As the son of two educators, it only makes sense that Senator BINGAMAN would be careful, detail-oriented, and reliant on facts rather than assumptions. And it's no wonder that in addition to his work on energy, defense and natural resources, he has been one of the Senate's most consistent and effective advocates for quality education.

On all of these issues, and so many others, JEFF BINGAMAN has sought solutions and consensus rather than attention and division. His careful, deliberate style, his focus on facts, and his determination to find practical answers to difficult challenges have been of enormous value to the Senate, to the people of New Mexico, and to the Nation. They will be missed in the Senate, and so will he. I wish Jeff and Anne all the best as the move on from the Senate.

RICHARD LUGAR

Madam President, the Senate has traditionally been seen as a moderating force in American politics, as a place where partisan interests give way to practical problem-solving, and where men and women of good will could, while they might often disagree and debate, find agreement on the challenges our nation must face.

RICHARD LUGAR has, for more than 30 years, upheld that Senate tradition. All of us, regardless of party, have great respect for his intelligence, his integrity, and his concern for the good of our country.

We have worked together on many matters. Manufacturing is a vital sector in the economies of both our states, and Senator LUGAR has been a strong supporter of federal programs that benefit manufacturing, including the Manufacturing Extension Partnership, which helps U.S. manufacturers research and develop new technologies, increase efficiency, improve supply chains and out-innovate our overseas competitors. We have worked together on other issues of mutual interest to Indiana and Michigan, including preservation of the Great Lakes and strengthening America's agricultural sector.

These are important contributions. Senator LUGAR's most lasting legacy, however, is likely to be his work protecting Americans, and people all over the world, from the threat of proliferation of weapons of mass destruction. As a Midwestern Senator, he has followed in the finest tradition of Arthur Vandenberg, a Republican Senator from Michigan who famously coined the concept that ''politics stops at the water's edge.''

In 1992, Senator LUGAR joined with Senator Sam Nunn in a bipartisan effort to deal with a pressing national security challenge arising from a major national security success: the collapse of the Soviet Union. While the end of the Cold War made the world a safer place, the splintering of a superpower meant the fearsome Soviet arsenal of nuclear and chemical weapons was now in the possession of 15 separate nations. Many worried, with good reason, that these newly independent nations, struggling in the aftermath of the Soviet collapse, might be unable or unwilling to prevent the misuse or diversion of these weapons.

The answer was the Cooperative Threat Reduction program, more commonly known as Nunn-Lugar, and widely hailed as one of the smartest investments America has ever made in our security. Nunn-Lugar has eliminated more than 7,000 former Soviet nuclear warheads, and nearly 2,500 nuclear-capable missiles. It has secured two dozen nuclear weapon storage sites, and significantly strengthened controls over remaining weapons of mass destruction (WMD) and their deadly materials. As the WMD proliferation challenge has evolved, Senator LUGAR has worked hard to ensure that the Nunn-Lugar program has adapted to meet that challenge, in new regions such as Africa, Asia, and the Middle East. It has, in short, been an integral part of our national security strategy ever since the end of the Cold War, making our nation more secure, keeping us safe.

This is a legacy of which any Senator would be justifiably proud, and it is one on which Senator LUGAR has continued to build. We saw the value of his leadership as the Senate debated and

passed the New START Treaty, and we've seen it in the countless instances when Senator LUGAR has advocated for and helped the Senate approve international agreements that have made our nation, our allies and our planet a safer place.

The Senate will miss RICHARD LUGAR's leadership. I hope that each of us who will return to the Senate in the New Year can keep in mind his legacy of bipartisan leadership and practical problem solving as we confront our nation's challenges.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I appreciate the words of the Senator from Arizona about the Senator from Arizona, and let me say I look forward to sharing some words on the floor at some point in the next few days about my friend Senator KYL. We have disagreed on things in some ways, but, boy, have we gotten to know each other. I respect his service enormously, and I look forward to having a chance to share some thoughts about that.

REMEMBERING DANIEL K. INOUYE

Madam President, I think all of us are aware that too often in public life words like ''good friend'' or ''remarkable colleague'' are used so often they lose a little bit of their impact. But I think we all share powerfully—ever since the majority leader announced the sad news last evening, and we have seen so many come to the floor to talk about Senator INOUYE—in the knowledge that Senator DANNY INOUYE really was all those things and so much more.

He was a quiet man, a humble man, a soft-spoken public servant, but those of us who were privileged to serve for so long with DAN INOUYE know we truly got to know him. I had the privilege of sitting beside him and listening to some of the stories talking about things that were happening in the Senate, and we truly did get to love him and revere him.

It was more than his uniquely American journey—from the trenches of World War II to the Halls of Congress—more than his leadership and moral authority on everything from civil rights to the Watergate and Iran-Contra hearings. It was more than the DAN INOUYE we could read about on paper. It was the man himself, in the flesh, who was bigger than the legend. That is why the Senate is going to feel his loss for a long time.

We often hear the words ''greatest generation.'' Before Tom Brokaw coined the phrase, we knew what it referred to, particularly in the Senate where some of us were privileged to serve with people such as Bob Dole, John Glenn, Fritz Hollings, and so many others.

DANNY was a bridge to that generation—a generation that I revered growing up in the shadows of World War II. I remember talking with my dad and hearing how he had volunteered for the Army Air Corps as war loomed over Europe. He was a pilot flying DC–3s, paratroopers, preparing to go over for the invasion, and he shared with me his regret that he came down with tuberculosis and he was released from Active Duty and, in his perception, never got his chance to defend his country.

I think about just how much more complicated the prospect of going to war must have been for a young DANNY INOUYE—just 21 years old with dreams of becoming a surgeon, dreams interrupted by Pearl Harbor. Here he was, the son of immigrants who came to work in Hawaii's pineapple fields, his entire life he had thought of himself as a patriotic American. Then, suddenly, at a time when across the country young men were heeding the call to duty, DAN INOUYE's own Nation declared him and his family alien enemies. But DAN INOUYE's response was not to pull inward or to leave or forsake his country. His response was to sign up and fight for the country he loved so deeply, even at a time when his government's vision was clouded by the horror of Pearl Harbor.

Fight for his country he did. He put on the uniform and showed us what both he and our country are all about. We know DAN was a hero. We know he lost his arm on the battlefield in Italy. But I never once heard DAN talk about the details of that action that would ultimately result in him being awarded the Medal of Honor. He was a quiet man who never bragged and rarely spoke of himself. But the citation speaks volumes about him and who he became on that bleak April day when Second Lieutenant INOUYE and his platoon mounted a defense of a ridge guarding a critical road junction in San Terenzo, Italy. The citation says, very simply:

> With complete disregard for his personal safety, Second Lieutenant Inouye crawled up the treacherous slope to within five yards of the nearest machine gun and hurled two grenades, destroying the emplacement. Before the enemy could retaliate, he stood up and neutralized a second machine gun nest. Although wounded by a sniper's bullet, he continued to engage other hostile positions at close range until an exploding grenade shattered his right arm. Despite the intense pain, he refused evacuation and continued to direct his platoon until enemy resistance was broken and his men were again deployed in defensive positions.

That was DAN INOUYE. He was a hero whose entire life's lesson was a victory over discrimination and anger. Despite the sting of bigotry at home—he lost his arm for his country and almost his life—rather than being consumed by rancor, he became a voice for reconciliation.

Because of what he had experienced growing up as a Japanese American in what was still a heavily segregated country, DAN always fought to make sure that no Americans ever felt unsafe or unwelcomed. ''This is our country,'' he famously said in his keynote address at the Democratic National Convention in Chicago in 1968.

I still remember that speech. I was riveted watching it on television. I was in the Navy, serving then. I was training before departing for Vietnam. It was strange, the juxtaposition of DAN INOUYE's words and the hope and what he represented to the carnage in the streets, watching what seemed to be a country coming apart at the seams. But there was this young Senator, this decorated World War II veteran who spoke words that were as chilling as they were prescient. He said:

> The true dimension of the challenge facing us is a loss of faith. I do not mean simply a loss of religious faith . . . I mean a loss of faith in our country, in its purposes and its institutions. I mean a retreat from the responsibilities of citizenship.

He went on to say famously:

> This is our country. Its future is what we, its citizens, will make it. . . . Putting aside hatred on the one hand and timidity on the other, let us grow fresh faith in our purpose and new vigor in our citizenship.

Those words would serve us well as we think about the challenges we face right now in the Senate. That is the kind of citizenship and patriotism that DAN INOUYE stood for, not just in 1968 but every day we were tested.

After 9/11, DANNY was as determined as anyone to bring to justice the terrorists who attacked us on that fateful day. The media said it was our Pearl Harbor. DAN INOUYE remembered better than anybody the first Pearl Harbor. He was there. He lived through it. But he also had deep convictions about the historic lessons learned the hard way after the first Pearl Harbor—mistakes he refused to see repeated 60 years later. In the aftermath of September 11, DAN INOUYE sounded a warning. He said:

> I hope that the mistakes and suffering imposed upon Japanese Americans nearly 60 years ago will not be repeated again against Arab Americans whose loyalties are now being called into question.

It was a forceful defense. I think it was heard across the Nation. DAN understood our values aren't just talk. They are about the choices we make, the causes we champion, and the people we fight for. As Dan reminded us in Chicago in 1968, this is our country, and its future is what we, its citizens, make of it.

He was an incredible person. During his long painful recovery at Percy Army Hospital in Michigan, Dan was down to 93 pounds and exhausted. He knew he would never be a surgeon as he once dreamed. He struggled then even to light a cigarette and he wanted to curse at his nurse. Unbowed, she taught him how to light a cigarette with one hand and said simply: ''From now on, you're going to be learning.'' DAN INOUYE did learn. Happily, we can say he also taught. He taught all of us with the power of his example.

During his convalescence at Percy Jones Army Hospital, he met another young lieutenant, a man by the name of Bob Dole. They became fast friends and nursed themselves back to health.

About 2 short weeks ago, two ''greatest generation'' brothers, ailing and approaching their 90th birthdays, DAN

INOUYE and Bob Dole were still here teaching us, teaching us what is worth fighting for. I will never forget seeing DANNY with his oxygen tube walking up to Bob Dole before casting his vote in the hopes of helping disabled veterans when they travel overseas. Here were these two older citizens telling the Senate, through actions and not words, that we have to be better than this place has sometimes been in recent days.

Bob Dole said something about DANNY that has deeper meaning now that he has left us. Bob said, over there in that corner near the door, looking at DANNY:

> He was wounded a week from the day I was and a mile from the place I was wounded, and we ended up in the same hospital. He's a Democrat and I'm a Republican, but parties didn't make any difference.

Those are bonds we ought to learn something from. Those are bonds we ought to do a better job of honoring today in this institution DAN INOUYE loved so deeply.

DAN INOUYE was a special kind of public servant. He walked his own path. He got out of that hospital bed, returned to college under the GI bill, and went on to George Washington University for his law degree. He got himself elected to the Hawaii Territorial Legislature at the ripe old age of 30 and then on to the House of Representatives as Hawaii's first full member after it won statehood in 1959. Just 3 years later, DANNY INOUYE was a Senator, and eventually he would rise to become the highest ranking public official of Asian descent in U.S. history.

I will never forget the critical role he played on the special committees that investigated Watergate in the 1970s and Iran-Contra in the 1980s. I was here during Iran-Contra, a freshman who approached those investigations with a certain zeal. I was in a hurry to find out the truth. But I learned from DAN INOUYE that a good Senator can navigate the path to truth while taking extraordinary care to protect and nurture the national interests. So when DAN famously warned at the Iran-Contra hearings that there exists a ''shadowy government'' that can ''pursue its own ideas of the national interests, free from all checks and balances and free from the law itself,'' we all understood the gravity and truth behind those words because we respected the integrity of the statesman who spoke them.

DAN had a special sense of his own responsibilities as the first Member of Congress from Hawaii. He believed in the Federal Government's ability to make a difference in people's lives. He was chairman of the Senate Appropriations Committee, as we all know. For all the talk in the media about earmarks and pork-barrel spending, we saw in DAN how one Senator could actually advance the interests of their State and articulate a vision for that State which didn't violate anybody's sensibilities about how we ought to be spending a Federal tax dollar. He used his position unapologetically to bring home investments in Hawaii to build roads and bridges and classrooms, all of which changed people's lives on an island that most of us only thought of in the context of a vacation destination. To DAN, it wasn't a resort. It was home. It was people. As the son of a Japanese immigrant who came to work in those pineapple fields, DAN needed to make no apologies about using the Federal Government to make life for the people he represented better.

It was a perspective that endeared him to his colleagues on both sides of the aisle—and no one more so than Republican Senator Ted Stevens. They became like brothers. Theirs was a friendship that stood the test of time. I often heard the stories from DAN or from Ted—whom I got to know well—about how they would travel to various parts of the world to see how America was investing its funds and how their friendship simply grew during the course of those journeys together. Theirs was a friendship that stood the test of time. This place would be a lot better off if we could forge bonds the way DAN and Ted did since the 1960s. They didn't capitulate. They didn't lose their values. They compromised, and they always put what was best—in the case of DAN, Hawaii, and in the case of Ted, Alaska, and in both their cases, the country—ahead of any kind of partisan squabbling.

DANNY INOUYE lived a full and remarkable life, and we will miss him dearly. He was proud of his Japanese heritage, proud of his roots, and proud of his service as a champion of veterans and veterans' rights. He loved our troops. It is fitting that a building at the Walter Reed Army Institute of Research now bears his name.

I often marveled at how hard he fought to regain his health in the face of mounting odds.

He died with no regrets. ''Aloha'' was his last word.

Hawaii misses DANIEL INOUYE, America misses him, and our thoughts are with his wife Irene and his son Daniel Ken, Jr., who is a great friend of my stepson Johnny Heinz, and also the rest of his family at this difficult time.

I yield the floor.

The PRESIDING OFFICER (Mr. CASEY). The Republican leader.

Mr. NELSON of Nebraska. Mr. President, I rise today to recognize the great Senator DANIEL INOUYE. Senator INOUYE was a fine colleague and a good personal friend of mine.

While Congress occasionally drifts without direction, Senator INOUYE was a steady rudder in the Senate. He was the consistent source of quiet, but purposeful and effective leadership.

In an age where the loud crowd often demands center stage, Senator INOUYE was a reminder that the truth is generally seen, rarely heard. He was a man who communicated concisely and precisely just exactly what he intended. Through his actions, Senator INOUYE demonstrated time and time again that he would lead legislative efforts, pool necessary support, and do what needed to be done to best represent Hawaii and advance all Americans.

While he chaired the Select Committee on Intelligence and the Commerce Committee, I worked with Senator INOUYE most during his time as Chairman of the Senate Appropriations Committee. I can attest that during most of our hearings, his very presence drove much of our activity. Through thick and thin, he reliably led many an effort.

Senator INOUYE's addition to the bipartisan group that later became known as the Gang of 14 helped others start to view us as a body with legitimacy and true purpose. DANIEL INOUYE carried the Senate's respect and attention toward us, for which I remain incredibly grateful.

Years back, I was fortunate to travel with Senator INOUYE to Italy as part of a Congressional delegation trip. It was during our time together there that I had one of the strongest emotional responses of my life. In Tuscany near the location where Senator INOUYE was wounded, he visited the gravesites of many of those who served alongside him. Seeing Senator INOUYE mourn and pay tribute to those who had fallen beside him in battle taught me something I could never learn from a book or a classroom. Without saying a word, Senator INOUYE gave me a heightened respect for the shared purpose and camaraderie among those who serve in America's Armed Forces.

Yet while Senator INOUYE had the utmost appreciation for what happened in the past, he did not allow it to stop him from thoroughly enjoying the present. It was on that same trip that the Senator also taught me an appreciation for a solidly-built, handsome pair of shoes. He advised me on the purchase of a pair of oxfords that are as comfortable today as the day I bought them.

Senator INOUYE was a source of personal, policy, and even fashion advice for me, and I cherish the time I spent with him.

America is stronger today because of DANIEL INOUYE. He will be sorely missed by all.

TRIBUTES TO DEPARTING SENATORS

KAY BAILEY HUTCHISON

Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Senator KAY BAILEY HUTCHISON, who will be retiring at the end of the year. Senator HUTCHISON has been a dear friend and colleague for a long time. She has always been ready to offer wise counsel, and I have usually listened.

It is truly bittersweet saying goodbye to KAY. On the one hand, I understand her desire to spend more time with Bailey and Houston; we are all glad she will now be able to cheer from the sidelines at their soccer games. On the other hand, we will miss seeing them practice their corner kicks on the second floor of the Russell building.

By the way, if you have ever been with KAY on one of her early morning power walks, you know where her kids get their energy. I am told KAY has worn out multiple Members of Congress, several staffers, and quite a few others on those walks. And it is a fitting metaphor for her career. There are so many talents in the Senate, it is easy to forget what remarkable stories many of them have. And Senator HUTCHISON's is without question one of the most impressive.

Raised in an era when women were a rarity in politics, KAY forged her own path, kicking open the door of opportunity wherever she went. In the process, she has come to personify Texan independence; which is entirely fitting, since one of KAY's great-great-great grandfathers signed the Texas Declaration of Independence.

KAY's many successes in life are a testament to her personal toughness and determination in the face of what would have seemed like insurmountable obstacles to many lesser talents. Though she was ''brought up,'' as she once put it, ''to be a lady, to have good manners—and to be ready to get married,'' she always excelled in school. And she was one of just a handful of women, out of a class of hundreds, to graduate from her University of Texas law school class in 1967.

KAY hit what she called her ''first brick wall'' after graduation. Law firms in Texas just were not hiring women back then, so she turned to an industry that would give her a chance, becoming Houston's first female news reporter. Indeed, thanks to KAY's success, two competing Houston networks hired female reporters within 6 months of her arrival at KPRC–TV, the NBC affiliate, in 1967. Appropriately, KAY was assigned to cover the Texas Legislature, and she gave it her all.

Having inherited her dad's work ethic, she was soon being encouraged to run for office herself. At the time, few women served in the Texas legislature, and not a single female Republican had ever been elected to the State House. But KAY had an idea: if those law firms were not going to let her interpret the law, she might as well ask her neighbors if they would elect her to make the law. So, at the age of 28, KAY ran for the Texas House. She dispatched her male opponents with ease, becoming one of just 13 Republicans elected that year to the 150-member Texas House. It was a tough transition. KAY says that as a cheerleader at UT, she was not really prepared for the combat of politics. As a cheerleader, she said, she wanted everybody to like her. But she overcame that too. KAY has engaged in a lot of tough battles over the years, and she has won most of them.

One story along those lines relates to KAY's office over in Russell. Anybody who has ever been there knows that it is at the end of on a dead-end hallway, and that at the very end stands a very large flag of Texas. Apparently, when KAY put the flag out, the staff director of the Rules Committee did not like it. He thought it violated a rule, so he mentioned it to his boss, Senator John Warner. Legend has it that Senator Warner nodded gravely—gravely—at the young man and told him he was free to approach Senator HUTCHISON, but that he had no intention of taking on the mission himself. She is tough.

Following her service in the State legislature, KAY worked as a businesswoman before winning election as State treasurer in 1990. Three years later, when Senator Lloyd Bentsen accepted an offer to become President Clinton's treasury secretary, KAY jumped into the race to replace him. Once again, she bested another all-male field to advance to a runoff against Bentsen's appointed successor, trouncing the incumbent Democrat with nearly 70 percent of the vote, and becoming the first woman to represent the Nation's second-largest State in the U.S. Senate.

KAY came to Washington ready to work. She established herself early on as a leader on transportation and NASA, and as a fighter for lower taxes, and smaller, smarter government. KAY won acclaim as an advocate for science and competitiveness, helped secure bipartisan support for the landmark America COMPETES Act, and she became known throughout the State for the close attention she paid to constituents.

Shortly after her election to the Senate, KAY began a tradition—imitated by many others since—of holding weekly constituent meetings over coffee whenever the Senate is in session. The groups usually range in size from about 100 to 150, and at any given coffee you might come across families in Bermuda shorts, bankers in pinstripes, or college football players. Over the years, KAY has hosted about 50,000 people in her office through these coffees, but her attention to constituent service goes well beyond that. Back home, she is one of few politicians in Texas who have actually visited all 254 counties, some of which are home to more cattle than people. And during KAY's tenure, her office has helped broker the rescue of a Texan from atop Mt. Everest, evacuate an oil worker and students during a revolution in Albania, evacuate tourists from Machu Pichu after a flood, and help evacuate workers and missionaries from Haiti after the devastating hurricanes of 2008.

All of us are grateful to Senator HUTCHISON for her work in finally recognizing the hundreds of female Army Air Force pilots—or WASPs—who flew non-combat missions in World War II, so male pilots would be free for combat missions. Thirty-eight of these women lost their lives performing their duties. We thank Senator HUTCHISON for raising awareness of their service and their sacrifice and honoring their memory. Senator HUTCHISON's thoughts are never far from our men and women in uniform. Her office walls are filled with photos of her visits with our troops in Bosnia, Iraq, and elsewhere. In the run-up to the Budget Control Act, she authored a bill to assure servicemen and women would be paid in the event of a government shutdown, recruiting more than 80 cosponsors. She served as chair and ranking member of the Military Construction subcommittee on Appropriations. She was a tenacious advocate for Texas during a series of BRACs, and the results speak for themselves: Today, one out of five Army and Air Force personnel are stationed at military installations in Texas, many of which were once considered likely candidates for closing.

Throughout her Senate career, KAY has worked hard to develop and maintain close relationships with fellow female senators from both parties. As a result of those friendships, KAY helped co-author the book ''Nine and Counting: The Women of the Senate'' in 2000, teamed up with Senator FEINSTEIN to create the Amber Alert system, and co-authored legislation with Senator MIKULSKI to provide stay-at-home moms with the same tax-credit opportunities as working women. One of her proudest achievements was to lead the successful flight to lessen the marriage penalties in our tax code.

As the ranking member on Commerce, Science, and Transportation, KAY has wielded outsize influence, partly due to her strong working relationship with Chairman ROCKEFELLER, who sometimes refers to her as his co-chairperson. And I can say for myself that having KAY at the leadership table has been a tremendous asset as I have navigated challenges over the years.

A truly gifted politician, KAY secured reelection by wide margins in 1994, 2000, and 2006, and still holds the record for most votes in Texas history. One reason is she will work with anyone—even those with whom she might not typically agree—if it helps Texas.

While I know many are sorry to see this giant of Texas politics leave the arena in Washington, I am sure every one of them admires the spirit in which she returns to Ray and the kids and their busy Dallas home. KAY, on behalf of the entire Senate, thank you for your extraordinary service and for your friendship.

I know you won't miss having to answer to that buzzer anymore, but we will miss you. It has been a privilege to serve with you. On behalf of the entire Senate family, I wish you all the very best.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO TOPEKA POLICE OFFICERS

Mr. MORAN. Mr. President, we all know it has been a difficult and tragic couple of days for America. We were so deeply saddened to hear the news from Newtown, CT, on Friday. As a parent,

nothing in life is more important than the protection of our children. The death of a child—there is no recovery from. My heart goes out to all the families who lost loved ones in this unspeakable tragedy.

Last night we learned of the death of our colleague Senator INOUYE.

I want to mention today that just this past Sunday, over the weekend, grief struck the capital city of Kansas, my home State. Corporal David Gogian and Officer Jeff Atherly were fatally shot Sunday in Topeka while on duty. These public servants were investigating drug activities that were allegedly occurring inside a vehicle outside a neighborhood grocery store. As they approached the vehicle and ordered the occupants to get out, a gunman took the lives of both officers. When we lose someone in a community in Kansas, it is not just a name to us, it is somebody we see at our kids' activities at school, somebody we go to church with, somebody we know and care about. These two individuals are that to their friends and family in Topeka and across our State.

David had been part of the Topeka Police Department for 21 years. He spent 13 years as a reserve officer and 8 years as a full-time officer. His service did not begin as a police officer; he had previously served his country in the Kansas National Guard and just recently retired. Police Chief Ronald Miller described David as someone who spent his life in service to his country and to the city of Topeka. David's service to his community was clearly a model to others, including his son Brandon, who followed in his dad's footsteps and serves the Topeka community as a police officer.

The second officer, Jeff, was just 29 years old and had joined the police department last year. Chief Miller said that Jeff was just getting started in his career, and he had his entire life ahead of him.

Jeff grew up in the small community of Carbondale, which is just south of Topeka, and graduated from Washington University in 2009 with a degree in law enforcement. After graduation, Jeff—like his parents Steve and Susan, who are both educators—decided to dedicate his life to public service.

Jeff was known by his friends for his smile, his great sense of humor, and his kind heart. He leaves behind his 3-year-old son Logan.

These two men honorably served their community by faithfully carrying out the duties of a law enforcement officer. Rather than shirk from danger, police officers pledge to face danger with courage, and that is exactly what these two men did.

Inscribed on the National Law Enforcement Officers Memorial here in Washington, DC, are these words:

> It is not how these officers died that made them heroes, it is how they lived.

Today we remember the lives of David and Jeff and their service to the Topeka community. We express our gratitude for their dedication to their community and their country. We remember their families and their loved ones.

I ask that all Kansans—in fact, all Americans—join in remembering David's and Jeff's families in their thoughts and prayers this week. May God comfort them in their time of grief and be a source of strength for them. May He also protect all those who continue to serve us today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

REMEMBERING DANIEL K. INOUYE

Mr. COCHRAN. Mr. President, the Senate and our Nation have lost one of our finest leaders, DANIEL INOUYE of Hawaii. He was an outstanding Senator, a true statesman, a patriot, and a gentleman.

It has been an honor and pleasure to be able to work closely in the Senate with DAN INOUYE as a member of the Senate Appropriations Committee. His service as chairman of the committee—and especially the Subcommittee on Defense—has been marked with consistently strong and thoughtful leadership. He was appreciated for his courtesies to other Members and his seriousness of purpose as he carried out his important responsibilities.

He has also earned the high praise he received from the men and women of the Armed Forces, who are the best equipped and trained military force in the world thanks to his diligent efforts on their behalf.

Senator INOUYE was friendly and kind to all, but he was also a man of resolute courage and strength. He was very successful as an advocate for his State of Hawaii and our Nation. All Americans should be grateful for his service in the Senate.

I yield the floor and suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, Senator LEAHY has been handling this bill for the last 24 hours or so, and I came to the floor earlier to speak about the supplemental. I gave truncated remarks because Senator MCCAIN had personal remarks to make on behalf of his colleague Senator KYL. At this time I would like to reengage in the debate regarding the supplemental for just a few minutes.

I know this day has been back and forth with personal tributes on the floor as well as the debate on the supplemental for Superstorm Sandy. I have come to the floor specifically as chair of the Appropriations Homeland Security Subcommittee, which does have jurisdiction over FEMA, and to say a couple of words about this piece of the supplemental.

I understand that other chairs of the Appropriations Committee have come down to talk. I know there have been discussions with regard to the Corps of Engineers mitigation issues and fishery issues in this bill, which is the subject of Senator MIKULSKI's committee. Senators have talked about housing and urban development, community block grants—that is in HUD—and transportation, which is under the jurisdiction of Senator MURRAY's committee.

I have been pleased and honored to be the chair of the Appropriations Homeland Security Subcommittee for several years now. I am proud we are actually seeing the benefits today of the reforms that were put in place as our first responders respond to literally the worst disaster to hit the Northeast in 50 years.

I wish to address a few things and clarify some numbers for the record. The fact that Hurricane Sandy is not on the news every night and CNN is not broadcasting from the shores of New York and New Jersey does not mean it is over. The news coverage happened for a few days, and then they went to other pressing issues of the day. As new challenges arise, it is natural that the attention of the press will be diverted. The problem is that it may be natural, but it is not necessarily good for people who have lost their homes and their businesses. Without quick action from Congress and robust, definitive, comprehensive support from the Federal Government, these individuals and communities will not be able to recover.

As the Senator from one of the States hardest hit in recent memory from a natural disaster, I am able to testify as an eyewitness to what happened in the aftermath of Hurricanes Katrina and Rita and what is possible in the recovery for Hurricane Sandy.

It has been over 7 weeks since Hurricane Sandy claimed the lives of more than 130 Americans and destroyed—and I want to correct the record—340,000 homes and 200,000 businesses. Just to make a comparison, as a result of Hurricane Katrina, which primarily hit south Louisiana and Mississippi, we lost 275,000 homes. This is 340,000 homes that have been destroyed. That is more than Hurricanes Katrina and Rita. And 200,000 businesses is substantially more businesses that were lost compared to Hurricanes Katrina and Rita, which was about 18,000 businesses. Part of it is due to this area being more densely populated.

The storm was broader in its width and more intense in certain areas. It was broader geographically, and the area is so densely populated. I think it is hard for people from less populated areas of the country to understand how much destruction can be leveled in a certain area. More than 8.5 million families were left without power, heat, or running water. Many of those families have power, heat, and running water now, although not all.

Just this week, I picked up the phone to call my friend Marc Moriel, president of the Urban League. The Presiding Officer knows him very well. He

was a former mayor of New Orleans. The cell phone wasn't answered. Finally, through a couple of connections, I got through to him. Their offices are in New York.

He said: Mary, I am sorry I couldn't get back to you sooner. Our phones are still out from Sandy.

They have not lost their home, but they were out of their home for some time.

As I said before, just because it is not on the news does not mean it is over. There are thousands of small businesses, nonprofits, individuals who, without this package of hope and support, are not going to get back to business to help get their communities back and help get our economy running again. The Urban League is just one example. There are still individuals without phone service, power, et cetera.

It is important for us to understand that insurance proceeds are not going to be enough. Even with a well-insured population, it is not going to be enough to handle the catastrophe that befell this particular area of our country just a few weeks ago.

Over 500,000 people registered for temporary housing and individual assistance. FEMA provided over 14 million meals, over 16 million liters of water, 1.6 million blankets, and 100,000 tarps. DOD delivered 9.3 million gallons of gasoline to 300 gas stations, and over 270 million gallons of saltwater was pumped out of transit tunnels. At the peak of the response, 17,000 Federal personnel and over 11,000 National Guardsmen were involved. The response was robust, quick, efficient, and I think the taxpayers of our country and I know the people of the region are grateful for the new FEMA that showed up. Not everything is perfect. We still have more work to do, but the response was much better than it was during Katrina.

However, that initial response is now over and the recovery must begin. The recovery cannot begin in earnest and no great plans can be made. Neither can Governor Christie nor Governor Cuomo, nor Mayor Bloomberg, nor Mayor Cory Booker or any other mayors, including the mayor of Hoboken in New Jersey, who testified before our committee this week—none of the mayors can get about framing the possibility of recovery without knowing certain things. They need to know that, A, FEMA is going to have enough money to stick with this, which they do not now because they are going to run out of money in the spring; they have to know that FEMA has enough money to go the distance. They don't know that now and, without the supplemental, they won't.

They have to know they have some mitigation money in this bill to repair and fix some of the dunes that were well engineered that protected communities and to rebuild dunes that failed because they were not engineered properly. No one is going to reinvest—or very few people will reinvest—behind a dune that is going to fail again.

There are fisheries communities along the coast and tourism along the coast, much like the gulf coast. So all of these pieces of recovery are very important. We can't send FEMA money without the Corps of Engineers money or without community development block grant money, because the recovery is a holistic recovery. Most people are very smart and many people like to hold on to what money they have left. They can't take the last little bit of their savings to rebuild their house and invest in their business if they don't know the Federal Government has sent money for the dune repair or the Federal Government has sent enough money for their fire station to get up and running. What good is having a business with no fire protection? What good is having a business if there is no grocery store within 30 miles? All of these things work together, and that is what we saw with Katrina. The question is not whether FEMA has enough money; the question is whether HUD has enough money—well, it is important that FEMA have enough money but it is not the only question. FEMA has to have money, but so does HUD, so does Transportation, and so does the Corps of Engineers.

In addition to what is happening along the east coast, nine States and the District of Columbia have been declared major disasters—well, nine States and the District of Columbia, from Hurricane Sandy. It is not just Hurricane Sandy. We had a record number of disasters last year around the country. So, yes, there is some money in this bill for other disasters and if we have to increase or decrease that sum to accommodate some of the interests of the Members, we are going to have to do so to get help not only to the Northeast but to other areas of the country as well.

North Dakota experienced terrible flooding. We were a little bit short on sending money to them and perhaps we should fix that in this bill. There have been some agricultural areas that have been very hard hit. We should fix that in this bill. Americans who pay taxes expect when they have catastrophic disasters for us to step up, and I think that is a good expectation, and I think it is a very fair expectation. When this country went to war over a decade ago, we didn't pay for the $1.4 trillion that it took to secure this Nation from an outside threat. Sometimes threats come right to our front door and we have to be willing to step up and give a small amount compared to the $1.4 trillion we spent in Iraq and in Afghanistan that was not offset. We should be willing to spend a very small portion—$60 billion in this case, over $100 billion for Katrina and Rita, and a few billion here and there. That is not an insignificant amount of money. A billion dollars is a lot of money. It sounds like a lot to anyone listening, but relative to the cost of the war, it is a very small investment in our own country to help Americans who have played by the rules, done everything they were asked to do—they even have insurance—yet, without this bill, there is not enough money in the insurance program to cover their claim when they file it.

If we don't pass this bill, there is not enough money for FEMA to do its job. There is not any money in the Corps of Engineers. There is not enough money for transportation. Taxpayers in the Northeast and around the country deserve our best efforts.

If there is a Member who believes there is something in this bill, whether it is in my section of the bill which is Homeland Security, or whether it is in another—if a Member doesn't feel as though a request in here is justified, please offer an amendment, let us debate it, and maybe we can make some changes or a modification. Unfortunately, I can say from personal experience, from watching the mayors I represent—all 300-plus mayors in the State, dozens of them, their communities were destroyed by Katrina, watching them struggle month after month, year after year, not knowing what money was coming from Washington; whether the levees would get repaired or not; whether there was going to be a community development block grant—I can tell my colleagues it is better to fund this on the front end like this. Give them the money, let them make their plans, and then in a year or two if it is not enough they can come back and we can make some adjustments as opposed to not acting or giving them too little to start. If we do that, the recovery will not get off in a very balanced way and it will cost the taxpayers so much more in the long run.

I am kind of responsible for the FEMA portion, for the flood insurance portion, and for some of the reforms that are represented in this bill. I wish to speak for a minute about those reforms because sometimes it is not just about investing money and giving money from Washington; sometimes it is giving money in a way that saves taxpayers money in the long run or for investing in a way that includes reform. This is not your grandfather's FEMA. This is a new FEMA. We have some new reforms that are authorized in this bill that are going to help the recovery go more quickly, and I wish to talk about that for a minute.

This is a reform-minded supplemental. It is drafted to be a more efficient, more effective, and smarter recovery, saving taxpayers money over time. It reauthorizes two expired pilot programs from the Post-Katrina Emergency Management Reform Act, allows the use of money to repair rental housing units, and to expedite debris removal procedures. If my colleagues have not been a witness to a catastrophic disaster, they cannot imagine the amount of debris generated from either a massive fire or a massive flood. The old rules FEMA operated under were a waste of money, a waste of time, and lost opportunities. So we

have expedited debris removal. We cannot start rebuilding a community until we can get rid of the debris. It sounds like common sense and it is, but there are some bureaucratic hurdles and we are trying to fix those in this bill.

It allows the State to draw on a portion of the hazard mitigation funding from FEMA in order to leverage mitigation opportunities in the reconstruction process. Under the current program, it takes 18 to 36 months for funding to become available. By then, most reconstruction is already completed or underway. This would expedite—sort of forward fund—some of those projects, which is another smart move to save taxpayers money.

It codifies grants on the basis of flexible and fixed estimates for expedited removal of debris. It codifies temporary legislative measures that were connected to facilitate smarter recovery after Katrina and Rita, including third-party arbitration. It removes the penalty on alternative projects, and it allows FEMA to consolidate facilities.

Specifically, if 10 fire stations were lost in an area, instead of FEMA reimbursing each fire station one at a time, they can make a general estimate and receive a global settlement. We did this for our schools in New Orleans. One hundred out of 146 were destroyed. It was one of the smartest things we ever did, because before we passed this reform legislation, FEMA was asking us to count every piece of chalk that was missing, every eraser that was missing, every broken pane of glass, and would only refund the building of that exact building on that exact spot. We were able to have a global settlement where we could reconstruct our schools not to build a school system that had been built for the past century but to build a school system for the next century. That is what makes sense. That is what is in this reform supplemental.

There are better tools, more carefully designed to save taxpayers money and to help expedite a recovery of one of the most important financial centers in the world—not just in the United States but in the world. Every part of this country is important, but this particular part of the country, a lot of the rest of us depend on it operating at full speed, particularly as this recovery moves to our rearview mirror.

Let me say two or three more things. It reduces bureaucratic waste by eliminating the current practice of duplicative agency reviews for the same project. It will allow the rebuilding to, of course, consider environmental needs, but it does not require an environmental review by every agency for the same project. It helps to streamline that, which I think makes sense and honors the environment at the same time.

It includes tribal governments for the first time, which I think is an important addition, and, again, it requires an assessment of Hurricane Sandy's impact on local government budgets in the event they might need to borrow some additional money to continue to operate.

So, again, the $60 billion number is a large number. It is billions of dollars. It is not by any means pocket change, but compared to the money that was outlaid for the wars—$1.4 trillion—when disaster comes knocking at the door in our hometowns, whether it is Hoboken, NJ, or New Orleans, LA, taxpayers who live by the rules and pay their taxes every year expect not a handout, not an easy recovery, but they do expect the Federal Government to step up and at least be a partner in their recovery.

There are local taxes that are going to have to be raised. There are hundreds and thousands of hours of volunteer efforts that go into rebuilding communities. Churches and faith-based organizations show up and do more than their share, but the Federal Government most certainly should step up and help the Northeast and a few other disasters that are still open.

All of this money will come back to us one-hundredfold as these businesses get back up on their feet, start paying taxes again to the community, and hire people who have been laid off. In fact, it creates a little bit of a stimulus boon in those communities, which benefits the tax base as well, as taxes are collected from every business that is reopened. So it is a smart investment for us.

I would recommend to my colleagues if they have specific objections to a specific part of the bill to file an amendment. We can discuss it, we can debate it, and perhaps we can shave a little here or a little there; perhaps there are some things that can be done differently. But this has gone under careful review by the administration and by the different members of the Appropriations Committee on both sides of the aisle, and, of course, vetted and screened by Governor Christie, a strong Republican leader in our country, Governor Cuomo, a strong Democratic leader in our country, and numerous mayors and elected officials have looked at this.

This is not something that was written in the dark of night somewhere by somebody who doesn't understand about disasters. It was carefully crafted for a very strong recovery for the Northeast.

I thank the Members for their suggestions and I look forward to the debate, and hopefully we can get this supplemental done before this Congress adjourns. I think the people of the Northeast and the rest of our country are depending on us to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, is the parliamentary situation in order so I could send an amendment to the desk?

I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to setting aside the pending amendment?

Without objection, it is so ordered.

Mr. MCCAIN. This is McCain-Coburn amendment No. 3355. I ask unanimous consent that Senator COBURN be added as a cosponsor to amendment No. 3355.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. COBURN, proposes an amendment numbered 3355.

Mr. MCCAIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike funding for the emergency forest restoration program)

Beginning on page 2, strike line 16 and all that follows through page 3, line 2.

Mr. MCCAIN. Mr. President, this amendment is a very simple one. It calls for striking the funding of some $58 million for the USDA, U.S. Department of Agriculture, Forest Restoration Program for planting trees on private property. It is actually a farm bill subsidy program that is run by a relatively unknown agency that is called the Farm Service Administration, which is primarily responsible for managing crop insurance.

Under this program, private landowners with about 50 acres of land can apply for up to $500,000 in free grants for tree planting activities. Obviously, this has nothing to do with an emergency, and there is nothing in the supplemental that limits the funding to Hurricane Sandy areas. Under this bill, this $58 million can be used just about anywhere.

I would like to make a few remarks about the bill itself so we have this in the right context.

First of all, I want our colleagues—everyone—to understand there are none of us who do not support—there is no one who does not support—giving the much needed funding as quickly as possible to help relieve the tragedy of Hurricane Sandy, and we believe there are important parts of this appropriations bill that we should pass immediately. But we also believe there are many provisions in this bill that both have nothing to do with Hurricane Sandy and many of the programs in this bill will not even take effect before the year 2015. We are about to reach the year 2013. We cannot consider this much needed appropriation outside the context that we now have nearly a $17 trillion debt, and, obviously, this $60 billion is now going to be added to the debt because none of it is paid for.

Let's be clear about this. Every one of my colleagues on this side of the aisle wants to act quickly to provide much needed relief for the people who have been impacted by the horrible effects of Hurricane Sandy. But we cannot consider this legislation in a vacuum. We are looking at a $17 trillion debt—somewhere between $16 and $17 trillion. We have committed generational theft. We have mortgaged our

children's and our grandchildren's future. So we must be very careful as to how much more of the taxpayers' dollars are spent. For what? When is this money necessary? Those are the questions this body should be asking itself.

I would argue there are a whole lot of billions of dollars in this bill that fit into the categories of, one, not necessary as a result of the impact of Hurricane Sandy and certainly not an emergency situation.

I would like to go over some of the projects that are in this bill, and some of them hold merit. Some of the projects in this bill are very meritorious. It goes way beyond emergency aid and funds projects, as I said. At a time when we face these deficits, we cannot justify this spending. Again, I wish to emphasize some of the projects are meritorious, but they should go through the normal budget and appropriations process, where Congress has time to vet the need for such spending requests.

The CBO examined both the Senate bill and the administration's request and found—and this is from the Congressional Budget Office—64 percent of the funds appropriated under the Sandy supplemental will not be spent until fiscal years 2015 to 2022 and after, therefore, raising concerns about the rush to spend $60.4 billion without any attempt to pay for it.

Two weeks ago, FEMA Director Fugate told the House Transportation and Infrastructure Committee that the Disaster Relief Fund currently has enough money and will not need additional funding until the spring of 2013. CBO's assessment, combined with the statement of Director Fugate, clearly shows we need to pass a Sandy supplemental bill that only includes prioritized disaster aid funding.

I and my colleague from Oklahoma, Senator COBURN, have been examining this bill over the last few days, and I will tell my colleagues, we have not gotten all the way through it. We have not identified a lot of these spending bills—what they are for and where they came from. The appropriators and their staff I always admire. They have turned it into an art form, and our ability to ferret out some of these appropriations has required a great deal of hard work and effort.

We have billions to replace ''Federal assets'' damaged by the storm, including automobiles owned by the Federal Government. The Federal Government currently owns or leases over 660,000 vehicles. Do you think we could find replacements within our own inventory, the current inventory? Shouldn't we focus on providing relief directly to those still trying to rebuild their lives before replacing a bureaucrats' car?

There is $2 million to repair damage to the roofs of museums in Washington, DC, while many in Hurricane Sandy's path still have no permanent roof over their own heads.

There is $150 million for fisheries as far away from the storm's path as Mississippi and Alaska.

There is $125 million for the Department of Agriculture's Emergency Watershed Protection Program, which helps restore watersheds damaged by wildfires and droughts for areas, including Colorado, and, by the way, including my own State of Arizona. That money is needed. It is needed. We are having wildfires across the Southwest and the West in an unprecedented fashion because we are in severe drought, and I want that money for the Department of Agriculture's Emergency Watershed Protection Program. But it has nothing to do with Hurricane Sandy. That is what is wrong with this bill. I will fight for the $125 million that would help my State of Arizona, and I will fight to find ways to pay for it. I will do both. But we are including $125 million for the Department of Agriculture's Emergency Watershed Protection Program, which is several hundred miles away from the path of Hurricane Sandy.

There is $20 million for a nationwide Water Resources Priorities Study. While studies are important, they are not emergencies and should be submitted during the upcoming budget debate.

We badly need a water resources priorities study. There was just a recent study about the Colorado River basin and how we are going to run out of water. But, again, the water resources priorities study is not associated with Hurricane Sandy.

There is $15 million for NASA facilities, though NASA itself has called its damage from the hurricane minimal. One day after the storm hit, NASA's Wallops Island put out a statement stating that ''an initial assessment team surveyed roads and facilities at NASA's Wallops Flight Facility today reporting a number of downed trees but otherwise minimal impact in the wake of Hurricane Sandy.'' Does this mean we need $15 million for NASA's facilities?

There is $336 million for taxpayer-supported Amtrak without a detailed plan for how the money will be spent. Some of the funding will go for repairs. Money will also go to increasing capacity and future mitigation efforts. Amtrak is up and running. We can go right over here—not very far from here—to Union Station and get on Amtrak. It is not apparent why this funding is deemed ''emergency'' spending and included in this spending package. Further mitigation should be debated next year.

The dirty little secret is that Amtrak loses billions of dollars every year. That is because we subsidize unneeded and unnecessary routes. The route on the east coast from here to New York, for example, makes money. But we cling to those routes that neither make money nor does anybody care to patronize.

There is $5.3 billion for the Army Corps of Engineers—more than the Army Corps of Engineers' annual budget. With no clarity as to how the money will be spent. Included in the Senate bill is $50 million in funding for more studies, which will most definitely lead to additional Army Corps projects and a new task force established by executive order.

More projects are not something the Army Corps can handle. They are currently experiencing a backlog of construction and maintenance projects of approximately $70 billion. Furthermore, a 2010 report released by the Government Accountability Office noted that carryover funds have increased ''due to the large amount of supplemental funding the Corps has received in recent years.'' Clearly, supplemental spending on the Army Corps has not paid off.

The bill includes $12 to $13 billion for future disaster mitigation activities and studies, without identifying a single way to pay for it. I think we need future disaster mitigation activities. We need studies. We are experiencing climate situations which we never anticipated. Certainly Hurricane Sandy was never anticipated by any of us. We need the studies. But that is not an emergency to handle the effects of Hurricane Sandy and should come out of normal funding and be paid for. I support these studies. But should they come out of the taxpayers' pocket without a way to pay for it?

There is no justification to include these projects in this emergency spending bill. Waiting to fund these projects until next year during the normal budget and appropriations process, we will have a better understanding of the path forward and reduce the possibility of waste, fraud, and abuse.

There is $10 million to improve weather forecasting capabilities and infrastructure. Mr. President, $10 million to improve weather forecasting capabilities and infrastructure—do we truly need to include that in an emergency funding bill for Hurricane Sandy? As I mentioned at the beginning, at some point we are going to have to start paying for things. At some point we are going to run out of Chinese money. At some point we are going to be like Greece. At some point the American people are going to say ''enough.'' Every American family has to balance their budget. Every American family has to make tough decisions. Why don't we make some tough decisions if we want to have things paid for such as weather capabilities, such as Amtrak, such as replacing Federal assets, buying vehicles when we have 660,000 vehicles in the inventory? Why don't we start making tough decisions?

I often mention that the approval rating we have from the American people is rather interestingly low. The last one I saw was an 11-percent approval rating. No wonder—no wonder—we are about, in a matter of literally hours, to spend about $60 billion of the American taxpayers' money—estimates by some are it should be around $24 billion—without hearings, without the kinds of

scrutiny it deserves in the normal appropriations process.

I understand why we need some of this money in an emergency fashion. But it is akin to the train leaving the station. It is loaded with pork and it is moving and so everybody wants to get on board. It is not the way the Congress should do business.

So, Mr. President, I will ask for the yeas and nays on my amendment, which is to strike funding for $58 million for the tree planting subsidy known as the Forest Restoration Program for planting trees on private property.

The PRESIDING OFFICER (Mr. PRYOR). Is the Senator asking for the yeas and nays?

Mr. MCCAIN. I am asking for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There does not appear to be a sufficient second.

Mr. MCCAIN. OK. Then I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PRYOR). Is there objection?

Mr. MCCAIN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue with the call of the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There does not appear to be a sufficient second.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING DANIEL K. INOUYE

Ms. STABENOW. Mr. President, I rise today, as so many colleagues have done throughout the day, to pay tribute to a tremendous colleague whom we lost yesterday, a friend to all of us, someone from whom we have all learned a tremendous amount, on both sides of the aisle, about how to work together, DANIEL INOUYE of Hawaii. He was an outstanding Senator, a cherished colleague, and a dear friend.

We all know he dedicated his life to serving our country, first as a soldier in World War II where he put his life on the line for our freedoms, for our country, and then as a Member of Congress for 53 years. Senator INOUYE was Hawaii's first Congressman. Think about that, the first Congressman. Today marks the first day in the history of our country that the State of Hawaii has not been represented in Congress by DANNY INOUYE.

He also had a special connection to my home State of Michigan, and Senator LEVIN and I have both been very proud of that fact. He was a patient at a hospital in Battle Creek during World War II where he met Philip Hart and Bob Dole. Can you imagine those three great men coming together serving our country, wounded, doing rehabilitation at a hospital together in Michigan and all going on to be involved in public service as Senators?

That building is still standing. It is no longer a hospital; it is another Federal building. It is our great honor in Michigan to have that building named the Hart-Dole-Inouye Federal Center, honoring all three of these outstanding leaders.

Senator INOUYE was a great mentor for me as well as so many of us in the Senate. Coming to the Senate, he always encouraged me during the elections. He always told me to hang in there, that things would go well and it would be great. He was always a person with a smile on his face, encouraging each and every one of us. He was there encouraging me when we were fighting for our economic lives in Michigan with the automobile industry, saying it was going to be OK, that we would be able to get through it, and that things would be better on the other side. He was right, with the help of so many people here and the President.

He also has consistently said to me: I want to help your city of Detroit. I want to make sure I do everything I can to support that great city. He has been a wonderful friend and supporter on that front as well.

He also received a distinguished honor given by the Arab-American community in Michigan after he helped us establish the first National Arab American Museum. After 9/11 when there were stories of young Arab-American children and girls who were being harassed or attacked while wearing their traditional garb in school, he called up leaders in Michigan to tell them they had his support as a Japanese American, knowing what he had gone through in a very difficult time in our country's history. He showed incredible support to a great part of our Michigan community.

He is beloved by so many around Michigan, but no more than those who are in the Arab-American community who are business leaders, community leaders, who found themselves, just because of their heritage, in very difficult circumstances. He has shown great support to them and was a great role model to them. I was proud to be a part of honoring him a few years ago in Michigan with the highest award coming from that community.

He touched lives everywhere he went. He served with quiet dignity. He had a strong, firm conscience. He has set an example for each one of us. He was a true patriot and a true American hero in every sense of the word. The Senate and the American people will miss him greatly. My thoughts and prayers are with his family this evening.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 3350 TO AMENDMENT NO. 3338

Mr. TESTER. Mr. President, I ask unanimous consent to set aside the pending amendment and call up my amendment No. 3350.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Montana [Mr. TESTER], for himself, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WYDEN, and Mr. BAUCUS, proposes an amendment numbered 3350 to amendment No. 3338.

Mr. TESTER. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide additional funds for wildland fire management)

On page 72, between lines 16 and 17, insert the following:

WILDLAND FIRE MANAGEMENT

For an additional amount for ''Wildland Fire Management'', $653,000,000, to remain available until expended: *Provided,* That such amount is designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); *Provided further,* That, not later than December 31, 2013, the Comptroller General of the United States shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report on new models or alterations in the model that may be used to better project future wildfire suppression costs.

Mr. TESTER. Mr. President, I ask unanimous consent that Senator TIM JOHNSON of South Dakota be added as a cosponsor to amendment No. 3350.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. TESTER. Mr. President, I would like to make a few remarks on amendment No. 3350. This past summer was the third worst fire year in the history of this great country, with over 9.2 million acres burned. Over 1 million of those acres were in the State of Montana. The drought that drove this year's fire season persists and is projected to worsen in 2013, creating conditions for an equally or potentially greater fire season this upcoming year.

This trend is not stopping. Conditions are changing on the ground. I think we are all seeing impacts. I am certainly seeing impacts on my family farms. We are seeing impacts across the forests of this country, and western Montana is no exception.

My amendment with Senator UDALL does two things: First, it provides funding for the difference between the current funding request to prepare for and suppress wildfire and the amount the 2013 fire season is expected to cost; second, it requires GAO to make recommendations on a better model to project the cost of wildfires in the future.

Wildfires are continuing to burn, and burn hotter and faster, larger and earlier, and doing more damage than in past years. We need to assure the resources to address these catastrophic events are there this next year and with a study into the future.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 3276

Mr. REID. Mr. President, the Senate has been considering the supplemental appropriations bill for 2 days now. The Republicans, I am told, are in the process of trying to picture out what they want to do. We have other concerns, as you know. We had the tragedy in Connecticut, and we had the untimely death of our friend Senator INOUYE. But time doesn't stop for anything. It keeps marching on, Christmas is coming. We have a fiscal cliff that is on the horizon. So I hope we can make progress on this bill in the morning. If not, I will be forced to file cloture to try to figure out a path forward on this bill. It has been open for amendment. That is what my friends said they wanted, and that is what they have.

We have the DOD authorization. We need to complete action on that conference report, which has been completed now. We expect they will file tonight or tomorrow, so we need to complete that before the end of the week.

Christman is 7 days from today. We have judicial nominations. We have been making some progress with the district court nominations. We have to do three more before the end of the week. We have executive nominations we need to consider before the end of the week.

FISA is an important piece of legislation. Imperfect as it is, it is what is necessary to help us be protected from the evil that is in the world. We have to complete this before we leave here this week.

Today is Tuesday. Everyone else can do the math just as well as I can about how many days are left.

I ask unanimous consent that at a time to be determined by the majority leader after consultation with the Republican leader, the Senate proceed to consideration of Calendar No. 463, S. 3276; that the only first-degree amendments in order to the bill be the following: Judiciary Committee-reported substitute; Leahy, sunset; Leahy, oversight; Wyden, public reporting; Wyden, backdoor searches; Tester, reverse targeting; and Merkley, declassification of FISA Court opinion; that there be 1 hour of debate equally divided between the proponents and opponents; that upon the use or yielding back of time, the Senate proceed to votes in relation to the amendments in the order listed; that there be no amendments in order to any of the amendments prior to the votes; that upon disposition of the amendments, the bill be read a third time and the Senate proceed to vote on passage of the bill, as amended, if amended.

Mr. President, before the Chair rules, it is pretty easy to figure out how much time this includes. This is the better part of a day—the better part of a day if we got this consent done. So I ask that the Chair approve the consent agreement.

The PRESIDING OFFICER. Is there objection?

Mr. CHAMBLISS. Mr. President, reserving the right to object, and I do intend to object, first of all, I say to the leader, thanks for moving toward the FISA bill because—the Senator is exactly right—this is a bill that must get done before the end of the year so we can make sure our intelligence community is able to gather, in a lawful and legal way, the kind of intelligence that helps keep America safe and secure.

There are two documents; first, a Statement of Administration Policy from the White House where they have agreed to the bill that has already passed the House, and second, a letter from the leadership of the intelligence community—namely, the Director of National Intelligence as well as the Attorney General—directed as the leadership, both of which letters and statements support the House bill.

It is because of that and because of the fact that if the House bill comes through here—and I understand we may have to have debate, may have to have amendments debated, whatever the leader says—but the important thing is that we can hopefully get that bill passed and send it directly to the President's desk.

So I would ask unanimous consent to have printed in the Record the letter from the DNI and the Attorney General dated February 8 as well as the Statement of Administration Policy dated September 10.

Mr. President, I do object.

The PRESIDING OFFICER. Objection is heard.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, September 10, 2012.

STATEMENT OF ADMINISTRATION POLICY

H.R. 5949—FISA AMENDMENTS ACT REAUTHORIZATION ACT OF 2012

(Rep. Smith, R–TX, and 5 cosponsors)

The Administration strongly supports H.R. 5949. The bill would reauthorize Title VII of the Foreign Intelligence Surveillance Act (FISA), which expires at the end of this year. Title VII of FISA allows the Intelligence Community to collect vital foreign intelligence information about international terrorists and other important targets overseas, while providing protection for the civil liberties and privacy of Americans. Intelligence collection under Title VII has produced and continues to produce significant information that is vital to defend the Nation against international terrorism and other threats. The Administration looks forward to working with the Congress to ensure the continued availability of this critical intelligence capability.

Hon. JOHN BOEHNER,
Speaker, House of Representatives, Washington, DC.
Hon. HARRY REID,
Majority Leader, U.S. Senate, Washington, DC.
Hon. NANCY PELOSI,
Democratic Leader, House of Representatives, Washington, DC.
Hon. MITCH MCCONNELL,
Republican Leader, U.S. Senate, Washington, DC.

DEAR SPEAKER BOEHNER AND LEADERS REID, PELOSI, AND MCCONNELL: We are writing to urge that the Congress reauthorize Title VII of the Foreign Intelligence Surveillance Act (FISA) enacted by the FISA Amendments Act of 2008 (FAA), which is set to expire at the end of this year. Title VII of FISA allows the Intelligence Community to collect vital information about international terrorists and other important targets overseas. Reauthorizing this authority is the top legislative priority of the Intelligence Community.

One provision, section 702, authorizes surveillance directed at non-U.S. persons located overseas who are of foreign intelligence importance. At the same time, it provides a comprehensive regime of oversight by all three branches of Government to protect the privacy and civil liberties of U.S. persons. Under section 702, the Attorney General and the Director of National Intelligence may authorize annually, with the approval of the Foreign Intelligence Surveillance Court (FISC), intelligence collection targeting categories of non-U.S. persons abroad, without the need for a court order for each individual target. Within this framework, no acquisition may intentionally target a U.S. person, here or abroad, or any other person known to be in the United States. The law requires special procedures designed to ensure that all such acquisitions target only non-U.S. persons outside the United States, and to protect the privacy of U.S. persons whose nonpublic information may be incidentally acquired. The Department of Justice and the Office of the Director of National Intelligence conduct extensive oversight reviews of section 702 activities at least once every sixty days, and Title VII requires us to report to the Congress on implementation and compliance twice a year.

A separate provision of Title VII requires that surveillance directed at U.S. persons overseas be approved by the FISC in each individual case, based on a finding that there is probable cause to believe that the target is a foreign power or an agent, officer, or employee of a foreign power. Before the enactment of the FAA, the Attorney General could authorize such collection without court approval. This provision thus increases the protection given to U.S. persons.

The attached background paper provides additional unclassified information on the structure, operation and oversight of Title VII of FISA.

Intelligence collection under Title VII has produced and continues to produce significant intelligence that is vital to protect the nation against international terrorism and other threats. We welcome the opportunity to provide additional information to members concerning these authorities in a classified setting. We are always considering whether there are changes that could be made to improve the law in a manner consistent with the privacy and civil liberties interests of Americans. Our first priority, however, is reauthorization of these authorities in their current form. We look forward to working with you to ensure the speedy enactment of legislation reauthorizing Title VII, without amendment, to avoid any interruption in our use of these authorities to protect the American people.

Sincerely,

JAMES R. CLAPPER,
Director of National Intelligence.
ERIC H. HOLDER, Jr.,
Attorney General.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I will continue to work on a path forward. If anyone has any ideas how to help me do that, I would be happy to listen to them, but this is something we must do before we leave here. Christmas is not more important than this legislation. I am sorry, I hope I am not offending anyone, but that is the way it is. We have to get something done on this before the end of the year, and I think we will be walking on very, very thin ice to try to wait until after Christmas to try to move this legislation. It is hard for me to comprehend the potential damage to our country if we do not extend this legislation.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 3368

Mr. COBURN. I ask unanimous consent that the Senate set aside the pending amendment and call up amendment No. 3368.

The PRESIDING OFFICER. Is there objection?

The majority leader.

Mr. REID. I object. I feel somewhat ill at ease here with not having anyone managing the bill at all, but I would hope that my friend will—I will talk to Senator LEAHY, but I am not in a position here to agree with it.

One thing I am not going to do, regardless of what the managers say, is have a big stack of amendments here that we are going to be worrying about. So I don't know where everybody is, but the managers aren't here.

Mr. COBURN. Through the Chair, I would ask the majority leader, he does not want amendments to be made pending for us to debate?

Mr. REID. Mr. President, do we have amendments pending now?

The PRESIDING OFFICER. There are amendments pending.

Mr. REID. How many amendments are pending?

The PRESIDING OFFICER. There is a substitute amendment and four first-degree amendments.

Mr. REID. The Senator is filing a first-degree amendment?

Mr. COBURN. I am.

Mr. REID. One more shouldn't do much damage.

Mr. COBURN. Well, I have five I was going to place pending, and I will be happy to work with the managers.

Mr. REID. I say to my friend again, through you, Mr. President, I am happy to do one, but the managers—I haven't talked to them in the last couple of hours. I am not going to agree to five amendments. I have no idea what is in them. If the Senator wants to lay down one of the amendments tonight, that is fine, but until we have managers on the floor, I am not going to agree to that.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 3371 TO AMENDMENT NO. 3338

Mr. COBURN. I ask unanimous consent that the pending amendment be set aside and that amendment No. 3371 be called up.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The bill clerk read as follows:

The Senator from Oklahoma [Mr. COBURN], for himself and Mr. MCCAIN, propose an amendment numbered 3371 to amendment No. 3338.

Mr. COBURN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure that Federal disaster assistance is available for the most severe disasters, and for other purposes)

At the appropriate place insert the following:

SEC. 52007. (a) Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (in this section referred to as the ''Administrator'') shall review the public assistance per capita damage indicator and shall initiate rulemaking to update such damage indicator. Such review and rulemaking process shall ensure that the per capita indicator is fully adjusted for annual inflation for all years since 1986, by not later than January 1, 2016.

(b) Not later than 365 days after the date of enactment of this Act, the Administrator shall—

(1) submit a report to the committees of jurisdiction in Congress on the initiative to modernize the per capita damage indicator; and

(2) present recommendations for new measures to assess the capacities of States to respond and recover to disasters, including threat and hazard identification and risk assessments by States and total taxable resources available within States for disaster recovery and response.

(c) As used in this section, the term ''State'' means—

(1) a State;

(2) the District of Columbia;

(3) the Commonwealth of Puerto Rico;

(4) any other territory or possession of the United States; and

(5) any land under the jurisdiction of an Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

The PRESIDING OFFICER. The majority leader.

Mr. REID. I would also say to my friend the Senator from Oklahoma that the manager will be here bright and early in the morning. I will call him now.

Mr. COBURN. That is fine. I have no choice but to accede to the Senator's wishes, so I will.

Ms. MIKULSKI. Would the Senator from Oklahoma yield for a question?

Mr. COBURN. Absolutely.

Ms. MIKULSKI. I have a section of this bill, and I wonder if that amendment is relevant to my bill, and I would extend some courtesy.

Mr. COBURN. This is updating per capita damage indicators and the process for determining declarations. Oklahoma has had more declarations declared, but we haven't updated the per capita indicator for a long time, so we have had no increase in that. So what is happening is that it is too easy to get a declaration declared. I am trying to have them update that to where it is more reflective of the true cost.

Ms. MIKULSKI. I appreciate the Senator's advocacy for Oklahoma.

Mr. COBURN. This would actually hurt Oklahoma.

Ms. MIKULSKI. But what I am wanting to say to the Senator from Oklahoma is that my subcommittee deals with coastal impact, so the issue the Senator wishes to raise is with the Subcommittee on Homeland Security.

If it dealt with my part of the bill, I would say—because I know what the Senator is trying to do, and I appreciate it, which is trying to move the Senate forward in an expeditious way.

Mr. COBURN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. We have a bill before us that is $64 billion, and I have spent the last week trying to get the OMB and Department of Commerce the background on all of these requests, and what I can tell you is there is an immediate need for about $24 billion that we ought to be passing through this Chamber to take care of immediate needs over the next 2 years in relationship to this tragedy in terms of Sandy.

Almost every amendment I am going to offer or hope to offer is about transparency, is about limiting who can have access, such as people who are in arrears on their taxes for years and years.

What we learned on the Homeland Security Committee, which has the authorization of most of these programs, which I will become ranking member of, is that out of the $100 billion-plus we spent on Katrina, $11 billion of it got wasted. One of the reasons it got wasted is because we didn't have transparency, we didn't have good-government amendments on it. And we are getting ready to make that mistake again.

So I was asked to come down, by our side of the aisle, to have amendments pending, and now that I can't have amendments pending, I think I will

just talk in general about this bill for a moment, if I might.

There is no one in the Senate who does not want to meet the needs of the people who have suffered from this horrific storm. How we do that is important. Meeting immediate needs in terms of the insurance fund for flooding—that is something on which everybody would agree. Nobody is going to object to that. We are going to be short on that. But also what is important in that is that we should have a provision that if you were in a floodplain and didn't buy the insurance, we certainly should not be ponying up our grandkids' money to pay for you when you chose not to insure it.

The reason that is important—there are two moral principles on why that is important. No. 1 is that we are going to endorse irresponsibility. No. 2 is that if we don't put that provision in this bill, the NFIP is never going to work because in the future everybody is going to say: Don't worry, you don't have to buy the flood insurance. Congress is going to take care of it.

So it is those kinds of good-government things that I am trying to put into this bill, and now I am unable to bring amendments to the floor. There is no reason not to bring amendments to the floor right now.

We are going to pick and choose what amendments we are going to bring to the floor when we have good-government amendments? I am at a loss to know why we would object to good-government amendments.

I understand the majority leader's reasoning. We now have five amendments pending on this bill of $60 billion. You take five or six of the agencies, this bill is going to be more than what all five of those agencies spend in a year, and 64 percent of this bill would not even get obligated until 2015 at the earliest.

I also would remind my colleagues that on this $64 billion bill, we don't have to offset any spending anywhere under the rules. So here we have this $64 billion, when we know we are wasting hundreds of billions every year in agencies throughout this government, and we are going to borrow $64 billion and not do the good-government cleanup, transparency.

One of our amendments is about creating a Web site so everybody can see. One of our amendments is about not having no-bid contracts or sole-source contracts. We have all this experience from Katrina where we know the money was wasted. Yet now we are precluded from putting amendments on the Senate floor that would keep us from wasting that very money in this emergency supplemental bill. It shows the dysfunction of the Senate.

In 2005 and 2006, we would not have had this happen. Amendments would be offered, they would get voted down or embarrassed into not asking for a vote, or withdrawn. Now we are going to pick and choose good-government amendments. In other words, we are saying we don't want good government. We don't want to do the hard work of making things efficient and effective when we go to spend $64 billion.

I don't get it. I don't understand it. Generations will not understand it that follow us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

NEWTOWN, CONNECTICUT TRAGEDY

Mr. TESTER. Mr. President, I rise today to offer condolences to the families and the communities of Newtown, CT, and to offer my condolences to the family of DANIEL K. INOUYE, the Senator from Hawaii.

For nearly a week now, my thoughts and prayers have been with everyone in Connecticut and all those families whose lives have been changed by the murders in Newtown. Like so many Americans, Sharla and I continue to struggle with the news. We prayed for lives that were lost and grieved for their families and their loved ones.

As a former teacher, but more importantly as a father and grandfather, I can't begin to make sense of the violence, especially against children—children, our future, the same age as my grandkids, exposed to the unthinkable actions of an assassin. No one can make sense out of it. I don't think we ever will. But we can offer hope.

We can offer our solidarity as Americans who unify in tragedy to look ahead—shaken with grief but strengthened with courage. In the days and weeks ahead, we will work together to address the unspeakable violence that has hurt our Nation. As a Senator, it is my responsibility to address the growing issue of violence in America, particularly as it applies to schools and public places, and to stand to ensure the safety of our children.

While we mourn the deaths of innocent children and their educators, we must bring ourselves together for an honest, real, national conversation about every aspect of this terrible attack. It will be a difficult conversation, but it is the responsible and necessary next step for the children of this country, for the children of Montana, and I look forward to rising to the challenge.

REMEMBERING DANIEL K. INOUYE

Earlier today, I had the opportunity to sit in the Presiding Officer's chair, and I heard many Members of this body speak of Senator INOUYE. Some spoke of him as a distinguished voice, a Senator's Senator, a great hero, a true patriot, a singularly iconic leader, an incredibly great man, a giant of the Senate, a mountain of Hawaii, and the list goes on and on and on.

You know, they say the hardest thing to get in life is a friend, and the easiest thing to lose in life is a friend. DANNY INOUYE was a friend.

I will never forget when one of my neighbors came out to visit me. DAN's office is right next door to mine in the Hart Building. Now, make no mistake about it, before I came to this body I knew of DAN INOUYE's past as a war hero, as a part of the Watergate investigative committee. He truly was somebody I knew before I got here through the media.

Well, so did my neighbor. After I had been here for a while I started to take DAN for granted. He was just one of us. So my neighbor was here, and we were standing in the anteroom of my office and DAN INOUYE came walking out of his office. My neighbor's eyes almost rolled out of his head and fell on the floor. He wanted to meet DAN. Why? Because he was a great American and he knew it. He knew this was an opportunity he shouldn't pass up.

I stopped into DAN INOUYE's office today and passed along my condolences to the staff and had the opportunity to walk back into DAN's office. One of the things that was pointed out to me was a sugar contract that set right above his chair, right in front of him. It was what he looked at every day when he sat at that desk—a sugar contract his parents had. Why? So he didn't forget where he came from. And all the time DAN INOUYE served in this body he was probably as grounded as anybody ever could be because he never forgot where he came from.

When I first got here, I was trying to get on the Appropriations Committee. I went to visit Senator INOUYE, and he said he would help, and he did.

DAN INOUYE was going to Cody, WY, and he flew into Billings, MT, and drove down to Cody for a veterans event. In doing so, he drove through forests that were brown and dead, and he came back and asked me: What is going on with the forests in Montana?

I said: DAN, I have a bill called a forest jobs and recreation act that will help remedy that problem. DAN's response was: Sign me up as a cosponsor. He was always there to help.

I remember one time in the cloakroom he was telling a war story about after he had gotten his arm blown off. They were laying on stretchers—this was in the 1940s, and medicine has come a long way since then, remember. But they were laying on stretchers, and there were many folks there, many with limbs missing, and he said there was a man of the cloth giving last rights. They came to DAN and DAN said: No, I am not going anywhere. And he stayed with us, thank goodness, and came to the Congress and then to the Senate. What a man. What an incredible man he was.

He always sat at our table at the caucus lunch, and when he came in he referred to me as ''Big One,'' and then proceeded to lecture me as to why I needed to lose weight if I was going to stick around here for a while. I always appreciated that.

Another time we were in his office visiting about some legislation, and out of the blue he asked me how many men I had on staff. I was going down the list counting them when he said: You know how many I got?

I said: No.

He said: I got two because women are better.

That was DAN INOUYE. He also had a connection to probably every State in the Union, and Montana was no exception. He always spoke of Mike Mansfield with great passion.

When I was in his office earlier today I noticed on the wall he had a picture of Ted Stevens, LBJ, Warren Rudman, and, of course, Mike Mansfield. On that picture, Mike Mansfield, then-majority leader, had written to my friend Senator DAN INOUYE: ''With admiration, respect, and affection.''

I can't say it any better.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

REMEMBERING JAMIE ELLIS

Mr. WICKER. Mr. President, I rise tonight to pay tribute to Jamie Ellis, a beloved member of my staff who passed away on Tuesday, November 27, at the age of 65.

Jamie Ellis served his State and country proudly as a constituent liaison in my office in Tupelo. He handled veterans issues, a role he filled with compassion, ability, and integrity. It was a natural fit. Jamie brought to the position his own background of military service and experience as a volunteer Veterans Service Officer for the local chapter of the Vietnam Veterans of America. He had a deep understanding of the unique circumstances our veterans face, and he worked tirelessly to make their lives better. His help and kindness will not be forgotten.

This ability to work well with others was evident throughout Jamie's career, from his years in public service to his success in business. He knew how to lead—a talent that served him well as president of Ellis Brothers Timber and Wonder Wood Products in Mississippi. Before joining my office, he was a valued independent sales agent for Lawson Products in Illinois.

Jamie deserved the respect that veterans and others bestowed upon him. He served in the U.S. Air Force from 1966 to 1970, spending nearly 3 years in southeast Asia, including 1 year in Vietnam. He then served in the National Guard. In his home community of Saltillo, Jamie was a 32nd-degree Mason and Shriner and member of the Saltillo First United Methodist Church.

Helen Keller once said:

> The world is moved along not only by the mighty shoves of its heroes, but also by the aggregate of the tiny pushes of each honest worker.

Jamie was the true and honest worker Ms. Keller describes, and he was a hero to those he helped. There is no doubt his contributions have made the world a better place than he found it.

I am thankful to have known Jamie Ellis and to have had him on my staff. My wife Gayle and I extend our deepest sympathy to his loved ones. To many, Jamie was a fellow veteran and a good friend. To his family, he was a devoted son, husband, father, brother, and grandfather.

Our thoughts and prayers are with his family, especially his wife Judy of 42 years, and their three children and nine grandchildren. He will be truly missed.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

REMEMBERING DANIEL K. INOUYE

Mr. PRYOR. Mr. President, I understand we are in a period of morning business. I wish to offer a few reflections and reminiscence about our dearly departed Senator DAN INOUYE.

Yesterday afternoon I came into the Chamber expecting to vote on a matter or two. I was stunned and devastated to hear the news, as were the rest of my colleagues, that we had lost Senator INOUYE. When I think of what a Senator is and should be, I think of DAN INOUYE.

When I came to the Senate, 10 years ago now, I would say that there were three undisputed giants in this hall. There may have been more, but there were three undisputed giants I think everybody recognized as giants in the Senate. One would be Ted Stevens, one would be Ted Kennedy, and the other would be DAN INOUYE. There is something about those three men, those three Senators, that put them in a class by themselves.

Some of it is the force of their personalities, some of it is their legislative accomplishments, some of it is just their ability to get it done; when the chips are down to have the integrity, to understand the vital role that the Senate plays in our Federal system. I think DAN INOUYE had all of those traits and he also had character. Character is something that is hard to describe, it is hard to quantify, hard to define sometimes, but there is no doubt Senator INOUYE had character.

Yesterday morning I got off the plane. Like many of us I raced into the office. I noticed I had a big bundle of papers waiting for me to look at. I did not have a chance to look at those, I just grabbed those and plopped them on my desk and I thought I would go deal with those later, and later turned out to be the next morning, which is this morning.

I have been thinking about losing our friend DAN INOUYE over the last 12 or 14 hours or so, and I was sitting in my office starting to go through this stack of papers and there at the bottom of the stack I saw a Christmas card that had come from Senator INOUYE and his wife. I thought this Christmas card summed up one of the traits that made Senator INOUYE so special. It is from DAN and Irene—certainly we offer our prayers and our support for Irene right now—but the photo was taken at the Maui Arts and Cultural Center, ''a performing arts facility, providing music, dance and theatrical performances as well as art exhibitions.'' It is about Hawaiian culture and education and there he is on their Christmas card, promoting Hawaii and never stopping in that quest to make us aware of the special nature of that State and the importance of that State and so many of the qualities of that State.

I look at Senator INOUYE's picture on the Christmas card and what I see is that very kind and very generous but also, as our fellow Senators will testify and have testified repeatedly today, that very encouraging face and way of DAN INOUYE.

Actually a year or so ago, on my own initiative, I wanted to know a little bit more about him. It is rare to have a Congressional Medal of Honor recipient in your midst, much more rare to work with that person every day. I had the great fortune and extreme pleasure of being on two of Senator INOUYE's committees, committees he chaired. He chaired the Commerce Committee for a while and he chaired the Appropriations Committee. I served on both of those with him as chair. In both of those, by the way, I saw the great bipartisan working relationship he had. I want to talk about that again in a moment.

About a year or two ago I thought: I want to know more about Senator INOUYE, so I started reading. Of course, you can go to Wikipedia and whatnot, but there are several books available, several resources available where they talk about his life story. Of course, with Senator AKAKA and Senator INOUYE, they were both born in the Territory of Hawaii, not the State of Hawaii but the Territory of Hawaii. When you start to read about DAN INOUYE's young life, you start to think this is an ordinary, average guy. He is going to grow up and be pretty nondescript. Who knows what he is going to do with the rest of his life? But

when he is a youngster he does things such as he parks cars at ball games; he cuts his classmates' hair for money—you know, these little things we all do. He saved his money and bought and trained a flock of homing pigeons. He had a postage stamp collection—all this ordinary American stuff that boys do as they are growing up.

But his life took a dramatic turn on December 7, 1941. He was an eyewitness, like Senator AKAKA—and Senator AKAKA often tells the story but DAN INOUYE was an eyewitness to the bombing of Pearl Harbor. He was too young to join the military at that point, but he was not too young to serve. The way he served was he worked as a medic in the aftermath of that. I read a story about him one time and the only comment he said was he saw ''a lot of blood'' in those days when he worked around the clock to help people.

When he finally came of age to be able to serve, which was a few years later, he joined the Nisei 442nd Regimental Combat Team. For a lot of people, a lot of Americans, we may not appreciate exactly what or who the 442nd is, but it turns out it would become the most highly decorated unit in the history of the U.S. Army. Of course, Senator INOUYE received the Medal of Honor for his service in that unit.

There is one other distinction it has. Almost all the Members were of Japanese descent. So here is this 17-, 18-year-old young man who had eyewitness accounts of very harsh treatments by Americans of Japanese Americans.

One of the things Senator INOUYE did not talk a lot about is that he did some sort of goodwill tour back in the 1940s to Japanese internment camps. He came to the two in Arkansas. My understanding is maybe the members of the 442nd—I am not quite sure how it worked, but they were doing some training or whatever, maybe down in Louisiana. I am not quite sure. But nonetheless they came and they went to the two Japanese internment camps in Arkansas.

He goes on to serve in World War II with tremendous distinction. In fact, there are a few video interviews I would recommend to people that C–SPAN2 ran last night, just unbelievable, some of the stories he told about serving in the war and how it changed his life.

One of the things that I loved about him is how he carried a burden. He carried a burden of those heroic war years with him for the rest of his life. The fact that he had been so effective in war haunted him. It stayed with him, I am sure, until the day he died. I heard him talk about it a few months ago.

He also struggled and suffered with his own type of discrimination because he was a Japanese American. My generation—and certainly people younger than me—take that for granted. We don't discriminate against Japanese Americans. However, during the time of World War II, when a lot of people had never had much experience with Asians and Asian Americans, all they knew was that they had bombed Pearl Harbor, we were at war with them, so they must all be bad.

I remember Senator INOUYE told a story—in fact, it was on PBS for the series called ''The War,'' a Ken Burns movie, where he talked about how he lost his arm and had done his rehab and was headed out to the west coast. It is my understanding he was supposed to catch a ship and go back to Hawaii after his long rehabilitation. Well, he decided to stop in and get a haircut at a local barber shop on the west coast. I believe the barber shop was in Oakland, CA. Here was a highly decorated World War II veteran who had literally almost given his life to this country and would live the rest of his life without his right arm. When he walked in the barber shop, the barber told him bluntly: ''We don't cut Jap hair.'' ''We don't cut Jap hair'' is the kind of thing that stays with you. That is the kind of thing that made Senator INOUYE so special.

I saw him meet with a young man just a few months ago who had also lost his arm. This young man lost his arm to cancer. He introduced himself to Senator INOUYE and said: I have always admired you and respected you because of your disability and what you have done for other people with disabilities. DAN INOUYE looked him square in the eye and said: ''I don't consider it a disability.''

There again, we see his character and get a glimpse of what he was all about.

He was also the first Japanese American to be elected to Congress, the first Japanese American to be sworn in, and the first Japanese American to serve in the Senate. In fact, he was sworn into the House the very same day that Hawaii became a State.

There is a story that has circulated in the House for a decade about his swearing in. He came in at kind of a special time because he won a special election. He was in a class of one to be sworn in over there and Sam Rayburn did the normal swear-in thing. He said, without thinking: ''Raise your right hand and repeat after me.'' Of course, Congressman INOUYE didn't have a right hand at that point; he left it in Italy while fighting for his country.

He broke several barriers, large and small, throughout his life. One of the things I loved about him was his relationship with Ted Stevens. I still remember that their desks were right across the aisle from one another. I remember them working together on all kinds of legislation. They were brothers. Their love and friendship transcended partisan divide. They were totally for the national interest. I think they set a great example for all of us and how we can work together.

They didn't always agree. If we look at their voting record, they voted opposite each other a lot of times, but they worked together and had an exemplary relationship I think we should all follow.

We had Senator INOUYE come to the Senate Prayer Breakfast a few months ago. For those who are watching at home or don't know a whole lot about the Senate, every Wednesday morning we are in session we have a Senate Prayer Breakfast. It is for Senators and former Senators only. When we come together, it is a very special time to share each other's lives and tell stories.

It was a treat to have DAN INOUYE. I believe he lived in Rockville, so it was hard for him to get here so he didn't make it that often, but he came when he could. I have been here 10 years, and I have been going to the prayer breakfast almost that long. He is the only speaker I have seen in the Senate Prayer Breakfast who got a standing ovation before he spoke and a standing ovation after he spoke. That is the kind of Senator and man he was. He had this spirit that oozed from him. No matter what situation he was in, other people respected him so much.

This last story I will tell is one of my favorite stories about him. When he won his reelection back in 2010—I didn't see it, but I heard this—at the podium that night while accepting his election for his ninth term, he announces that he is going to run for his tenth term in 2016. That is part of that indomitable spirit that we will all miss so much about Senator INOUYE.

With that, I want to thank my colleagues for all the wonderful things they have said about Senator INOUYE. I want to lift up his family in prayer. He has a fantastic, wonderful staff, and I know everyone in Hawaii is mourning the loss of this great man.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

DISASTER RELIEF

Mr. MENENDEZ. Mr. President, I rise to respond to some of the comments I heard from my colleagues with reference to the Hurricane Sandy emergency supplemental. Hopefully I can give all of our colleagues—who will be casting a vote here at some point—an understanding as to why we hold a different view than some of the comments that have been made.

One of those comments I will generally put under the rubric we can wait and do something small. Various comments have been referenced in that respect. Some seem to be questioning whether this emergency is worthy of a robust Federal response. They say the cost to help families rebuild and recover is too much and should be reduced. I have heard that in this emergency it is not necessary, and unlike many other similar emergencies in the past, we should do something smaller and wait to do the rest later.

I think those who suggest or make that argument don't seem to understand that a piecemeal recovery is a

failed recovery. We cannot rebuild half of a bridge unless we know the entirety of the money that is necessary is committed, like the Mantoloking Bridge in New Jersey, which I have shown many pictures of. We cannot hire a contractor to ultimately replace an entire sewage treatment system that had enormous amounts of sewage dispersing directly into the Hudson River because it was overcome if we only have half of the funding. We cannot hire a contractor to rebuild half a home or restore half of a community unless we know the money is there and that they can depend upon it in order to finish the project. We need the money in place to rebuild entire projects and entire areas to ensure that families and businesses devastated by the storm can recover.

Right now there are literally tens of thousands of small business owners trying to decide whether to reopen or pack it in. They are in a limbo. They are waiting to see what we, their Federal Government, do to respond to their tragedy. They are making decisions in their lives, their businesses, and everyone who is hired by those businesses. They are frozen and waiting to make those decisions based on whether the government is going to offer them a small business loan at low rates that are competitive with the marketplace and have longer term payments. Will they give them a grant toward rebuilding? What type of other benefits will they be able to derive in order to make a determination of whether they can open their business again? Having just a sense that there is only some emergent money and not the moneys to be able to do that doesn't allow them to open their business. It doesn't allow them to make that decision, and it freezes them in time.

The same thing is true for the person who, as winter is biting in the Northeast, faces the challenges of deciding what they might get from the government as it relates to rebuilding their home. Should they go forth or not? It is as if some of our colleagues don't believe when we describe this tragedy—and I welcome any one of our colleagues who wants to visit us in New Jersey to come with me to see the breadth, depth, and scope of our devastation. I have already taken a number of Members who were willing to go.

I ask my colleagues: Do you think Governor Christie is making this up? Do you think this fiscal hawk of the Republican Party is looking for Federal aid that is not desperately needed? Do you think we made up these photos of the damage? I can assure everyone we did not.

This is a picture taken just at one small part of the Jersey shore. If I could have a continuum that would bring us around this Chamber, it would look exactly like this. This is Ortley Beach. It shows blocks and blocks of homes that have been totally destroyed. It is an image that can be seen up and down the New Jersey coast.

Here is another example in Union Beach. It is half a home, but that whole community was significantly devastated. If we were to see this community, there would be rows and rows of houses reduced to rubble. I think that is the reality of what we have as a continuation of those neighborhoods in Union Beach.

I was talking to the mayor today—as part of a group of mayors—about their challenges, and this is an example of what he is facing throughout his community.

The storm damage is real and the Governor's request for funding is actually $20 billion higher than the supplemental we are debating. It is significant that it is $20 billion higher than the amount we are debating. These requests were scrubbed by OMB from the Governor's original request and gone over with a fine-tooth comb by the Appropriations Committee. Everything in this bill, whether it is about Sandy or something else, is about declared disasters. Now is the time to come to our neighbors' help.

Secondly, there are those who come to the floor and say they are upset about the Army Corps element of this disaster bill and that the budget in this bill is too rigorous. They say that planning and rebuilding for the future is a waste, and that we can have another legislative opportunity to deal with the future. I would submit to those Members who very much care about fiscal responsibility that it is neither efficient, effective, nor fiscally responsible. What should we do, have the Army Corps go back to exactly what existed before? In many cases, what existed before did not sustain those communities, did not withhold the consequence of the surge, and created enormous losses.

We lost over 40 lives. The storm affected over 300,000 homes—30,000 permanently gone.

It seems to me, if we want to be smart fiscally, planning for the future means rebuilding well and rebuilding smart. It means rebuilding in a way that protects us from future storms.

We learned a lot from this superstorm. We know Army Corps coastal defenses work. Where we had them in place, the damage was minimal; where we didn't, there was more devastation, there was more damage, there was more destruction, and more recovery costs.

Stockton College did a study of the Army Corps beach engineering projects before and after the storm, and what it found was unambiguous. Where the Army Corps was able to complete a beach engineering project recently, the dunes helped and damage to communities behind the project was manageable.

Here is a picture taken at Surf City, NJ, right after the storm. This beach received beach engineering in 2007 as part of the Army Corps Long Beach Island Shore Protection Project, and my colleagues can see that despite damage being done to the dune, the dune held and saved lives, saved property, and saved money.

Alternatively, the pictures of Union Beach, which I previously referred to—it is a working-class town that couldn't afford the local match for the Army Corps project, and as my colleagues can see, we have an entirely devastated neighborhood. So we see the fundamental difference: Engineered beaches by the Army Corps, minimal destruction: Those that weren't engineered, maximum destruction; costs, and consequences. Rebuilding the defenses only to the standard that existed before the storm will just give us more of the same in the next storm. If we don't do things differently, we shouldn't expect a different outcome.

In this photo, we also see the homes destroyed by the storm surge. Yes, we can help these homeowners rebuild, but if we don't rebuild smarter, better, and with stronger coastal protections, we will be paying again after the next storm, both in terms of human suffering and Federal funds. The storm crews with the Army Corps of Engineers, academic studies, and local community officials have been telling us for years that beach engineering works. It protects lives. It protects properties. It saves us money in the long run.

Time is of the essence. The severe storm damage caused by Sandy has left New Jersey defenseless. As we enter what is our most vulnerable storm season—the winter Nor'easters—we don't need a Superstorm Sandy to have major consequences all the way up and down the communities throughout New Jersey.

Right now, the Jersey shore is similar to a person with a weak immune system. The storm has destroyed our defenses, and that is why we need to rebuild them quickly. If we don't, a relatively mild storm can cause catastrophic damage.

This is a challenge to us right now—right now. Suggesting the Army Corps budget is not one we need right now and it can wait—these communities can't wait. These communities can't wait. In fact, it will be far more costly to us.

I think we have close to anywhere between $750 million and $1 billion in Army Corps of Engineers projects that have been approved—passed and been approved—but they have not had the funding. So when we add those that would ensure we don't end up like Ortley Beach and that we can recover those like Ortley Beach that have been battered and shattered, then I think it makes critical sense.

Finally, I know there are some who suggest mitigation is not worthy of this disaster. I think I have made the case, in the case of the Army Corps, although the Army Corps is not the only form of mitigation. Mitigation means rebuilding smarter and stronger. Whether it is through a flexible CDBG account that will allow the hardening

of our electrical grid or elevating homes or via traditional Army Corps or FEMA programs, mitigation has long been a part of supplemental appropriations.

In the gulf coast, we spent $16 billion building a world-class storm protection system in Louisiana—$16 billion. In Alabama and Texas, we used CDBG funding to raise homes and improve infrastructure. So much of the public infrastructure in our region that was damaged as a result of the superstorm is eligible for reimbursement from FEMA. There is no disputing that.

The Stafford Act has now been the law of the land for many years, and it says the Federal Government will assume the cost of repairs to critical infrastructure after an event such as Sandy. These communities, when we talk to mayors in Little Ferry and Moonachie—not the Jersey Shore but northern New Jersey and other places that were dramatically hit—when I was visiting them soon after the storm, one mayor said to me, Mayor Vaccaro, I lost my police department, my fire department, and city hall is underwater.

They need to be protecting their citizens. They need to be able to fully depend upon the resources to get back their public safety efforts. It does not make good fiscal sense for Congress to pay to fix our broken infrastructure, which we are legally required to do, without looking to protect our investment and prevent similar costly damage in the future. To me, that makes a lot more fiscal sense at the end of the day. So we will look forward to coming back to the floor again and again as we deal with these issues, but I hope our colleagues understand the urgency of now.

Final point. After Katrina, in 10 days the Congress passed two emergency supplementals that totaled a little over $62 billion for Louisiana, Alabama, Mississippi. It has been 6 weeks—6 weeks, not 10 days, 6 weeks—since the storm hit New Jersey, New York, and the Northeast, and there hasn't been any action. The urgency of now is incredibly important and the urgency of doing this robustly is incredibly important to the recovery of a region that is so important to the economic engine of this country.

TRIBUTE TO DR. JAMES RAMSEY

Mr. MCCONNELL. Mr. President, I rise to pay tribute to my good friend and an extraordinary leader of my hometown of Louisville, KY: Dr. James Ramsey, the president of the University of Louisville. President Ramsey celebrated a milestone for the University of Louisville recently when it was announced that UofL was unanimously welcomed into the Atlantic Coast Conference.

The ACC has a great history, a proud athletic tradition, and is home to some truly astonishing academic schools. Thanks to Jim's work as president over the last decade, the University of Louisville is able to stand toe to toe with any of them, in any of those categories.

Dr. Ramsey is the 17th president of the university, and has held that post since 2002. In his 10 years at the helm, he has worked every day to make UofL one of the very best metropolitan research universities in the country. It is safe to say, he is succeeding.

Since 2002, the quality of UofL's freshman class has improved every year, with the average incoming freshman ACT score rising from 23.2 in 2002 to 24.7 in 2011. The graduation rate has increased nearly 60 percent, and the number of doctoral degrees awarded by the school has more than doubled since 2002.

UofL students are also winning national acclaim and prestigious academic honors. In 2009, UofL produced its fourth Rhodes Scholar, who was also the first woman from UofL to win the award.

In 2010 and 2011, 14 UofL students won coveted Fulbright scholarships, placing UofL among the nation's top 20 Fulbright-producing institutions each year. Since 2003, 68 UofL students have received Fulbright scholarships, which is more than all other Kentucky schools combined.

President Ramsey has created a university culture that is focused on research and innovation. This approach has already led to major milestones in health care, business, and the environment. The Chronicle of Higher Education lists the University of Louisville as the fourth fastest growing research university in the country.

UofL's research funding has doubled from a decade ago, and UofL is one of the country's fastest growing research universities in National Institutes of Health funding.

UofL has also strengthened its ties with the city of Louisville in such a way that this school is an invaluable asset, not just to its students, faculty, and alumni, but to all members of the community. UofL has been a major player in the award-winning Partnership for a Green City with Jefferson County Public Schools and Louisville Metro government.

It has also launched a Signature Partnership Initiative to improve education, health care, social services, and economic opportunity in the city. The school is also reaching out to men and women in the Armed Forces, signing education, training, and research agreements with Fort Knox and the Kentucky National Guard.

All of these accomplishments in the last decade have transformed the University of Louisville from a fine local institution to a superb global one—one able to compete with any school in the quality of its students and the caliber of its research. Exciting things are happening at the university, and we have Jim Ramsey to thank.

I want to salute Dr. Ramsey and congratulate him on his superb leadership of the school I am proud to call my alma mater. He and his wife Jane are fixtures of the community, and Elaine and I are honored to call them friends.

I certainly hope Jim will be at the helm of UofL for a long time to come. I will always look forward to working with him on ways to better the school and the city that we both love.

BUDGETARY REVISIONS

Mr. CONRAD. Mr. President, I previously filed committee allocations and budgetary aggregates pursuant to section 106 of the Budget Control Act of 2011 and, on June 29, I revised some of those levels pursuant to the Budget Control Act. Today, I am further adjusting those levels, specifically the allocation to the Committee on Appropriations for fiscal year 2013 and the budgetary aggregates for fiscal year 2013.

Section 101 of the Budget Control Act allows for various adjustments to the statutory limits on discretionary spending, while section 106(d) allows the chairman of the Budget Committee to make revisions to allocations, aggregates, and levels consistent with those adjustments. The Committee on Appropriations reported two bills that are eligible for an adjustment under the Budget Control Act:

One, the Department of Defense Appropriations Act for 2013 includes $93.297 billion in budget authority that is designated as funding for Overseas Contingency Operations/the Global War on Terrorism. That funding is estimated to result in $50.697 billion in outlays in 2013.

Two, the fiscal year 2013 disaster assistance supplemental includes $55.957 billion in budget authority that is designated as funding either for a disaster, $5.379 billion, or an emergency ($50.578 billion). In total, that funding is estimated to result in $8.974 billion in outlays in 2013.

In addition, I am making corrections to the June 29, 2012, adjustment by removing the off-budget portion of the program integrity funding previously provided for continuing disability reviews and redeterminations.

Consequently, I am revising the budgetary aggregates for 2013 by a total of $148.840 billion in budget authority and $59.302 billion in outlays. I am also revising the budget authority and outlay allocations to the Appropriations Committee by $93.409 billion in security budget authority, $55.845 billion in nonsecurity budget authority, and $59.671 in total outlays.

I ask unanimous consent that the following tables detailing the changes to the allocation to the Committee on Appropriations and the budgetary aggregates be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BUDGETARY AGGREGATES—PURSUANT TO SECTION 106(B)(2)(C) OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 311 OF THE CONGRESSIONAL BUDGET ACT OF 1974

	$s in millions	
	2012	2013
Current Spending Aggregates:		
Budget Authority	3,075,731	2,837,275

BUDGETARY AGGREGATES—PURSUANT TO SECTION 106(B)(2)(C) OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 311 OF THE CONGRESSIONAL BUDGET ACT OF 1974—Continued

	$s in millions	
	2012	2013
Outlays	3,123,589	2,947,257
Adjustments:*		
Budget Authority	0	148,840
Outlays	0	59,302
Revised Spending Aggregates:		
Budget Authority	3,075,731	2,986,115
Outlays	3,123,589	3,006,559

*Includes an adjustment related to the off-budget portion of the program integrity funding previously provided for Continuing Disability Reviews and Redeterminations.

REVISIONS TO THE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011 AND SECTION 302 OF THE CONGRESSIONAL BUDGET ACT OF 1974

	In millions of dollars		
	Current allocation/limit	Adjustment	Revised allocation/limit
Fiscal Year 2012:			
Security Discretionary Budget Authority	816,943	0	816,943
Nonsecurity Discretionary Budget Authority	363,536	0	363,536
General Purpose Discretionary Outlays	1,320,414	0	1,320,414
Fiscal Year 2013:			
Security Discretionary Budget Authority	546,254	93,409	639,663
Nonsecurity Discretionary Budget Authority	509,991	55,845	565,836
General Purpose Discretionary Outlays	1,224,882	59,671	1,284,553

DETAIL ON ADJUSTMENTS TO FISCAL YEAR 2013 ALLOCATIONS TO COMMITTEE ON APPROPRIATIONS PURSUANT TO SECTION 106 OF THE BUDGET CONTROL ACT OF 2011

	$s in billions				
	Program integrity	Disaster relief	Emergency	Overseas contingency operations	Total
Department of Defense:					
Budget Authority	0.000	0.000	0.000	93.297	93.297
Outlays	0.000	0.000	0.000	50.697	50.697
Disaster Assistance Supplemental*:					
Budget Authority	0.000	5.379	50.578	0.000	55.957
Outlays	0.000	0.538	8.436	0.000	8.974
Total:					
Budget Authority	0.000	5.379	50.578	93.297	149.254
Outlays	0.000	0.538	8.436	50.697	59.671
Memorandum 1: Breakdown of Above Adjustments by Category:					
Security Budget Authority	0.000	0.000	0.112	93.297	93.409
Nonsecurity Budget Authority	0.000	5.379	50.466	0.000	55.845
General Purpose Outlays	0.000	0.538	8.436	50.697	59.671
Memorandum 2: Cumulative Adjustments for FY 2013 (Includes Previously Filed Adjustments):					
Budget Authority	1.050	11.027	50.578	95.844	158.499
Outlays	0.907	0.941	8.436	51.772	62.056

Note: This table reflects the FY 2013 impact of the Disaster Assistance Supplemental. The ten year impact is $60.4 billion in budget authority and $59.118 billion in outlays.

OBJECTION TO S. 2215

Mr. COBURN. Mr. President, I intend to object to any unanimous consent agreement to proceed to or dispose of Calendar Number 536, Senate Bill 2215, a bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes.

TRIBUTE TO CARYN WAGNER

Mrs. FEINSTEIN. Mr. President, I wish to recognize today an extraordinary public servant and a dedicated leader of the U.S. intelligence community, Ms. Caryn Anne Wagner, the Under Secretary for Intelligence and Analysis—I&A—at the Department of Homeland Security. After 30 years of devoted Federal service, Caryn came out of retirement in 2010 when the President nominated her to the Under Secretary position. She was confirmed for this position and has proven herself a manager and leader of what had been a troubled agency. After nearly 3 years in the job, Ms. WAGNER will retire again on Friday, December 21. I am sorry to see her leave but wish her the very best as she prepares for her next chapter.

I came to know Caryn when she was nominated to be the Under Secretary for Intelligence and Analysis. Since then, she has drawn on the depth and breadth of her experience in the intelligence community and the Congress to build the foundations of a Homeland Security intelligence office that will long outlast her tenure. The mission of I&A is to provide the Department of Homeland Security with the intelligence and information it needs to keep the homeland safe, secure, and resilient and to bring to the intelligence community the information and analysis from the Department's thousands of officers posted at our Nation's airports, borders, and numerous other places around the world. It also informs and empowers State, local, and tribal governments and law enforcement on the frontlines of our homeland defense against terrorism.

Caryn's many years of experience in the intelligence community, combined with an indepth knowledge of the National Intelligence Program, collaborative instincts, and insightful thinking on intelligence matters have been key components of her success. She previously held senior positions involving oversight of the collection and analysis of intelligence to include: the Director of Analysis and Production and Director of the Military intelligence staff for the Defense Intelligence Agency, where she was responsible for development and management of the General Defense Intelligence Program; the Defense Intelligence Agency's senior representative to the U.S. European Command and North Atlantic Treaty Organization—NATO—Assistant Deputy Director of National Intelligence for Management and the first chief financial officer for the National Intelligence Program; as well as the Executive Director for Intelligence Community Affairs. In that role, she was responsible for the Community Management staff, which provided strategic planning, policy formulation, resource planning, program assessment and budget oversight for the intelligence community. Adding to her experience in the executive branch, she also served for a brief time in the private sector, where she provided support to military operations, intelligence planning, and intelligence systems architecture development. She also served our Nation in uniform for 8 years as a signals intelligence and electronic warfare officer in the U.S. Army, and in the Congress as budget director for the House Permanent Select Committee on Intelligence.

But I want to note in particular her role as Under Secretary in the Department of Homeland Security. Caryn stepped into a relatively new organization that had some notable problems,

to include an unclear mission, a shocking overreliance on a workforce in which government contractors outnumbered employees, and major shortfalls in office budgeting and spending. Drawing upon her considerable experience, Caryn was able to shape I&A's personnel structure to match as closely as possible that of the larger intelligence community; thereby greatly decreasing the number of contractors, flattening the Federal grade structure, and moving junior and midgrade personnel into career ladder positions. She also addressed and conquered basic management challenges that had previously gone unnoticed and unaddressed. As a result, I&A now has a functioning process to develop a budget request and execution plan; procedures in place for hiring and training qualified personnel; and procedures for identifying the need for policies, then writing, publishing and enforcing them.

While overseeing the Department of Homeland Security's intelligence functions, Under Secretary Wagner has promoted information sharing and engagement with State, local, and tribal partners and has championed the consolidation of the Department's counterintelligence mission. In the critical area of cyber security, Caryn has overseen I&A's close collaboration and analytic support to the Department's National Protection and Programs Directorate.

Under Secretary Wagner has approached every issue with a pragmatic and professional approach that should be a model for all who follow her.

I would also like to note that over the past year or so, I have had a series of dinners and informal gatherings with senior women in the intelligence community. In that context, I have gotten to know Caryn on a more personal level, and I hope that we will continue our friendship after her retirement.

Our Nation owes this public servant a tremendous debt of gratitude. I wish to thank her on behalf of the committee for her decades of exceptional service to our country and to wish her and her husband Chad the very best in the days and years ahead. Caryn can at long last dedicate more time to her love of gardening, travel, theater going and fine dining, and I wish her all the very best.

ADDITIONAL STATEMENTS

CELEBRATING 100 YEARS OF CALIFORNIA RICE PRODUCTION

• Mrs. BOXER. Mr. President, today I would like to commemorate the centennial of commercial rice production in California. What began as an experimental crop in the Sacramento Valley has become a more than billion-dollar industry for our State and an exceptional agricultural product enjoyed by consumers worldwide.

Rice was introduced in California during the Gold Rush, when immigrants traveled to the State in search of fortune and a better life. As early as 1870, European and Asian settlers began to experiment with different varieties of rice that they had grown back in their homelands. After attempts to grow long grain rice were unsuccessful, the USDA concluded that California's climate would be more amenable to a Japanese medium-grain variety known as Kiushu. When Kiushu failed to thrive in southern and coastal areas of California, it was discovered that the Sacramento Valley had the most ideal soil and climate conditions for the high-quality Japanese varieties of rice. By 1908, Kiushu rice was successfully being grown in the community of Biggs in Butte County. The California Rice Experiment Station, established in Biggs in 1912, has helped farmers perfect the short- and medium-grain rice crop for the last century. More than 95 percent of the State's rice is grown in the Sacramento Valley region of California.

Rice has become one of the State's top agricultural exports. According to the California Rice Commission, California rice is used in nearly every roll of sushi made in the United States and represents more than 30 percent of the Nation's rice exports to countries such as Japan, Taiwan, and Korea. This year's crop is expected to yield 5 billion pounds and represents $1.8 billion in economic value.

In addition to supplying consumers with this fine agricultural product, California rice fields serve as an important habitat for migratory birds along the Pacific Flyway. After the fields are harvested in the fall, growers flood them to create feeding grounds that yield nearly 60 percent of the food needed by 10 million waterfowl each winter.

I congratulate California's 2,500 family rice farmers on this centennial of successful rice production, and organizations such as the California Rice Commission and Farmers' Rice Cooperative that have worked to promote and export this fine product all over the world.•

TRIBUTE TO HARRY E. LEGRAND

• Mr. BURR. Mr. President, I would like to recognize Harry E. LeGrand, a native North Carolinian, for his contributions to his State, his Nation, and the scientific community, particularly in the area of groundwater research and how the disposal of contaminated waste can affect our water supplies.

Born in 1917 in Mebane, NC, Harry graduated from the University of North Carolina at Chapel Hill with a B.S. in geology. He was working as a geologic aide when he answered his nation's call to duty and served as an officer of the First Army in the European Theatre of World War II which included service stretching from the Normandy invasion to the Battle of the Bulge.

Harry returned home after his valiant service to our country and married Undine Nye. Throughout his life both personally and professionally, Undine provided Harry with love and support and traveled with him on many geology trips, providing a sense of home even in far away places.

When Harry went to work for the Ground Water Branch of the United States Geological Survey, USGS, he quickly noticed something that would follow him throughout his career—the lack of comprehensive records and data related to his field of study. Despite the fact that incomplete and imprecise data was a constant in his professional career, Harry saw this as an opportunity rather than an impediment and stated in an autobiographical article that ''working with imprecise data can be a blessing because it prompts clear reasoning that can lead to useful deductions.'' Where many people would see nothing more than a roadblock Harry saw opportunity, and the work he accomplished to fill in the many holes in available information and build on the data that did exist led to practices still heralded and in use today.

Harry's work in those years focused primarily on groundwater in the fractured igneous and metamorphic rock in the Piedmont of North Carolina, and he discovered a useful system for locating high-yielding wells based on topography and soil thickness. During the 1950's, Harry worked with the USGS's Office of Radiohydrology to identify potential deep-well disposal sites for low-level radioactive material and was named head of the Radiohydrology Section in 1960. It was in this capacity that he became more interested in groundwater contamination and laid the foundation for future research of the role and impact of natural attenuation. Ever curious and eager to further knowledge on subjects that were under-researched, Harry soon turned his attention to karst hydrology. After much travel, research, and field work, Harry and his fellow Americans serving on the Karst Commission of the International Association of Hydrogeology laid the basis for useful generalizations that would have worldwide application. Harry's retirement did not slow him down and in 2004, 3 decades after leaving the USGS, Harry wrote a report that serves as a master groundwater conceptual model for sites in the igneous and metamorphic terrain of North Carolina.

Harry spent his life pursuing fields of study that were largely under-researched at the time and, in many cases, offered little in the way of solid data upon which to build. Despite, or perhaps in spite of that, Harry pushed forward with research that furthered development in these fields and provided a solid foundation for research to come. While the worlds of geology and groundwater research might feel foreign to many of us, Harry identified many shared qualities between aquifers and human beings, and he expressed these commonalities in poetry. As if

his work on the subject wasn't enough, his real legacy might be introducing others to the underground waterscape that exists beneath our feet and inspiring future generations to continue to explore the natural world in which we live.●

TRIBUTE TO JUDGE PAT SHAW

● Mr. WYDEN. Mr. President, the job of a county judge in an Oregon county is a tough one. In addition to serving as the chief elected officer and manager of the county, the county judge serves as judge of the probate court and the juvenile court.

There is no other elected official in Oregon that demands so much of one person.

Pat Shaw, of Gilliam County, has served in this role for 6 years and during this time she has been a superb example of what a county judge ought to be.

Pat has administered the county, managing the budget with aplomb. She has gone toe to toe with State and Federal agencies and made tough decisions in juvenile and probate court. No one can claim that her plate has not been overflowing and yet she has always taken time to go the extra mile for her community.

Pat has served Gilliam County for 30 years, including 16 years as county assessor. Her colleagues thought so much of her that she was chair of the Oregon Assessors Association for 7 years. She also served a stint as secretary to the Gilliam County Fair Board. Anyone who serves on a fair board knows how tough a job that can be.

Pat has also been part of a three-county group, the county judges of Gilliam, Wheeler, and Sherman Counties, which have tackled problems on a regional basis. Together, these counties have been among the best in the State. Gilliam County houses a regional communications system that is the envy of the rest of Oregon. It provides 9-1-1 services and communications to law enforcement throughout eastern and central Oregon. The system, called Frontier TelNet, also provides education and broadband services for their residents.

The three counties, along with their education service district, created the communications system because no one else wanted to provide services to these very rural counties. When no one else would help, they stepped up and figured out how to get it up and running. And while Pat wasn't county judge when the system was started, she has been key to keeping it running at such a high level.

She has also been in the forefront of bringing wind energy to Gilliam County, and working to improve her county's economy, education and public safety.

Pat is not retiring because she is tired of serving Gilliam County. Oregon requires judges to retire at age 70. As a county commissioner, she could serve as long as the voters wished her to serve, but because she has judicial duties, Oregon law requires her to step down.

In this case, that is a shame. In Pat Shaw, we have the very definition of what a public servant should be. Gilliam County and I will miss her as a county judge, but I am sure Pat will find some other way to continue in public service.●

MESSAGES FROM THE HOUSE

At 11:07 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4606. An act to authorize the issuance of right-of-way permits for natural gas pipelines in Glacier National Park, and for other purposes.

The message also announced that the House has passed the following bill, without amendment:

S. 3193. An act to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes.

ENROLLED BILLS SIGNED

At 2:18 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H. R. 6116. An act to amend the Revised Organic Act of the Virgin Islands to provide for direct review by the United States Supreme Court of decisions of the Virgin Islands Supreme Court, and for other purposes.

H. R. 6223. An act to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization, and for other Purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. LEAHY).

ENROLLED BILL SIGNED

At 6:27 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 3193. An act to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. LEAHY).

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on Appropriations:

Special Report entitled ''Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2013'' (Rept. No. 12–09252).

By Mr. CASEY, from the Joint Economic Committee:

Special Report entitled ''Report of the Joint Economic Committee Congress of the United States on the 2012 Economic Report of the President'' (Rept. No. 112–09253).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 3689. A bill to establish a grant program to encourage the use of assistance dogs by certain members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 622. A resolution notifying the House of Representatives of the election of a President pro tempore; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 623. A resolution notifying the President of the United States of the election of a President pro tempore; considered and agreed to.

By Mr. AKAKA (for himself, Mr. REID, Mr. MCCONNELL, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 624. A resolution relative to the death of the Honorable Daniel Ken Inouye, Senator from the State of Hawaii; considered and agreed to.

By Mr. CONRAD:

S. Con. Res. 63. A concurrent resolution correcting the enrollment of S. 2367; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Con. Res. 64. A concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Daniel K. Inouye; considered and agreed to.

ADDITIONAL COSPONSORS

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 2347

At the request of Mr. CARDIN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 2347, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 3458

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3458, a bill to require face to face purchases of ammunition, to require licensing of ammunition dealers, and to require reporting regarding bulk purchases of ammunition.

S. 3655

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3655, a bill to provide enhanced disaster unemployment assistance to States affected by Hurricane Sandy and Tropical Storm Sandy of 2012, and for other purposes.

S. 3678

At the request of Mr. TOOMEY, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 3678, a bill to help ensure the fiscal solvency of the FHA mortgage insurance programs of the Secretary of Housing and Urban Development, and for other purposes.

S. RES. 574

At the request of Ms. AYOTTE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. Res. 574, a resolution calling on the United Nations to take concerted actions against leaders in Iran for their statements calling for the destruction of another United Nations Member State, Israel.

S. RES. 613

At the request of Mr. LIEBERMAN, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. Res. 613, a resolution urging the governments of Europe and the European Union to designate Hizballah as a terrorist organization and impose sanctions, and urging the President to provide information about Hizballah to the European allies of the United States and to support to the Government of Bulgaria in investigating the July 18, 2012, terrorist attack in Burgas.

S. RES. 618

At the request of Mr. LEVIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. Res. 618, a resolution observing the 100th birthday of civil rights icon Rosa Parks and commemorating her legacy.

AMENDMENT NO. 3344

At the request of Mr. BINGAMAN, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of amendment No. 3344 intended to be proposed to H.R. 1, a bill making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY:

S. 3689. A bill to establish a grant program to encourage the use of assistance dogs by certain members of the Armed Forces and veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. KERRY. Mr. President, today, I am introducing the Senior Airman Michael Malarsie Act to increase the number of assistance dogs available to disabled servicemembers and veterans.

I met Senior Airman Malarsie earlier this year, and his story and perseverance have inspired this legislation. In 2008, during a deployment to Afghanistan, Senior Airman Malarsie was seriously injured and blinded by an improvised explosive device. Blinded in both eyes, Senior Airman Malarsie was placed on a waiting list for several months before he was paired with his guide dog, Xxon. Only through generous donations totaling $45,000, Senior Airman Malarsie was able to receive a guide dog. Unfortunately, too often our wounded warriors must wait several months before receiving assistance dogs. According to Assistance Dogs International, last year there was a backlog of 188 veterans waiting for placement. I strongly believe we must do more so that they do not wait months for a trained assistance dog.

The bill will create a joint grant program between the Department of Defense and Department of Veterans Affairs to assist qualified assistance dog agencies provide trained dogs to covered servicemembers and veterans. The competitive grant program would be used for dogs that assist with specific disabilities such as hearing loss, mobility loss, visual impairment, and post-traumatic stress disorder and traumatic brain injury. A portion of each grant would be used for evaluation to ensure that grant funds are being used properly and that each member or veteran is provided with best trained dog possible. This bill authorizes $15 million for the competitive grant program.

The number of veterans who require the assistance of assistance dogs is expected to increase as military members returning from combat are diagnosed with disabilities. The non-profit organizations that train and provide the service dogs free of charge to veterans cannot keep up with the surge of returning wounded warriors. Each service dog can cost up to $45,000 to train, and assistance dog organizations must rely on grants and the generosity of individuals, foundations, and corporations for funding. Through a competitive grant program, this bill will increase the number of assistance dogs available for veterans and active-duty members and decrease the waiting time for disabled warriors waiting for assistance. We must do more than watch as our servicemen return home from war and are forced to wait several months for an assistance dog simply due to a lack of funds.

A number of organizations are supportive of this bill, including the Iraq and Afghanistan Veterans of America, the Disabled Veterans National Foundation, The Retired Enlisted Association, and Military Exits.

I look forward to continued progress in assisting our wounded warriors and ask all of my colleagues to support this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 622—NOTIFYING THE HOUSE OF REPRESENTATIVES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. REID of Nevada (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 622

Resolved, That the House of Representatives be notified of the election of the Honorable Patrick J. Leahy as President of the Senate pro tempore.

SENATE RESOLUTION 623—NOTIFYING THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF A PRESIDENT PRO TEMPORE

Mr. REID of Nevada (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 623

Resolved, That the President of the United States be notified of the election of the Honorable Patrick J. Leahy as President of the Senate pro tempore.

SENATE RESOLUTION 624—RELATIVE TO THE DEATH OF THE HONORABLE DANIEL KEN INOUYE, SENATOR FROM THE STATE OF HAWAII

Mr. AKAKA (for himself, Mr. REID of Nevada, Mr. MCCONNELL, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 624

Whereas Senator Daniel K. Inouye served the people of the State of Hawaii for over 58 years in the Territorial House of Representatives, the Territorial Senate, the United States House of Representatives, and the United States Senate;

Whereas Senator Daniel K. Inouye became the first Japanese American to serve in both the United States House of Representatives and the United States Senate;

Whereas Senator Daniel K. Inouye represented the State of Hawaii in Congress from before the time that Hawaii became a State in 1959 until 2012;

Whereas Senator Daniel K. Inouye served as the President Pro Tempore of the United States Senate, Chairman of the Committee on Appropriations, Chairman of the Subcommittee on Defense, the first Chairman of the Senate Select Committee on Intelligence, Chairman of the Committee on Indian Affairs, Chairman of the Democratic Steering Committee, Chairman of the Committee on Commerce, Science, and Transportation, Chairman of the Rules Committee, Chairman of the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, and Secretary of the Democratic Conference;

Whereas Senator Daniel K. Inouye delivered the keynote address at the 1968 Democratic National Convention in Chicago, Illinois, in which he expressed a vision for a more inclusionary Nation and famously declared ''this is our country'';

Whereas Senator Daniel K. Inouye served as a medical volunteer at the Pearl Harbor attack on December 7, 1941, and volunteered to be part of the all Nisei 442nd Regimental Combat Team during World War II at a time when Japanese Americans were being systematically discriminated against by the Nation he volunteered to defend;

Whereas Senator Daniel K. Inouye was wounded in battle and honorably discharged as a Captain with a Distinguished Service Cross, Bronze Star, Purple Heart with cluster, and 12 other medals and citations; and

Whereas Senator Daniel K. Inouye was awarded the Medal of Honor by President William J. Clinton in June 2000, along with 21 other Asian-American veterans of World War II for their actions during the war: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret of the death of the Honorable Daniel K. Inouye, Senator from the State of Hawaii;

(2) the Secretary of the Senate shall transmit this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(3) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

SENATE CONCURRENT RESOLUTION 63—CORRECTING THE ENROLLMENT OF S. 2367

Mr. CONRAD submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 63

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate is requested to return to the House of Representatives the enrolled bill (S. 2367, an Act to strike the word ''lunatic'' from Federal law, and for other purposes). Upon the return of such bill, the action of the Speaker of the House of Representatives in signing it shall be rescinded. The Secretary of the Senate shall reenroll the bill with the following correction: In section 2(b)(1)(B), strike ''in subsection (b)'' and insert ''in subsection (j)''.

SENATE CONCURRENT RESOLUTION 64—AUTHORIZING THE USE OF THE ROTUNDA OF THE CAPITOL FOR THE LYING IN STATE OF THE REMAINS OF THE LATE HONORABLE DANIEL K. INOUYE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 64

Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered to the Nation by Daniel K. Inouye, a Senator from the State of Hawaii and formerly a Representative from that State, his remains be permitted to lie in state in the rotunda of the Capitol on December 20, 2012, and the Architect of the Capitol, under the direction of the Speaker of the House of Representatives and the President pro tempore of the Senate, shall take all necessary steps for the accomplishment of that purpose.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3346. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUYE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table.

SA 3347. Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3348. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3349. Mr. WHITEHOUSE (for himself, Mr. LIEBERMAN, Mr. FRANKEN, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3350. Mr. TESTER (for himself, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WYDEN, Mr. BAUCUS, and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUYE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, supra.

SA 3351. Mr. LEVIN (for himself, Ms. STABENOW, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3352. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3353. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3354. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3355. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUYE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, supra.

SA 3356. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3357. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3358. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3359. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3360. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3361. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3362. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3363. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3364. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3365. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3366. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3367. Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUYE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, supra.

SA 3368. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3369. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3370. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3371. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUYE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, supra.

SA 3372. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3373. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3374. Mr. NELSON, of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3375. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3376. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3377. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3378. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3379. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3380. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

SA 3381. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 1, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3346. Mr. KOHL submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUYE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, between lines 2 and 3, insert the following:

SEC. 1004. Section 127 of title 23, United States Code, is amended by adding at the end the following:

''(j) OPERATION OF CERTAIN VEHICLES ON CERTAIN WISCONSIN HIGHWAYS.—With respect to any segment of the United States Route 41 corridor described in section 1105(c)(57) of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240) that has been designated as a route on the Interstate System, any vehicle that could operate legally on the segment before such designation shall not be subject to the requirements set forth in subsection (a).''.

SA 3347. Mr. MERKLEY (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. (a) Section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) is amended—

(1) in subsection (c)(1), by striking ''The Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012'';

(2) in subsection (d)(2), by striking ''The Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012'';

(3) in subsection (e)(1)—

(A) by striking ''The Secretary'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary''; and

(B) by striking ''per year from the Trust Fund'' and inserting ''for fiscal year 2012'';

(4) in subsection (f)(2)(A), by striking ''the Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012''; and

(5) in subsection (i), by striking ''September 30, 2011'' and inserting ''September 30, 2012 (except in the case of subsection (b), which shall be September 30, 2011)''.

(b) This section is designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

SA 3348. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. VEHICLES USE IN THE WAKE OF HURRICANE SANDY.

(a) REPORT.—Not later than 7 days after the date of enactment of this Act, the Department of Justice and Department of Homeland Security shall identify and relocate any vehicles currently based at the Washington, D. C., headquarters of such agencies used for non-operational purposes to replace vehicles of those agencies damaged by Hurricane Sandy. The Department of Justice and Department of Homeland Security shall provide copies of a report summarizing the actions taken to carry out this subsection to the House and Senate Committees on Appropriations and Judiciary.

(b) FUNDING LIMITATION.—No funds provided by this Act shall be used to purchase, repair, or replace any Department of Justice or Department of Homeland security vehicle until after the report required by subsection (a) has been provided to Congress.

SA 3349. Mr. WHITEHOUSE (for himself, Mr. LIEBERMAN, Mr. FRANKEN, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

After section 1105, insert the following:

SEC. 11___. (a) The Senate finds that—

(1) extreme weather events threaten lives, property, the economy, national security, and sense of place;

(2) the Intergovernmental Panel on Climate Change, the leading international body for the assessment of climate change, concludes that a changing climate leads to changes in the frequency, intensity, spatial extent, duration, and timing of extreme weather and climate events;

(3) the Intergovernmental Panel on Climate Change further concludes that it is at least 90 percent likely that—

(A) the length, frequency, and intensity of warm spells or heat waves will increase over most land areas;

(B) mean sea level rise will contribute to upward trends in extreme coastal high water levels; and

(C) locations currently experiencing adverse impacts, such as coastal erosion and inundation, will continue to be adversely impacted due to increased sea levels;

(4) Congress has been asked to approve an emergency aid package at a cost of $60,400,000,000 to assist recovery efforts from Hurricane Sandy, the second costliest Atlantic hurricane on record;

(5) in addition to Federal disaster assistance, private insurance companies are expected to pay billions of dollars in claims related to Hurricane Sandy;

(6) global insurance and reinsurance businesses acknowledge that climate change is real;

(7) Munich Re, the largest global reinsurer in the world, has reported that ''there is evidence that, as a result of warming, events associated with severe windstorms, such as thunderstorms, hail and cloudbursts, have become more frequent in parts of the USA, southwest Germany, and other regions'';

(8) the Munich Re natural catastrophe database shows ''a marked increase in the number of weather-related events'', including, globally, ''a more than threefold increase in loss-related floods since 1980 and more than double the number of windstorm

natural catastrophes, with particularly heavy losses as a result of Atlantic hurricanes'';

(9) Swiss Re, the second largest global reinsurer in the world, has reported ''that climate change will exacerbate the weather impacts we have seen in recent years'';

(10) RenaissanceRe, a global provider of insurance coverage, has stated that it has ''taken a proactive course to begin modeling the risk and uncertainty associated with climate change''; and

(11) adaptation measures can mitigate future disasters and increase resilience to extreme weather events.

(b) It is the sense of the Senate that—

(1) current trends for air and ocean temperature, sea level, and ocean chemistry are associated with an increasing frequency and severity of extreme weather events and are related to the release of man-made carbon dioxide, affecting the atmosphere and oceans;

(2) the response to extreme weather events presents significant costs to the Federal, State, and local governments, businesses, insurers, and individuals; and

(3) actions to mitigate the effects of extreme weather events, including actions taken to reduce human contributions to climate change, are economically prudent and in the fiscal best interests of the United States.

SA 3350. Mr. TESTER (for himself, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. WYDEN, Mr. BAUCUS, and Mr. JOHNSON of South Dakota) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUYE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

On page 72, between lines 16 and 17, insert the following:

WILDLAND FIRE MANAGEMENT

For an additional amount for ''Wildland Fire Management'', $653,000,000, to remain available until expended: *Provided,* That such amount is designated by Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); *Provided further,* That, not later than December 31, 2013, the Comptroller General of the United States shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report on new models or alterations in the model that may be used to better project future wildfire suppression costs.

SA 3351. Mr. LEVIN (for himself, Ms. STABENOW, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, strike line 24 and all that follows through page 19, line 1, and insert the following:

pended to dredge Federal navigation channels and harbors (including channels and harbors impeded as a result of drought and low water levels) and repair damage to Corps projects nationwide related to natural disasters (including drought): *Provided,* That such amount is designated by * * *

SA 3352. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, the following:

SEC. _____. Notwithstanding any other provision of law, including any provision of this Act, no funds appropriated under this Act may be used to fund programs or projects that have resulted from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq.) other than Hurricane Sandy or Tropical Storm Sandy of 2012, to fund mitigation projects appropriated under this Act, or to fund programs not directly in response to Hurricane Sandy or Tropical Storm Sandy of 2012 response and recovery efforts.

SA 3353. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 14, strike line 5 and all that follows through page 15, line 19.

SA 3354. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, lines 18 through 22, strike ''$58,855,000'' and all that follows through ''*Provided,*'' and insert ''$23,000,00, to remain available until expended: *Provided,* That funds made available under this heading may only be used for emergencies related to the consequences of Hurricane Sandy: *Provided further,*''.

SA 3355. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUYE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

Beginning on page 2, strike line 16 and all that follows through page 3, line 2.

SA 3356. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, line 8, strike ''$810,000,000'' and insert ''$610,000,000''.

SA 3357. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 66, strike line 14 and all that follows through page 67, line 6.

SA 3358. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 12 through 14.

SA 3359. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 72, strike line 17 and all that follows through page 73, line 2.

SA 3360. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, line 1, insert ''That none of the funds provided under this heading may be distributed until the National Railroad Passenger Corporation submits a detailed plan to Congress on how such funds will be expended: *Provided further,* That none of the funds provided under this heading may be used for capital improvements or other expenses that are not directly associated with Hurricane Sandy or Tropical Storm Sandy: *Provided further,*'' after ''*Provided further,*''.

SA 3361. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 82, strike line 13 and all that follows through page 83, line 5.

SA 3362. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 77, line 20, strike ''to remain available until expended: *Provided*,'' and insert ''to remain available until September 30, 2014: *Provided*, That the Secretary shall, prior to transferring such funds, submit to the appropriate Committees of Congress a report concerning how such funds will be used under such transfer: *Provided further*,''.

SA 3363. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, beginning on line 10, strike ''$10,783,000,000'' and all that follows through ''such transfer:'' on line 21 and insert the following: ''$5,400,000,000, to remain available until expended, for recovery and relief efforts in the areas most affected by Hurricane Sandy: *Provided*, That none of the funds provided under this heading may be distributed until the Federal Transit Administration submits a detailed plan to Congress on how such funds will be expended: *Provided further*, That none of the funds provided under this heading may be used for capital improvements or other expenses that are not directly associated with Hurricane Sandy or Tropical Storm Sandy:''

SA 3364. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 9, strike line 17 and all that follows through page 10, line 22.

SA 3365. Mr. MCCAIN (for himself and Mr. COBURN), submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, strike line 6 and all that follows through ''*Provided*, That'' on line 11 and insert ''The''.

SA 3366. Mr. MCCAIN (for himself and Mr. COBURN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 73, beginning on line 13, strike ''That the Secretary'' and all that follows through ''*Provided further*,'' on line 17.

SA 3367. Mr. MERKLEY (for himself, Ms. STABENOW, Mrs. MCCASKILL, Mr. BAUCUS, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUYE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

At the end of title I, add the following:

GENERAL PROVISIONS—THIS CHAPTER

SEC. 101. (a) Section 531 of the Federal Crop Insurance Act (7 U.S.C. 1531) is amended—

(1) in subsection (c)(1), by striking ''The Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012'';

(2) in subsection (d)(2), by striking ''The Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012'';

(3) in subsection (e)(1)—

(A) by striking ''The Secretary'' and inserting ''Of the funds of the Commodity Credit Corporation, the Secretary''; and

(B) by striking ''per year from the Trust Fund'' and inserting ''for fiscal year 2012'';

(4) in subsection (f)(2)(A), by striking ''the Secretary shall use such sums as are necessary from the Trust Fund'' and inserting ''of the funds of the Commodity Credit Corporation, the Secretary shall use such sums as are necessary for fiscal year 2012''; and

(5) in subsection (i), by striking ''September 30, 2011'' and inserting ''September 30, 2012 (except in the case of subsection (b), which shall be September 30, 2011)''.

(b) This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SEC. 102. (a) Section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) is amended—

(1) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

''(1) IN GENERAL.—

''(A) COVERAGES.—In the case of an eligible crop described in paragraph (2), the Secretary of Agriculture shall operate a noninsured crop disaster assistance program to provide coverages based on individual yields (other than for value-loss crops) equivalent to—

''(i) catastrophic risk protection available under section 508(b) of the Federal Crop Insurance Act (7 U.S.C. 1508(b)); or

''(ii) additional coverage available under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) that does not exceed 65 percent.

''(B) ADMINISTRATION.—The Secretary shall carry out this section through the Farm Service Agency (referred to in this section as the 'Agency').''; and

(B) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by striking ''and'' after the semicolon at the end;

(II) by redesignating clause (ii) as clause (iii); and

(III) by inserting after clause (i) the following:

''(ii) for which additional coverage under subsections (c) and (h) of section 508 of that Act (7 U.S.C. 1508) is not available; and''; and

(ii) in subparagraph (B)—

(I) by inserting ''(except ferns)'' after ''floricultural'';

(II) by inserting ''(except ferns)'' after ''ornamental nursery''; and

(III) by striking ''(including ornamental fish)'' and inserting ''(including ornamental fish, but excluding tropical fish)'';

(2) in subsection (d), by striking ''The Secretary'' and inserting ''Subject to subsection (l), the Secretary'';

(3) in subsection (k)(1)—

(A) in subparagraph (A), by striking ''$250'' and inserting ''$260''; and

(B) in subparagraph (B)—

(i) by striking ''$750'' and inserting ''$780''; and

(ii) by striking ''$1,875'' and inserting ''$1,950''; and

(4) by adding at the end the following:

''(l) PAYMENT EQUIVALENT TO ADDITIONAL COVERAGE.—

''(1) IN GENERAL.—The Secretary shall make available to a producer eligible for noninsured assistance under this section a payment equivalent to an indemnity for additional coverage under subsections (c) and (h) of section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) that does not exceed 65 percent, computed by multiplying—

''(A) the quantity that is less than 50 to 65 percent of the established yield for the crop, as determined by the Secretary, specified in increments of 5 percent;

''(B) 100 percent of the average market price for the crop, as determined by the Secretary; and

''(C) a payment rate for the type of crop, as determined by the Secretary, that reflects—

''(i) in the case of a crop that is produced with a significant and variable harvesting expense, the decreasing cost incurred in the production cycle for the crop that is, as applicable—

''(I) harvested;

''(II) planted but not harvested; or

''(III) prevented from being planted because of drought, flood, or other natural disaster, as determined by the Secretary; or

''(ii) in the case of a crop that is produced without a significant and variable harvesting expense, such rate as shall be determined by the Secretary.

''(2) PREMIUM.—To be eligible to receive a payment under this subsection, a producer shall pay—

''(A) the service fee required by subsection (k); and

''(B) a premium for the applicable crop year that is equal to—

''(i) the product obtained by multiplying—

''(I) the number of acres devoted to the eligible crop;

''(II) the yield, as determined by the Secretary under subsection (e);

''(III) the coverage level elected by the producer;

''(IV) the average market price, as determined by the Secretary; and

''(ii) 5.25-percent premium fee.

''(3) LIMITED RESOURCE, BEGINNING, AND SOCIALLY DISADVANTAGED FARMERS.—The additional coverage made available under this subsection shall be available to limited resource, beginning, and socially disadvantaged producers, as determined by the Secretary, in exchange for a premium that is 50

percent of the premium determined for a producer under paragraph (2).

''(4) ADDITIONAL AVAILABILITY.—

''(A) IN GENERAL.—As soon as practicable, the Secretary shall make assistance available to producers of an otherwise eligible crop described in subsection (a)(2) that suffered losses—

''(i) to a 2012 annual fruit crop grown on a bush or tree; and

''(ii) in a county covered by a declaration by the Secretary of a natural disaster for production losses due to a freeze or frost.

''(B) ASSISTANCE.—The Secretary shall make assistance available under subparagraph (A) in an amount equivalent to assistance available under paragraph (1), less any fees not previously paid under paragraph (2).

''(C) ADMINISTRATION.—For assistance provided under this subsection for the 2012 crop year, the limitation in subsection (i)(2) shall be $250,000.''.

(b)(1) Effective October 1, 2017, subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) are repealed.

(2) Effective October 1, 2017, section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall be applied and administered as if subsection (a) and the amendments made by subsection (a) (other than the amendments made by clauses (i)(I) and (ii) of subsection (a)(1)(B)) had not been enacted.

(c) This section is designated by Congress as being for an emergency requirement pursuant to—

(1) section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)); and

(2) section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (Public Law 111-139; 2 U.S.C. 933(g)).

SA 3368. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

In title IV, under the heading ''CONSTRUCTION (INCLUDING TRANSFER OF FUNDS)'' under the heading ''CORPS OF ENGINEERS–CIVIL'' under the heading ''DEPARTMENT OF THE ARMY'' under the heading ''DEPARTMENT OF DEFENSE–CIVIL'' strike ''*Provided further*, That cost sharing for implementation of any projects using these funds shall be 90 percent Federal and 10 percent non-Federal exclusive of LERRDs:'' and insert ''*Provided further*, That the Secretary shall determine the Federal and non-Federal cost share for implementing any project using these funds in accordance with section 103 of the Water Resources Development Act of 1986 (33 U.S.C. 2213):''.

SA 3369. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1003 and insert the following:

SEC. 1003. None of the funds provided in this title to the Department of Transportation or the Department of Housing and Urban Development may be used to make a grant unless the Secretary of such Department notifies the House and Senate Committees on Appropriations and posts the notification on the public website of that agency not less than 3 full business days before either Department (or a modal administration of either Department) announces the selection of any project, State or locality to receive a grant award totaling $500,000 or more.

SA 3370. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. 1106. PROHIBITION ON EMERGENCY SPENDING FOR PERSONS HAVING SERIOUS DELINQUENT TAX DEBTS.

(a) DEFINITION OF SERIOUSLY DELINQUENT TAX DEBT.—In this section:

(1) IN GENERAL.—The term ''seriously delinquent tax debt'' means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of that Code.

(2) EXCLUSIONS.—The term ''seriously delinquent tax debt'' does not include—

(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122 of Internal Revenue Code of 1986; and

(B) a debt with respect to which a collection due process hearing under section 6330 of that Code, or relief under subsection (a), (b), or (f) of section 6015 of that Code, is requested or pending.

(b) PROHIBITION.—Notwithstanding any other provision of this Act or an amendment made by this Act, none of the amounts appropriated by or otherwise made available under this Act may be used to make payments to an individual or entity who has a seriously delinquent tax debt during the pendency of such seriously delinquent tax debt.

SEC. 1107. PROHIBITION ON EMERGENCY SPENDING FOR DECEASED INDIVIDUALS.

None of the amounts appropriated by or otherwise made available under this Act may be used for any person who is not alive when the amounts are made available.

SEC. 1108. PROHIBITION ON EMERGENCY SPENDING FOR FISHERIES.

None of the funds appropriated or made available in this Act may be used for any commercial fishery that is located more than 50 miles outside of the boundaries of a major disaster area, as declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.), for Hurricane Sandy.

SA 3371. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 3338 proposed by Mr. LEAHY (for Mr. INOUYE (for himself and Mr. LAUTENBERG)) to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; as follows:

At the appropriate place insert the following:

SEC. 52007. (a) Not later than 180 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (in this section referred to as the ''Administrator'') shall review the public assistance per capita damage indicator and shall initiate rulemaking to update such damage indicator. Such review and rulemaking process shall ensure that the per capita indicator is fully adjusted for annual inflation for all years since 1986, by not later than January 1, 2016.

(b) Not later than 365 days after the date of enactment of this Act, the Administrator shall—

(1) submit a report to the committees of jurisdiction in Congress on the initiative to modernize the per capita damage indicator; and

(2) present recommendations for new measures to assess the capacities of States to respond and recover to disasters, including threat and hazard identification and risk assessments by States and total taxable resources available within States for disaster recovery and response.

(c) As used in this section, the term ''State'' means—

(1) a State;

(2) the District of Columbia;

(3) the Commonwealth of Puerto Rico;

(4) any other territory or possession of the United States; and

(5) any land under the jurisdiction of an Indian tribe, as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SA 3372. Mr. COBURN (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. RETURN OF UNUSED EMERGENCY FUNDS.

(a) RETURN OF FUNDS.—Any amount made available by this Act to carry out a program that is designated as an emergency and 2 years after the date of enactment of this Act remains available for obligation or has been obligated but not yet spent shall be rescinded and returned to the Treasury to reduce the deficit.

(b) PROGRAM TERMINATION.—Notwithstanding any other provision of this Act, any new program authorized and funded by this Act is terminated 2 years after the date of enactment of this Act.

(c) MATCH SUNSET.—The 90/10 cost share provided in this Act shall expire 2 years after the date of enactment of this Act.

SA 3373. Mr. LEE submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

After section 1105, insert the following:

SEC. ____. SPECIAL RULES FOR USE OF RETIREMENT FUNDS IN CONNECTION WITH FEDERALLY DECLARED DISASTERS.

(a) TAX-FAVORED WITHDRAWALS FROM RETIREMENT PLANS.—

(1) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(H) DISTRIBUTIONS FROM RETIREMENT PLANS IN CONNECTION WITH FEDERALLY DECLARED DISASTERS.—Any qualified disaster recovery distribution.''.

(2) QUALIFIED DISASTER RECOVERY DISTRIBUTION.—Section 72(t) of such Code is amended by adding at the end the following new paragraph:

''(11) QUALIFIED DISASTER RECOVERY DISTRIBUTION.—For purposes of paragraph (2)(H)—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'qualified disaster recovery distribution' means, with respect to any federally declared disaster, any distribution from an eligible retirement plan made on or after the applicable disaster date and before the date that is 1 year after such date, to an individual whose principal place of abode on the applicable disaster date, is located in the disaster area and who has sustained an economic loss by reason of such federally declared disaster.

''(B) AGGREGATE DOLLAR LIMITATION.—

''(i) IN GENERAL.—For purposes of this subsection, the aggregate amount of distributions received by an individual which may be treated as qualified disaster recovery distributions for any taxable year shall not exceed the excess (if any) of—

''(I) $100,000, over

''(II) the sum of aggregate amounts treated as qualified disaster recovery distributions received by such individual for all prior taxable years, the aggregate amounts treated as qualified hurricane distributions under section 1400Q(a), and the aggregate amounts treated as qualified Disaster Recovery Assistance distributions under section 701(d)(10) of the Heartland Disaster Tax Relief Act of 2008.

''(ii) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would (without regard to clause (i)) be a qualified disaster recovery distribution, a plan shall not be treated as violating any requirement of this title merely because the plan treats such distribution as a qualified disaster recovery distribution, unless the aggregate amount of such distributions from all plans maintained by the employer (and any member of any controlled group which includes the employer) to such individual exceeds $100,000.

''(iii) CONTROLLED GROUP.—For purposes of clause (ii), the term 'controlled group' means any group treated as a single employer under subsection (b), (c), (m), or (o) of section 414.

''(iv) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2012, each of the $100,000 amounts under clauses (i) and (ii) shall be increased by an amount equal to—

''(I) such dollar amount, multiplied by

''(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the next highest multiple of $10,000.

''(C) AMOUNT DISTRIBUTED MAY BE REPAID.—

''(i) IN GENERAL.—Any individual who receives a qualified disaster recovery distribution may, at any time during the 3-year period beginning on the day after the date on which such distribution was received, make one or more contributions in an aggregate amount not to exceed the amount of such distribution to an eligible retirement plan of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16), as the case may be.

''(ii) TREATMENT OF REPAYMENTS OF DISTRIBUTIONS FROM ELIGIBLE RETIREMENT PLANS OTHER THAN IRAS.—For purposes of this title, if a contribution is made pursuant to clause (i) with respect to a qualified disaster recovery distribution from an eligible retirement plan other than an individual retirement plan, then the taxpayer shall, to the extent of the amount of the contribution, be treated as having received the qualified disaster recovery distribution in an eligible rollover distribution (as defined in section 402(c)(4)) and as having transferred the amount to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

''(iii) TREATMENT OF REPAYMENTS FOR DISTRIBUTIONS FROM IRAS.—For purposes of this title, if a contribution is made pursuant to clause (i) with respect to a qualified disaster recovery distribution from an individual retirement plan (as defined by section 7701(a)(37)), then, to the extent of the amount of the contribution, the qualified disaster recovery distribution shall be treated as a distribution described in section 408(d)(3) and as having been transferred to the eligible retirement plan in a direct trustee to trustee transfer within 60 days of the distribution.

''(D) INCOME INCLUSION SPREAD OVER 3-YEAR PERIOD.—

''(i) IN GENERAL.—In the case of any qualified disaster recovery distribution, unless the taxpayer elects not to have this paragraph apply for any taxable year, any amount required to be included in gross income for such taxable year shall be so included ratably over the 3-taxable year period beginning with such taxable year.

''(ii) SPECIAL RULE.—For purposes of clause (i), rules similar to the rules of subparagraph (E) of section 408A(d)(3) shall apply.

''(E) OTHER DEFINITIONS.—

''(i) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms 'federally declared disaster' and 'disaster area' have the meanings given such terms under section 165(h)(3)(C).

''(ii) APPLICABLE DISASTER DATE.—The term 'applicable disaster date' means, with respect to any federally declared disaster, the date on which such federally declared disaster occurs.

''(iii) ELIGIBLE RETIREMENT PLAN.—The term 'eligible retirement plan' shall have the meaning given such term by section 402(c)(8)(B).

''(F) SPECIAL RULES.—

''(i) EXEMPTION OF DISTRIBUTIONS FROM TRUSTEE TO TRUSTEE TRANSFER AND WITHHOLDING RULES.—For purposes of sections 401(a)(31), 402(f), and 3405, qualified disaster recovery distributions shall not be treated as eligible rollover distributions.

''(ii) QUALIFIED DISASTER RECOVERY DISTRIBUTIONS TREATED AS MEETING PLAN DISTRIBUTION REQUIREMENTS.—For purposes this title, a qualified disaster recovery distribution shall be treated as meeting the requirements of sections 401(k)(2)(B)(i), 403(b)(7)(A)(ii), 403(b)(11), and 457(d)(1)(A).''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions with respect to disaster declared after December 31, 2011.

(b) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—

(1) INDIVIDUAL RETIREMENT PLANS.—Paragraph (8) of section 72(t) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(F) RECONTRIBUTIONS.—

''(i) GENERAL RULE.—

''(I) IN GENERAL.—Any individual who received a qualified distribution may, during the applicable period, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in section 402(c)(8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under section 402(c), 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

''(II) TREATMENT OF REPAYMENTS.—Rules similar to the rules of clauses (ii) and (iii) of paragraph (11)(C) shall apply for purposes of this subsection.

''(ii) QUALIFIED DISTRIBUTION.—For purposes of this subparagraph, the term 'qualified distribution' means, with respect to any federally declared disaster, any distribution—

''(I) which is a qualified first-time homebuyer distribution,

''(II) received on or after the date which is 6 months before the applicable disaster date and before the date which is the day after the applicable disaster date, and

''(III) which was to be used to purchase or construct a principal residence in the disaster area, but which was not so purchased or constructed on account of the federally declared disaster.

''(iii) APPLICABLE PERIOD.—For purposes of this subparagraph, the term 'applicable period' means the period beginning on the applicable disaster date and ending on the date which is 1 year after the applicable disaster date.

''(iv) OTHER DEFINITIONS.—For purposes of this subparagraph—

''(I) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms 'federally declared disaster' and 'disaster area' have the meanings given such terms under section 165(h)(3)(C).

''(II) APPLICABLE DISASTER DATE.—The term 'applicable disaster date' means, with respect to any federally declared disaster, the date on which such federally declared disaster occurs.''.

(2) QUALIFIED PLANS.—Subsection (c) of section 402 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(12) RECONTRIBUTIONS OF WITHDRAWALS FOR HOME PURCHASES.—

''(A) GENERAL RULE.—

''(i) IN GENERAL.—Any individual who received a qualified distribution may, during the applicable period, make one or more contributions in an aggregate amount not to exceed the amount of such qualified distribution to an eligible retirement plan (as defined in paragraph (8)(B)) of which such individual is a beneficiary and to which a rollover contribution of such distribution could be made under subsection (c) or section 403(a)(4), 403(b)(8), or 408(d)(3), as the case may be.

''(ii) TREATMENT OF REPAYMENTS.—Rules similar to the rules of clauses (ii) and (iii) of section 72(t)(11)(C) shall apply for purposes of this subsection.

''(B) QUALIFIED DISTRIBUTION.—For purposes of this paragraph, the term 'qualified distribution' means, with respect to any federally declared disaster, any distribution—

''(i) described in section 401(k)(2)(B)(i)(IV), 403(b)(7)(A)(ii) (but only to the extent such distribution relates to financial hardship), or 403(b)(11)(B),

''(ii) received—

''(I) on or after the date which is 6 months before the applicable disaster date, and

''(II) before the date which is the day after the applicable disaster date, and

''(iii) which was to be used to purchase or construct a principal residence in the disaster area, but which was not so purchased or constructed on account of the federally declared disaster.

''(C) APPLICABLE PERIOD.—For purposes of this paragraph, the term 'applicable period'

means the period beginning on the applicable disaster date and ending on the date which is 1 year after the applicable disaster date.

''(D) OTHER DEFINITIONS.—For purposes of this paragraph—

''(i) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms 'federally declared disaster' and 'disaster area' have the meanings given such terms under section 165(h)(3)(C).

''(ii) APPLICABLE DISASTER DATE.—The term 'applicable disaster date' means, with respect to any federally declared disaster, the date on which such federally declared disaster occurs.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to distributions with respect to disaster declared after December 31, 2011.

(c) LOANS FROM QUALIFIED PLANS.—

(1) IN GENERAL.—Subsection (p) of section 72 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

''(6) INCREASE IN LIMIT ON LOANS NOT TREATED AS DISTRIBUTIONS.—

''(A) IN GENERAL.—In the case of any loan from a qualified employer plan to a qualified individual made during the applicable period—

''(i) clause (i) of paragraph (2)(A) shall be applied by substituting '$100,000' for '$50,000', and

''(ii) clause (ii) of such paragraph shall be applied by substituting 'the present value of the nonforfeitable accrued benefit of the employee under the plan' for 'one-half of the present value of the nonforfeitable accrued benefit of the employee under the plan'.

''(B) DELAY OF REPAYMENT.—In the case of a qualified individual with an outstanding loan on or after the applicable disaster date from a qualified employer plan—

''(i) if the due date pursuant to subparagraph (B) or (C) of paragraph (2) for any repayment with respect to such loan occurs during the period beginning on the applicable disaster date and ending on the date which is 1 year after such date, such due date shall be delayed for 1 year,

''(ii) any subsequent repayments with respect to any such loan shall be appropriately adjusted to reflect the delay in the due date under clause (i) and any interest accruing during such delay, and

''(iii) in determining the 5-year period and the term of a loan under subparagraph (B) or (C) of paragraph (2), the period described in clause (i) shall be disregarded.

''(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2012, the $100,000 amounts under subparagraph (A)(i)shall be increased by an amount equal to—

''(i) such dollar amount, multiplied by

''(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2011' for 'calendar year 1992' in subparagraph (B) thereof.

If any amount as adjusted under the preceding sentence is not a multiple of $10,000, such amount shall be rounded to the next highest multiple of $10,000.

''(D) DEFINITIONS.—For purposes of this paragraph—

''(i) QUALIFIED INDIVIDUAL.—The term 'qualified individual' means, with respect to any federally declared disaster, an individual whose principal place of abode on the applicable disaster date is located in the disaster area and who has sustained an economic loss by reason of such federally declared disaster.

''(ii) APPLICABLE PERIOD.—The applicable period is the period beginning on the applicable disaster date and ending on the date that is 1 year after such date.

''(iii) FEDERALLY DECLARED DISASTER; DISASTER AREA.—The terms 'federally declared disaster' and 'disaster area' have the meanings given such terms under section 165(h)(3)(C).

''(iv) APPLICABLE DISASTER DATE.—The term 'applicable disaster date' means, with respect to any federally declared disaster, the date on which such federally declared disaster occurs.''.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to loans made with respect to disaster declared after December 31, 2011.

(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any amendment to any plan or annuity contract, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SUBSECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any provision of, or amendment made by, this section, or pursuant to any regulation issued by the Secretary or the Secretary of Labor under any provision of, or amendment made by, this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2014, or such later date as the Secretary may prescribe.

In the case of a governmental plan (as defined in section 414(d)), clause (ii) shall be applied by substituting the date which is 2 years after the date otherwise applied under clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any amendment unless—

(i) during the period—

(I) beginning on the date that the provisions of, and amendments made by, this section or the regulation described in subparagraph (A)(i) takes effect (or in the case of a plan or contract amendment not required by the provisions of, or amendments made by, this section or such regulation, the effective date specified by the plan), and

(II) ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted),

the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. ____. INCREASED LIMITATION ON CHARITABLE CONTRIBUTIONS FOR DISASTER RELIEF.

(a) INDIVIDUALS.—Paragraph (1) of section 170(b) of the Internal Revenue Code of 1986 is amended by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively, and by inserting after subparagraph (E) the following new subparagraph:

''(F) QUALIFIED DISASTER CONTRIBUTIONS.—

''(i) IN GENERAL.—Any qualified disaster contribution shall be allowed to the extent that the aggregate of such contributions does not exceed the excess of 80 percent of the taxpayer's contribution base over the amount of all other charitable contributions allowable under this paragraph.

''(ii) CARRYOVER.—If the aggregate amount of contributions described in clause (i) exceeds the limitation under clause (i), such excess shall be treated (in a manner consistent with the rules of subsection (d)(1)) as a charitable contribution to which clause (i) applies in each of the 5 succeeding years in order of time.

''(iii) COORDINATION WITH OTHER SUBPARAGRAPHS.—For purposes of applying this subsection and subsection (d)(1), contributions described in clause (i) shall not be treated as described in subparagraphs (A) and such subparagraph shall be applied without regard to such contributions.

''(iv) QUALIFIED DISASTER CONTRIBUTIONS.—For purposes of this subparagraph, the term 'qualified disaster contribution' means any charitable contribution if—

''(I) such contribution is made after the date of the enactment of this paragraph,

''(II) such contribution is made in cash to an organization described in subparagraph (A) (other than an organization described in section 509(a)(3)), and

''(III) such contribution is for relief efforts related to a federally declared disaster (as defined in section 165(h)(3)(C)(i)).

Such term shall not include a contribution if the contribution is for establishment of a new, or maintenance in an existing, donor advised fund (as defined in section 4966(d)(2)).

''(v) SUBSTANTIATION REQUIREMENT.—This paragraph shall not apply to any qualified disaster contribution unless the taxpayer obtains from such organization to which the contribution was made a contemporaneous written acknowledgment (within the meaning of subsection (f)(8)) that such contribution was used (or is to be used) for a purpose described in clause (iv)(III).''.

(b) CORPORATIONS.—

(1) IN GENERAL.—Paragraph (2) of section 170(b) of the Internal Revenue Code of 1986 is amended by redesignating subparagraph (C) as subparagraph (D) and by inserting after subparagraph (B) the following new subparagraph:

''(C) QUALIFIED DISASTER CONTRIBUTIONS.—

''(i) IN GENERAL.—Any qualified disaster contribution shall be allowed to the extent that the aggregate of such contributions does not exceed the excess of 20 percent of the taxpayer's taxable income over the amount of charitable contributions allowed under subparagraph (A).

''(ii) CARRYOVER.—If the aggregate amount of contributions described in clause (i) exceeds the limitation under clause (i), such excess shall be treated (in a manner consistent with the rules of subsection (d)(1)) as a charitable contribution to which clause (i) applies in each of the 5 succeeding years in order of time.

''(iii) QUALIFIED DISASTER CONTRIBUTION.—The term 'qualified disaster contribution' has the meaning given such term under paragraph (2)(F)(iv).

''(iv) SUBSTANTIATION REQUIREMENT.—This paragraph shall not apply to any qualified disaster contribution unless the taxpayer obtains from such organization to which the contribution was made a contemporaneous written acknowledgment (within the meaning of subsection (f)(8)) that such contribution was used (or is to be used) for a purpose described in paragraph (1)(F)(iv)(III).''.

(2) CONFORMING AMENDMENTS.—

(A) Subparagraph (A) of section 170(b)(2) of such Code is amended by striking ''subparagraph (B) applies'' and inserting ''subparagraphs (B) and (C) apply''.

(B) Subparagraph (B) of section 170(b)(2) of such Code is amended by striking ''subparagraph (A)'' and inserting ''subparagraphs (A) and (C)''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. ____. NONAPPLICATION OF DAVIS-BACON.

The wage-rate requirements of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the ''Davis-Bacon Act'') shall not apply with respect to any project or program carried out in whole or in part with Federal funds in any Federally declared disaster

area. This section shall apply to any project or program contract entered into during the 1-year period beginning on the date of disaster declaration involved.

SEC. ___. MANDATORY POSTPONEMENT OF DEADLINES BY REASON OF DISASTERS OR TERRORISTIC OR MILITARY ACTIONS.

(a) IN GENERAL.—Section 7508A of the Internal Revenue Code of 1986 is amended by striking ''may specify a period of up to 1 year'' each place it appears in subsections (a) and (B) and inserting ''shall specify a period of 1 year''.

(b) CONFORMING AMENDMENTS.—

(1) The heading for section 7508A of such Code is amended by striking ''**AUTHORITY TO POSTPONE**'' and inserting ''**POSTPONEMENT OF**''.

(2) The item relating to section 7508A in the table of sections for chapter 77 of such Code is amended by striking ''Authority to postpone'' and inserting ''Postponement of''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disasters and terroristic or military actions occurring on or after the date of the enactment of this Act.

SEC. ___. TEMPORARY SUSPENSION OF BOUTIQUE FUEL REQUIREMENT AND ETHANOL MANDATE.

(a) BOUTIQUE FUEL REQUIREMENT.—Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) by redesignating the second clause (v) (relating to the authority of the Administrator to approve certain State implementation plans) as clause (vi); and

(2) by adding at the end the following:

''(vii) SUSPENSION.—The Administrator shall suspend a control or prohibition respecting the use of a fuel or fuel additive required or regulated by the Administrator pursuant to this subsection for any area for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the 90-day period beginning on the date of the declaration.''.

(b) ETHANOL MANDATE.—Section 211(o)(7) of the Clean Air Act (42 U.S.C. 7545(o)(7)) is amended by adding at the end the following:

''(G) SUSPENSION.—The Administrator shall suspend the requirements of paragraph (2) for any area for which the President declared a major disaster in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) during the 90-day period beginning on the date of the declaration.''.

SEC. ___. OTHER RELIEF.

Section 301 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5141) is amended by inserting ''at its own discretion or'' before ''if so requested''.

SEC. ___. WAIVER OF CERTAIN REQUIREMENTS FOR VESSELS IN DISASTER AREAS.

Notwithstanding section 501 of title 46, United States Code, during the 3-month period beginning on the date of the enactment of this Act, the provisions of sections 55102 and 55103 of title 46, United States Code, shall not apply to a vessel that is delivering merchandise or transporting passengers to a port—

(1) in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.); or

(2) designated by the Secretary of Homeland Security as a port of significant importance to an area referred to in paragraph (1).

SA 3374. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

After section 1105, insert the following:

TITLE XII—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND

SEC. 1201. SHORT TITLE.

This title may be cited as the ''Citrus Disease Research and Development Trust Fund Act of 2012''.

SEC. 1202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) duties collected on imports of citrus and citrus products have ranged from $50,000,000 to $87,000,000 annually since 2004, and are projected to increase, as United States production declines due to the effects of huanglongbing (also known as ''HLB'' or ''citrus greening disease'') and imports increase in response to the shortfall in the United States;

(2) in cases involving other similarly situated agricultural commodities, notably wool, the Federal Government has chosen to divert a portion of the tariff revenue collected on imported products to support efforts of the domestic industry to address challenges facing the industry;

(3) citrus and citrus products are a highly nutritious and healthy part of a balanced diet;

(4) citrus production is an important part of the agricultural economy in Florida, California, Arizona, and Texas;

(5) in the most recent years preceding the date of the enactment of this Act, citrus fruits have been produced on 900,000 acres, yielding 11,000,000 tons of citrus products with a value at the farm of more than $3,200,000,000;

(6) the commercial citrus sector employs approximately 110,000 people and contributes approximately $13,500,000,000 to the United States economy;

(7) the United States citrus industry has suffered billions of dollars in damage from disease and pests, both domestic and invasive, over the decade preceding the date of the enactment of this Act, particularly from huanglongbing;

(8) huanglongbing threatens the entire United States citrus industry because the disease kills citrus trees;

(9) as of the date of the enactment of this Act, there are no cost effective or environmentally sound treatments available to suppress or eradicate huanglongbing;

(10) United States citrus producers working with Federal and State governments have devoted tens of millions of dollars toward research and efforts to combat huanglongbing and other diseases and pests, but more funding is needed to develop and commercialize disease and pest solutions;

(11) although imports constitute an increasing share of the United States market, importers of citrus products into the United States do not directly fund production research in the United States;

(12) disease and pest suppression technologies require determinations of safety and solutions must be commercialized before use by citrus producers;

(13) the complex processes involved in discovery and commercialization of safe and effective pest and disease suppression technologies are expensive and lengthy and the need for the technologies is urgent; and

(14) research to develop solutions to suppress huanglongbing, or other domestic and invasive pests and diseases will benefit all citrus producers and consumers around the world.

(b) PURPOSES.—The purposes of this title are—

(1) to authorize the establishment of a trust funded by certain tariff revenues to support scientific research, technical assistance, and development activities to combat citrus diseases and pests, both domestic and invasive, harming the United States; and

(2) to require the President to notify the chairperson and ranking member of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives before entering into any trade agreement that would decrease the amount of duties collected on imports of citrus products to less than the amount necessary to provide the grants authorized by section 1001(d) of the Trade Act of 1974, as added by section 1203(a) of this Act.

(c) EFFECT ON OTHER ACTIVITIES.—Nothing in this title restricts the use of any funds for scientific research and technical activities in the United States.

SEC. 1203. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND.

(a) IN GENERAL.—The Trade Act of 1974 (19 U.S.C. 2102 et seq.) is amended by adding at the end the following:

''TITLE X—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND

''SEC. 1001. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND.

''(a) ESTABLISHMENT.—There is established in the Treasury of the United States a trust fund to be known as the 'Citrus Disease Research and Development Trust Fund' (in this section referred to as the 'Trust Fund'), consisting of such amounts as may be transferred to the Trust Fund under subsection (b)(1) and any amounts that may be credited to the Trust Fund under subsection (d)(2).

''(b) TRANSFER OF AMOUNTS.—

''(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Treasury shall transfer to the Trust Fund, from the general fund of the Treasury, amounts determined by the Secretary to be equivalent to amounts received in the general fund that are attributable to the duties collected on articles that are citrus or citrus products classifiable under chapters 8, 20, 21, 22, and 33 of the Harmonized Tariff Schedule of the United States.

''(2) LIMITATION.—The amount transferred to the Trust Fund under paragraph (1) in any fiscal year may not exceed the lesser of—

''(A) an amount equal to ⅓ of the amount attributable to the duties received on articles described in paragraph (1); or

''(B) $30,000,000.

''(c) AVAILABILITY OF AMOUNTS IN TRUST FUND.—

''(1) AMOUNTS AVAILABLE UNTIL EXPENDED.—Amounts in the Trust Fund shall remain available until expended without further appropriation.

''(2) AVAILABILITY FOR CITRUS DISEASE RESEARCH AND DEVELOPMENT EXPENDITURES.—Amounts in the Trust Fund shall be available to the Secretary of Agriculture—

''(A) for expenditures relating to citrus disease research and development under section 104 of the Citrus Disease Research and Development Trust Fund Act of 2012, including costs relating to contracts or other agreements entered into to carry out citrus disease research and development; and

''(B) to cover administrative costs incurred by the Secretary in carrying out the provisions of that Act.

''(d) INVESTMENT OF TRUST FUND.—

''(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Trust Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations

guaranteed as to both principal and interest by the United States. Such obligations may be acquired on original issue at the issue price or by purchase of outstanding obligations at the market price. Any obligation acquired by the Trust Fund may be sold by the Secretary of the Treasury at the market price.

''(2) INTEREST AND PROCEEDS FROM SALE OR REDEMPTION OF OBLIGATIONS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Trust Fund shall be credited to and form a part of the Trust Fund.

''(e) REPORTS TO CONGRESS.—Not later than January 15, 2013, and each year thereafter until the year after the termination of the Trust Fund, the Secretary of the Treasury, in consultation with the Secretary of Agriculture, shall submit to Congress a report on the financial condition and the results of the operations of the Trust Fund that includes—

''(1) a detailed description of the amounts disbursed from the Trust Fund in the preceding fiscal year and the manner in which those amounts were expended;

''(2) an assessment of the financial condition and the operations of the Trust Fund for the current fiscal year; and

''(3) an assessment of the amounts available in the Trust Fund for future expenditures.

''(f) REMISSION OF SURPLUS FUNDS.—The Secretary of the Treasury may remit to the general fund of the Treasury such amounts as the Secretary of Agriculture reports to be in excess of the amounts necessary to meet the purposes of the Citrus Disease Research and Development Trust Fund Act of 2012.

''(g) SUNSET PROVISION.—The Trust Fund shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of the Citrus Disease Research and Development Trust Fund Act of 2012 and all amounts in the Trust Fund on December 31 of that fifth calendar year shall be transferred to the general fund of the Treasury.

''SEC. 1002. REPORTS REQUIRED BEFORE ENTERING INTO CERTAIN TRADE AGREEMENTS.

''The President shall notify the chairperson and ranking member of the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives not later than 90 days before entering into a trade agreement if the President determines that entering into the trade agreement could result—

''(1) in a decrease in the amount of duties collected on articles that are citrus or citrus products classifiable under chapters 8, 20, 21, 22, and 33 of the Harmonized Tariff Schedule of the United States; and

''(2) in a decrease in the amount of funds being transferred into the Citrus Disease Research and Development Trust Fund under section 1001 so that amounts available in the Trust Fund are insufficient to meet the purposes of the Citrus Disease Research and Development Trust Fund Act of 2012.''.

(b) CLERICAL AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by adding at the end the following:

''TITLE X—CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND

''Sec. 1001. Citrus Disease Research and Development Trust Fund.

''Sec. 1002. Reports required before entering into certain trade agreements.''.

SEC. 1204. CITRUS DISEASE RESEARCH AND DEVELOPMENT TRUST FUND ADVISORY BOARD.

(a) PURPOSE.—The purpose of this section is to establish an orderly procedure and financing mechanism for the development of an effective and coordinated program of research and product development relating to—

(1) scientific research concerning diseases and pests, both domestic and invasive, afflicting the citrus industry; and

(2) support for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Citrus Disease Research and Development Trust Fund established under section 1001 of the Trade Act of 1974, as added by section 1203(a) of this Act, or through other research projects intended to solve problems caused by citrus production diseases and invasive pests.

(b) DEFINITIONS.—In this section:

(1) BOARD.—The term ''Board'' means the Citrus Disease Research and Development Trust Fund Advisory Board established under this section.

(2) CITRUS.—

(A) IN GENERAL.—The term ''citrus'' means edible fruit of the family Rutaceae, commonly called ''citrus''.

(B) INCLUSION.—The term ''citrus'' includes all citrus hybrids and products of citrus hybrids that are produced for commercial purposes in the United States.

(3) DEPARTMENT.—The term ''Department'' means the Department of Agriculture.

(4) PERSON.—The term ''person'' means any individual, group of individuals, firm, partnership, corporation, joint stock company, association, cooperative, or other legal entity.

(5) PRODUCER.—The term ''producer'' means any person that is engaged in the domestic production and commercial sale of citrus in the United States.

(6) PROGRAM.—The term ''program'' means the citrus research and development program authorized under this section.

(7) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(8) TRUST FUND.—The term ''Trust Fund'' means the Citrus Disease Research and Development Trust Fund established under section 1001 of the Trade Act of 1974, as added by section 1203(a) of this Act.

(c) IMPLEMENTATION.—

(1) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall promulgate regulations to carry out this section.

(2) CITRUS ADVISORY BOARD.—

(A) ESTABLISHMENT AND MEMBERSHIP.—

(i) ESTABLISHMENT.—The Citrus Disease Research and Development Trust Fund Advisory Board shall consist of 9 members.

(ii) MEMBERSHIP.—The members of the Board shall be appointed by the Secretary.

(iii) STATUS.—Members of the Board represent the interests of the citrus industry and shall not be considered officers or employees of the Federal Government solely due to membership on the Board.

(B) DISTRIBUTION OF APPOINTMENTS.—The membership of the Board shall consist of—

(i) 5 members who are domestic producers of citrus in Florida;

(ii) 3 members who are domestic producers of citrus in Arizona or California; and

(iii) 1 member who is a domestic producer of citrus in Texas.

(C) CONSULTATION.—Prior to making appointments to the Board, the Secretary shall consult with organizations composed primarily of citrus producers to receive advice and recommendations regarding Board membership.

(D) BOARD VACANCIES.—

(i) IN GENERAL.—The Secretary shall appoint a new Board member to serve the remainder of a term vacated by a departing Board member.

(ii) REQUIREMENTS.—When filling a vacancy on the Board, the Secretary shall—

(I) appoint a citrus producer from the same State as the Board member being replaced; and

(II) prior to making an appointment, consult with organizations in that State composed primarily of citrus producers to receive advice and recommendations regarding the vacancy.

(E) TERMS.—

(i) IN GENERAL.—Except as provided in clause (ii), each term of appointment to the Board shall be for 5 years.

(ii) INITIAL APPOINTMENTS.—In making initial appointments to the Board, the Secretary shall appoint ⅓ of the members to terms of 1, 3, and 5 years, respectively.

(F) DISQUALIFICATION FROM BOARD SERVICE.—If a member or alternate of the Board who was appointed as a domestic producer ceases to be a producer in the State from which the member was appointed, or fails to fulfill the duties of the member according to the rules established by the Board under paragraph (4)(A)(ii), the member or alternate shall be disqualified from serving on the Board.

(G) COMPENSATION.—

(i) IN GENERAL.—The members of the Board shall serve without compensation, other than travel expenses described in clause (ii).

(ii) TRAVEL EXPENSES.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(3) POWERS.—

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

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

(C) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Board may accept and use the services of volunteers serving without compensation.

(D) TECHNICAL AND LOGISTICAL SUPPORT.—Subject to the availability of funds, the Secretary shall provide to the Board technical and logistical support through contract or other means, including—

(i) procuring the services of experts and consultants in accordance with section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the highest rate payable under section 5332 of that title; and

(ii) entering into contracts with departments, agencies, and instrumentalities of the Federal Government, State agencies, and private entities for the preparation of reports, surveys, and other activities.

(E) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission on a reimbursable or nonreimbursable basis.

(ii) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(F) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Board on a reimbursable basis administrative support and other services for the performance of the duties of the Board.

(G) OTHER DEPARTMENTS AND AGENCIES.—Departments and agencies of the United States may provide to the Board such services, funds, facilities, staff, and other support services as may be appropriate.

(4) GENERAL RESPONSIBILITIES OF THE BOARD.—

(A) IN GENERAL.—The regulations promulgated by the Secretary shall define the general responsibilities of the Board, which shall include the responsibilities—

(i) to meet, organize, and select from among the members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines to be appropriate;

(ii) to adopt and amend rules and regulations governing the conduct of the activities of the Board and the performance of the duties of the Board;

(iii) to hire such experts and consultants as the Board considers necessary to enable the Board to perform the duties of the Board;

(iv) to advise the Secretary on citrus research and development needs;

(v) to propose a research and development agenda and annual budgets for the Trust Fund;

(vi) to evaluate and review ongoing research funded by Trust Fund;

(vii) to engage in regular consultation and collaboration with the Department and other institutional, governmental, and private actors conducting scientific research into the causes or treatments of citrus diseases and pests, both domestic and invasive, so as to—

(I) maximize the effectiveness of the activities;

(II) hasten the development of useful treatments; and

(III) avoid duplicative and wasteful expenditures; and

(viii) to provide the Secretary with such information and advice as the Secretary may request.

(5) CITRUS RESEARCH AND DEVELOPMENT AGENDA AND BUDGETS.—

(A) IN GENERAL.—The Board shall submit annually to the Secretary a proposed research and development agenda and budget for the Trust Fund, which shall include—

(i) an evaluation of ongoing research and development efforts;

(ii) specific recommendations for new citrus research projects;

(iii) a plan for the dissemination and commercialization of relevant information, techniques, and technologies discovered pursuant to research funded through the Trust Fund; and

(iv) a justification for Trust Fund expenditures.

(B) AFFIRMATIVE SUPPORT REQUIRED.—A research and development agenda and budget may not be submitted by the Board to the Secretary without the affirmative support of at least 7 members of the Board.

(C) SECRETARIAL APPROVAL.—

(i) IN GENERAL.—Not later than 60 days after receiving the proposed research and development agenda and budget from the Board and consulting with the Board, the Secretary shall finalize a citrus research and development agenda and Trust Fund budget.

(ii) CONSIDERATIONS.—In finalizing the agenda and budget, the Secretary shall—

(I) due to the proximity of citrus producers to the effects of diseases such as huanglongbing and the quickly evolving nature of scientific understanding of the effect of the diseases on citrus production, give strong deference to the proposed research and development agenda and budget from the Board; and

(II) take into account other public and private citrus-related research and development projects and funding.

(D) REPORT TO CONGRESS.—Each year, the Secretary shall submit to the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate a report that includes—

(i) the most recent citrus research and development agenda and budget of the Secretary;

(ii) an analysis of how, why, and to what extent the agenda and budget finalized by the Secretary differs from the proposal of the Board;

(iii) an examination of new developments in the spread and control of citrus diseases and pests;

(iv) a discussion of projected research needs; and

(v) a review of the effectiveness of the Trust Fund in achieving the purpose described in subsection (a).

(6) CONTRACTS AND AGREEMENTS.—To ensure the efficient use of funds, the Secretary may enter into contracts or agreements with public or private entities for the implementation of a plan or project for citrus research.

(d) ADMINISTRATIVE COSTS.—Each fiscal year, the Secretary may transfer up to $2,000,000 of amounts in the Trust Fund to the Board for expenses incurred by the Board in carrying out the duties of the Board.

(e) TERMINATION OF BOARD.—The Board shall terminate on December 31 of the fifth calendar year that begins after the date of the enactment of this Act.

SEC. 1205. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Notwithstanding section 6655 of the Internal Revenue Code of 1986—

(1) in the case of a corporation with assets of not less than $1,000,000,000 (determined as of the end of the preceding taxable year), the amount of any required installment of corporate estimated tax which is otherwise due in July, August, or September of 2017 shall be increased by 0.25 percent of such amount (determined without regard to any increase in such amount not contained in such Code); and

(2) the amount of the next required installment after an installment referred to in paragraph (1) shall be appropriately reduced to reflect the amount of the increase by reason of such paragraph.

SEC. 1206. EXTENSION OF CUSTOMS USER FEES.

Section 13031(j)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(j)(3)) is amended by adding at the end the following:

''(C)(i) Notwithstanding subparagraph (A), fees may be charged under paragraphs (9) and (10) of subsection (a) during the period beginning on October 23, 2021, and ending on November 6, 2021.

''(ii) Notwithstanding subparagraph (B)(i), fees may be charged under paragraphs (1) through (8) of subsection (a) during the period beginning on October 30, 2021, and ending on November 13, 2021.''.

SA 3375. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BUDGET OFFSET.

(a) OFFSETTING AMOUNTS.—

(1) IN GENERAL.—There is rescinded for fiscal year 2013 any unobligated balances in an amount equal to $60,407,000,000 of the budget authority provided for fiscal year 2013 of any discretionary account in title II—United States Agency for International Development, title III—Bilateral economic assistance, and title IV—International security assistance as provided by the continuing appropriations resolution of 2013 for the Department of State, Foreign Operations and Related Appropriations Act, 2012 (Public Law 112-175).

(2) LIMITATION.—Of the accounts and programs included in paragraph (1), the rescissions amounts shall not reduce the combined aggregate budget authority of those accounts and programs below $5,000,000,000 for all of fiscal year 2013.

(3) EXCESS RECOVERED.—The amount of rescission of budget authority in paragraphs (1) and (2) that exceeds the level of unobligated balances in that section shall be rescinded, on a pro rata basis, from the budget authority provided for fiscal year 2013 from any remaining discretionary accounts in any fiscal year 2013 appropriations Act (except the accounts and programs included as provided by the continuing appropriations resolution of 2013 for the Military Construction and Veterans Affairs and Related Appropriations Act, 2012).

(b) APPLICATION OF RESCISSIONS.—Of the total amount rescinded subject to including subsection (a)(2), the allocation of rescissions from the accounts or programs as specified in subsection (a)(1), shall be determined by the Director of the Office of Management and Budget.

SA 3376. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. NONAPPLICATION OF DAVIS-BACON.

None of the funds made available under this Act (or an amendment made by this Act) may be used to administer or enforce the wage-rate requirements of subchapter IV of chapter 31 of part A of subtitle II of title 40, United States Code (commonly referred to as the ''Davis-Bacon Act'') with respect to any project or program funded, in whole or in part, under this Act (or amendment).

SA 3377. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. BUDGET OFFSET.

(a) IN GENERAL.—

(1) FINDING.—Congress finds that the Congressional Budget Office estimates that—

(A) this Act, the Disaster Relief Appropriations Act, 2013, will spend only 15 percent of the budget authority provided in this Act in fiscal year 2013; and

(B) total outlays flowing from this Act will equal $8,974,000,000 for fiscal year 2013.

(2) BUDGET AUTHORITY LIMIT.—The total amount provided to chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of this Act shall be provided based on the Congressional Budget Office's cost estimate findings, such that—

(A) total budget authority for the Act shall not exceed $8,974,000,000;

(B) total budget authority provided for Chapter 1 shall not exceed $81,000,000;

(C) total budget authority provided for Chapter 2 shall not exceed $192,000,000;

(D) total budget authority provided for Chapter 3 shall not exceed $42,000,000;

(E) total budget authority provided for Chapter 4 shall not exceed $673,000,000;

(F) total budget authority provided for Chapter 5 shall not exceed $437,000,000;

(G) total budget authority provided for Chapter 6 shall not exceed $6,681,000,000;

(H) total budget authority provided for Chapter 7 shall not exceed $147,000,000;

(I) total budget authority provided for Chapter 8 shall not exceed $85,000,000;

(J) total budget authority provided for Chapter 9 shall not exceed $23,000,000; and

(K) total budget authority provided for Chapter 10 shall not exceed $613,000,000.

(3) APPLICATION OF BUDGET AUTHORITY REDUCTION.—Of the total amount reduced in this Act as subject to paragraph (2), the allocation of such reductions among the accounts and programs shall be determined by the Director of Office of Management and Budget.

(b) OFFSETTING AMOUNTS.—

(1) IN GENERAL.—There is rescinded for fiscal year 2013 any unobligated balances in an amount equal to $8,974,000,000 of the budget authority provided for fiscal year 2013 of any discretionary account in title II—United States Agency for International Development, title III—Bilateral economic assistance, and title IV—International security assistance accounts and programs as provided by the continuing appropriations resolution of 2013 for the Department of State, Foreign Operations and Related Appropriations Act, 2012 (Public Law 112-175).

(2) LIMIT.—Of the accounts and programs included in paragraph (1), the rescission amounts shall not reduce the combined aggregate budget authority of those accounts and programs below $5,000,000,000 for all of fiscal year 2013.

(3) EXCESS RECOVERED.—The amount of rescission of budget authority in paragraphs (1) and (2) that exceeds the level of unobligated balances in those paragraphs shall be rescinded, on a pro rata basis, from the budget authority provided for fiscal year 2013 from any remaining discretionary accounts in any fiscal year 2013 appropriations Act (except the accounts and programs as provided by the continuing appropriations resolution of 2013 for the Military Construction and Veterans Affairs and Related Appropriations Act, 2012).

(c) APPLICATION OF RESCISSIONS.—Of the total amount rescinded subject to subsection (b), including paragraph (2) the allocation of such rescissions among the accounts or programs as specified in subsection (b)(1), shall be determined by the Director of the Office of Management and Budget.

SA 3378. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. Section 406(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172(b)(1)) is amended—

(1) in the paragraph heading, by striking ''MINIMUM''; and

(2) by striking ''not less than'' and inserting ''not more than 75 percent''.

SA 3379. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 45, strike lines 9 through 20 and insert the following:

''(f) WAIVER AUTHORITY.—Until such time as the Administrator promulgates regulations to implement this section, the Administrator may—

''(1) waive notice and comment rule making requirements if the Administrator determines the waiver to be necessary to expeditiously implement this section; and

''(2) may carry out the alternative procedures under this section as a pilot program during the 3-year period beginning on the date of enactment of the Disaster Recovery Act of 2012.

''(g) REIMBURSEMENT.—The guidelines for reimbursement for costs under subsection (e)(2)(D) shall assure that no State, tribal, or local government is denied reimbursement for overtime payments that are required pursuant to the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

''(h) SUNSET OF REPAIR, RESTORATION, AND REPLACEMENT PROCEDURES.—The authority of the Administrator to administer assistance under the procedures described in subsection (e)(1) shall terminate 5 years after the date of enactment of this Act.

''(i) REPORT.—Not earlier than 3 years, and not later than 5 years, after the date of enactment of this section, the Inspector General of the Department of Homeland Security shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the alternative procedures for the repair, restoration, and replacement of damaged facilities under section 406 authorized under this section, which shall assess the effectiveness of the alternative procedures, including—

''(1) whether the alternative procedures helped to improve the general speed of disaster recovery;

''(2) the accuracy of the estimates relied upon;

''(3) whether the financial incentives and disincentives were effective;

''(4) whether the alternative procedures were cost-effective;

''(5) whether the independent expert panel described in subsection (e)(1)(E) was effective; and

''(6) recommendations for whether the alternative procedures should be continued and any recommendations for changes to the alternative procedures.''.

SA 3380. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table; as follows:

On page 62, between lines 23 and 24, insert the following:

(l) ENHANCING RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.—

(1) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

''SEC. 526. ADMINISTRATION OF RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'annuitant' means an annuitant under a Government retirement system;

''(2) the terms 'deployed' and 'deployment' mean the performance of services under the response and recovery operations and programs of the Agency, including exercises and training for such operations and programs;

''(3) the term 'disaster reserve workforce' means the disaster reserve workforce established under subsection (b);

''(4) the term 'employee' has the meaning given under section 2105 of title 5, United States Code;

''(5) the term 'employee designated for short term deployments' means an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) designated only for short-term deployments;

''(6) the term 'Government retirement system' means a retirement system established by law for employees of the Government of the United States;

''(7) the term 'major project' means any project for which the total costs are greater than $400,000;

''(8) the term 'permanent seasonal employee' means an employee, including an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)), working under seasonal employment as defined under section 340.401 of title 5 of the Code of Federal Regulations or any successor regulation;

''(9) the term 'reservist' means an employee who is a member of the disaster reserve workforce;

''(10) the term 'response and recovery operations and programs' means response operations and programs and recovery operations and programs;

''(11) the term 'response operations and programs' means operations and programs that involve taking immediate actions to save lives, protect property or the environment, or meet basic human needs;

''(12) the term 'recovery operations and programs' means operations and programs to support and enable recovery, as defined in section 501 of the Homeland Security Act of 2002; and

''(13) the term 'term employee' means an employee, including an employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)), who is appointed to a term of 1 or more years.

''(b) DISASTER RESERVE WORKFORCE.—In order to provide efficiency, continuity, quality, and accuracy in services performed under response and recovery operations and programs there is within the Agency a disaster reserve workforce, which shall be used to supplement the work of permanent full-time employees of the Agency on response and recovery operations and programs.

''(c) PROVISION OF SERVICES PERFORMED UNDER RESPONSE AND RECOVERY OPERATIONS AND PROGRAMS.—

''(1) IN GENERAL.—The Administrator shall ensure that the disaster reserve workforce can rapidly and efficiently deploy qualified, skilled, and trained reservists for a sufficiently long period to provide continuity in response and recovery operations and programs.

''(2) MANAGEMENT AND IMPLEMENTATION.—

''(A) IN GENERAL.—Sufficient numbers of qualified permanent full-time employees of

the Agency shall lead and manage the disaster reserve workforce and implement response and recovery operations and programs, including leading individual major projects under sections 404, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c, 5172, and 5173).

''(B) DISASTER RESERVE WORKFORCE.—The disaster reserve workforce shall include—

''(i) term employees;

''(ii) permanent seasonal employees;

''(iii) employees designated for short-term deployments;

''(iv) employees of the Department who are not employees of the Agency; and

''(v) employees of other Federal agencies.

''(C) RELIANCE ON CERTAIN EMPLOYEES.—In supporting the work of permanent full-time employees, the Administrator—

''(i) shall rely to the greatest extent possible on term employees and permanent seasonal employees deployed for long periods of time in order to help ensure greater efficiency, continuity, quality, and accuracy in services performed under recovery operations and programs; and

''(ii) may use discretion to deploy the reservists most able to ensure the greatest efficiency, continuity, quality, and accuracy in services performed under response and recovery operations and programs.

''(3) POLICIES AND PROCEDURES.—In order to ensure that efficient, continuous, and accurate services are provided under response and recovery operations and programs, not later than 180 days after the date of enactment of this section, the Administrator shall develop—

''(A) staffing policies and procedures that provide for the management of response and recovery operations and programs by sufficient numbers of permanent full-time senior-level officials;

''(B) plans to recruit individuals who reside in the area affected by a major disaster when long-term recovery efforts are needed; and

''(C) policies and procedures relating to sections 403, 404, 406, 407, and 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5170c, 5172, 5173, and 5192).

''(4) MINIMUM STANDARDS AND GUIDELINES FOR THE DISASTER RESERVE WORKFORCE.—

''(A) STANDARDS AND GUIDELINES.—Not later than 180 days after the date of enactment of this section, the Administrator shall develop standards and guidelines for the disaster reserve workforce, including—

''(i) setting appropriate mandatory before and after disaster training requirements;

''(ii) establishing the minimum number of days annually an individual is required to deploy in a year during which there is sufficient work for members of the disaster reserve workforce;

''(iii) providing for a reasonably long time period for deployment to ensure continuity in operations; and

''(iv) establishing performance requirements, including for the timely and accurate resolution of issues and projects.

''(B) MAINTAINING MEMBERSHIP IN THE DISASTER RESERVE WORKFORCE.—In order to maintain membership in the disaster reserve workforce, a reservist shall—

''(i) be credentialed in accordance with section 510; and

''(ii) meet all minimum standards and guidelines established under subparagraph (A)—

''(I) for term employees, before being appointed to a term in the disaster reserve workforce; and

''(II) annually for all other reservists.

''(C) EVALUATION SYSTEM.—In consultation with the Director of the Office of Personnel Management, the Administrator shall develop and implement a system to continuously evaluate reservists to ensure that all minimum standards and guidelines under this paragraph are satisfied annually by all reservists. Chapter 43 of title 5, United States Code, shall not apply to reservists covered under the system developed and implemented under this subparagraph.

''(5) CONTRACTORS.—Not later than 180 days after the date of enactment of this section, the Administrator, in conjunction with the Chief Human Capital Officer of the Agency, shall establish policies and procedures for contractors that support response and recovery operations and programs, which shall ensure that the contractors have appropriate skills, training, knowledge, and experience for assigned tasks, including by ensuring that the contractors meet training, credentialing, and performance requirements similar to the requirements for reservists.

''(6) REEMPLOYED ANNUITANTS.—

''(A) IN GENERAL.—In appointing reservists to the disaster reserve workforce, the application of sections 8344 and 8468 of title 5, United States Code, (relating to annuities and pay on reemployment) or any other similar provision of law under a Government retirement system may be waived by the Administrator for annuitants reemployed on deployments involving a direct threat to life or property or other unusual circumstances for the entirety of the deployment.

''(B) LIMITATIONS.—The authority under subparagraph (A)—

''(i) is granted to assist the Administrator in establishing and effectively operating the disaster reserve workforce if—

''(I) no other qualified applicant is available for a reservist position; or

''(II) if the employment of an annuitant would serve the mission of the Agency by gaining the benefit of the institutional knowledge and experience of the annuitant; and

''(ii) may be exercised only—

''(I) with respect to natural disasters, acts of terrorism, or other man-made disasters, including catastrophic incidents; and

''(II) if the applicant will not accept the position without a waiver.

''(C) GUIDELINES AND LIMITATIONS.—Before the Administrator may exercise the authority under subparagraph (A), the Administrator shall establish guidelines and limitations on the appointment of annuitants under that subparagraph in order to manage the need for annuitant experience with workforce growth, succession planning, and fiscal responsibilities.

''(D) NOT EMPLOYEE FOR RETIREMENT PURPOSES.—An annuitant to whom a waiver under subparagraph (A) is in effect shall not be considered an employee for purposes of any Government retirement system.

''(7) PERMANENT EMPLOYMENT POSITIONS.—

''(A) IN GENERAL.—An employee hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) and a member of the FEMA corps of the National Civilian Community Corps who completes the terms of service of the member pursuant to the interagency agreement between the Federal Emergency Management Agency and the Corporation for National and Community Service may compete for permanent positions in the Agency under merit promotion procedures. The actual time deployed as an employee or member shall be considered creditable service for purposes of such competition and shall be calculated, for purposes of section 8411 of title 5, United States Code, by dividing the total number of days of service as a reservist by 365 to obtain the number of years of service and dividing any remainder by 30 to obtain the number of additional months of service and excluding from the aggregate the fractional part of a month, if any.

''(B) CONSIDERATION.—In evaluating a reservist hired under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)(1)) for a potential permanent employment position, the Administrator shall consider the qualifications of, and performance as a reservist by, the reservist, including the ability of the reservist to timely, accurately, and creatively resolve issues and projects when deployed.

''(C) EFFECTIVE DATE AND APPLICATION.—This paragraph shall—

''(i) take effect on the date on which the Administrator implements the evaluation system under paragraph (4)(C); and

''(ii) apply to periods of service performed after that date.

''(8) NO IMPACT ON AGENCY PERSONNEL CEILING.—Reservists shall not be counted against any personnel ceiling limitation applicable to the Agency.''.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by inserting after the item relating to section 525 the following:

''Sec. 526. Administration of response and recovery operations and programs.''.

(3) PERMANENT SEASONAL EMPLOYEES.—Section 306(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5149(b)) is amended—

(A) in paragraph (1), by inserting ''or permanent seasonal employees (as that term is defined under section 526(a)(8) of the Homeland Security Act of 2002)'' after ''temporary personnel''; and

(B) in paragraph (3), by inserting ''or the employment of permanent seasonal employees (as that term is defined under section 526(a)(8) of the Homeland Security Act of 2002)'' after ''additional personnel''.

SA 3381. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, and for other purposes; which was ordered to lie on the table.

On page 85, line 9, strike ''That, of'' and all that follows through ''2012:'' on line 15 and insert the following: ''That, of the amount provided under this heading, $500,000,000 shall be used to address the unmet needs of impacted areas resulting from a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or for small, economically distressed areas with a disaster declared in 2011 or 2012: *Provided further*, That the amounts provided under the preceding proviso are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985:''.

NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator TOM COBURN, intend to object to proceeding to S. 2215, a bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes; dated December 18, 2012.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on December 18, 2012, at 9:30 a.m., to conduct a hearing entitled ''Computerized Trading Venues: What Should the Rules of the Road Be?''

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on December 18, 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on December 18, 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on December 18, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MENENDEZ. Mr. President, I see the Senator from Alaska is ready to speak. I have been asked to do some wrapup items, if she would indulge us.

CORRECTING THE ENROLLMENT OF S. 2367

Mr. MENENDEZ. I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 63 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 63) correcting the enrollment of S. 2367.

The PRESIDING OFFICER. There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MENENDEZ. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 63) was agreed to, as follows:

S. CON. RES. 63

Resolved by the Senate (the House of Representatives concurring), That the Secretary of the Senate is requested to return to the House of Representatives the enrolled bill (S. 2367, an Act to strike the word ''lunatic'' from Federal law, and for other purposes). Upon the return of such bill, the action of the Speaker of the House of Representatives in signing it shall be rescinded. The Secretary of the Senate shall reenroll the bill with the following correction: In section 2(b)(1)(B), strike ''in subsection (b)'' and insert ''in subsection (j)''.

AUTHORIZING THE USE OF THE ROTUNDA

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Con. Res. 64 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 64) authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable DANIEL K. INOUYE.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MENENDEZ. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 64) was agreed to, as follows:

S. CON. RES. 64

Resolved by the Senate (the House of Representatives concurring), That in recognition of the long and distinguished service rendered to the Nation by Daniel K. Inouye, a Senator from the State of Hawaii and formerly a Representative from that State, his remains be permitted to lie in state in the rotunda of the Capitol on December 20, 2012, and the Architect of the Capitol, under the direction of the Speaker of the House of Representatives and the President pro tempore of the Senate, shall take all necessary steps for the accomplishment of that purpose.

RELATIVE TO THE DEATH OF THE HONORABLE DANIEL KEN INOUYE, SENATOR FROM THE STATE OF HAWAII

Mr. MENENDEZ. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 624 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 624) relative to the death of the Honorable DANIEL KEN INOUYE, Senator from the State of Hawaii.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MENENDEZ. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered

The resolution (S. Res. 624) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 624

Whereas Senator Daniel K. Inouye served the people of the State of Hawaii for over 58 years in the Territorial House of Representatives, the Territorial Senate, the United States House of Representatives, and the United States Senate;

Whereas Senator Daniel K. Inouye became the first Japanese American to serve in both the United States House of Representatives and the United States Senate;

Whereas Senator Daniel K. Inouye represented the State of Hawaii in Congress from before the time that Hawaii became a State in 1959 until 2012;

Whereas Senator Daniel K. Inouye served as the President Pro Tempore of the United States Senate, Chairman of the Committee on Appropriations, Chairman of the Subcommittee on Defense, the first Chairman of the Senate Select Committee on Intelligence, Chairman of the Committee on Indian Affairs, Chairman of the Democratic Steering Committee, Chairman of the Committee on Commerce, Science, and Transportation, Chairman of the Rules Committee, Chairman of the Senate Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition, and Secretary of the Democratic Conference;

Whereas Senator Daniel K. Inouye delivered the keynote address at the 1968 Democratic National Convention in Chicago, Illinois, in which he expressed a vision for a more inclusionary Nation and famously declared ''this is our country'';

Whereas Senator Daniel K. Inouye served as a medical volunteer at the Pearl Harbor attack on December 7, 1941, and volunteered to be part of the all Nisei 442nd Regimental Combat Team during World War II at a time when Japanese Americans were being systematically discriminated against by the Nation he volunteered to defend;

Whereas Senator Daniel K. Inouye was wounded in battle and honorably discharged as a Captain with a Distinguished Service Cross, Bronze Star, Purple Heart with cluster, and 12 other medals and citations; and

Whereas Senator Daniel K. Inouye was awarded the Medal of Honor by President William J. Clinton in June 2000, along with 21 other Asian-American veterans of World War II for their actions during the war: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret of the death of the Honorable Daniel K. Inouye, Senator from the State of Hawaii;

(2) the Secretary of the Senate shall transmit this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(3) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

ORDERS FOR WEDNESDAY, DECEMBER 19, 2012

Mr. MENENDEZ. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Wednesday, December 19, 2012; that following the

prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; and that following morning business, the Senate resume consideration of H.R. 1, the legislative vehicle for the emergency supplemental appropriations bill; further, that Senator HUTCHISON be recognized at 11:30 a.m. for up to 30 minutes and that Senator KYL be recognized at 2 p.m. for up to 30 minutes, each for the purpose of delivering retirement speeches.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. MENENDEZ. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 624, as a further mark of respect to the late Senator DANIEL K. INOUYE of Hawaii, following the remarks of Senator MURKOWSKI.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

REMEMBERING DANIEL K. INOUYE

Ms. MURKOWSKI. Mr. President, it is only fitting that I be allowed to speak for a few minutes recognizing that on this floor we have just advanced these resolutions in honor of our friend, our colleague, and truly an incredible gentleman and statesman, Senator DANIEL K. INOUYE.

In Alaska, we regarded former Senator Ted Stevens as ''Uncle Ted.'' What follows, then, is that the people of Alaska would regard his brother, our beloved DANIEL INOUYE, as our uncle as well.

Today, the people of Alaska are mourning the loss of Senator INOUYE in the same way we would mourn the loss of one of our own; that is, because Senator INOUYE is one of our own. Regardless of whether he wanted that burden—I know that perhaps at times he did not want that—we would think of him as Alaska's third Senator. A great many Alaskans came to know, to love, and to rely on Senator INOUYE to watch Alaska's back, and he never let us down.

Senator INOUYE delivered a very touching, a very tender eulogy at Ted Stevens' funeral in August of 2010. In that address, he mentioned that millions and millions of words had been written of Ted's accomplishments. Yet as I was thinking about how I might frame my remarks about Senator INOUYE's life, it dawned on me that millions and millions of words had also been written already about Senator INOUYE. That is because I think so many of Ted's accomplishments came with DAN INOUYE at his side and, not coincidentally, many of DAN's accomplishments occurred in the presence of Ted. So where do we begin? There is so much that must be said and that should be said.

I was present at the Anchorage Baptist Temple when Senator INOUYE delivered his eulogy, and I had the opportunity last evening, after we learned word of Senator INOUYE's passing, to view that video clip again. As I listened to that eulogy, it came to me that everything Senator INOUYE said about Ted told us as much about Dan as it did about Ted. There was so much that these two men shared.

Senator INOUYE related that he knew from the very beginning of the relationship that the two would have a great deal in common. Both represented former territories at the very edge of our great Nation—territories that at times were treated as appendages to our Nation. He characterized Alaska and Hawaii as the forgotten people. In those early years, he reminded us it cost more to make a telephone call from Honolulu to here in Washington, DC, than it did Honolulu to Tokyo. It was cheaper to call Beijing from Washington than Anchorage. DAN and Ted set out to do something about that, and they did.

They traveled to each other's States. They came to understand the unique challenges each faced.

Senator INOUYE related on one trip to an Alaska Native village that he met a nurse. It actually was not a nurse. It was our community health aide, an individual from the village who had been trained to provide basic medical care. It occurred to both of them at that time that the new technology could enable a doctor at a major hospital, hundreds or perhaps even thousands of miles away, to observe and diagnose a patient via a video link.

So was born the Alaska telemedicine network, one of the first of its kind in the world and truly a remarkable advancement and achievement in Alaska. It was born from their very conversations on that CODEL. This is just one small example of the many collaborations that improved life for the Native peoples of Alaska and Hawaii. These collaborations created models by which Senator INOUYE improved conditions for the Native peoples of the 48 States as well.

Another thing that Ted and DAN shared in common was, of course, that they were both veterans. One of our colleagues described them as World War II soulmates—men who loved the military, absolutely loved the military, with every ounce of their being. They traveled together across the globe to zones of conflict to visit Americans in uniform.

The tragedy of Vietnam veterans returning home unappreciated was not lost on either of these veterans, and they devoted their lives to ensuring that our veterans would never again be disrespected.

Following Ted's death, Senator INOUYE came to this floor, and he said the following of his fallen brother:

> When it came to policy, we disagreed more often than we agreed, but we were never disagreeable with one another. We were always positive and forthright.

This remark came as perhaps a little bit of a surprise to me because on the important issues that faced this country, they would most often arrive at significant agreements that would allow the issues to advance in the Senate. Not one of them viewed bipartisanship in a negative context. It was not a dirty word. Senator INOUYE said of Ted: ''We made the word bipartisan become real—real.''

It is no coincidence that each would be described in these terms:

> His word is his bond . . . . Good as gold.

DANIEL INOUYE brought depth to every debate and dignity to every room in which he entered. He was a model Senator and in these times of turbulence within the Senate I think a role model for so many of us. There was an elegance in this man that I think we should all strive to emulate. I wonder often if those of us who did not come of age in that ''greatest generation'' are up to this challenge. But we should certainly strive to be.

On behalf of the people of Alaska, I express our deepest appreciation and condolences to his wife Irene and to Ken for sharing this extraordinary statesman with us and with the Nation. For that, we owe them a very sincere and genuine thank you—mahalo. Irene, of course, is doing important work with the United States-Japan Council. I look forward to working closely with her in that important role.

When a significant figure in Alaska passes, we often say: ''A big tree has fallen.'' In the islands, DANIEL INOUYE was the biggest of the big trees. There is no way to minimize the loss the people of Hawaii are feeling. We could see it in the face of Governor Abercrombie yesterday. He could barely control his tears as he conducted a lengthy news conference following Senator INOUYE's passing. We saw our friend and colleague, Senator AKAKA, as he delivered very sad remarks as well. In Hawaii, as in Alaska, these things are personal. Losing a longtime Senator feels like losing a member of your own family. The Senate ohana is less today because Senator INOUYE is no longer with us. Let me simply say the people of Alaska and the people of this great Nation stand with the people of Hawaii. I offer my personal commitment to the people of Hawaii as the now senior-most Senator representing the decades' old alliance of our former territories: Your needs will not be forgotten.

With that, I thank you for the few extra minutes this evening to pay tribute to a good man, a good friend.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 9:30 a.m. on Wednesday, December 19, 2012, and does so under the provisions of S. Res. 624 as a further mark of respect to the late Senator DANIEL K. INOUYE of Hawaii.

Thereupon, the Senate, at 7:51 p.m., adjourned until Wednesday, December 19, 2012, at 9:30 a.m.

EXTENSIONS OF REMARKS

HONORING JAY PIERSON

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. CANTOR. Mr. Speaker, I rise today to honor Jay Pierson, who has dedicated the past 34 years to this legislative body and our Nation.

As a floor assistant, Jay's knowledge of the House rules and procedure, and the guidance he provides Members and staff have allowed this institution to run smoothly in service to the American people. As a dedicated, revered, and unwavering presence on House floor, Jay himself has become an institution.

Members and staff on both sides of the aisle call Jay their friend for his assistance and his incredible kindness. Known not only for his expertise on House rules and procedure, Jay is a historian of the House and holds a doctorate in English. None may know Jay better than the staff of the Library of Congress from whom he is constantly borrowing and returning books.

Mr. Speaker, I know I am joined by current and former members of Congress and staff when I say that we all feel honored to have worked with Jay. I thank Jay very much for his service and I wish he, his wife JoAnn, and his sons Joel and Jeff the best as they enjoy more time together.

RECOGNIZING THE 60TH ANNIVERSARY OF THE ILLINOIS POISON CENTER

HON. PETER J. ROSKAM

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. ROSKAM. Mr. Speaker, I rise today to recognize the 60th anniversary of the Illinois Poison Center (IPC), the oldest poison center in the United States. Their services in poison treatment and prevention have made the Illinois Poison Center a great contributor to the Illinois emergency medical community.

Increased awareness of the potential dangers of over the counter and prescription medications as well as common household products is a crucial step toward better poison safety and prevention, especially for children. Nearly half of the 77,000 poisonings reported to the Illinois Poison Center last year involved children under the age of five. Most of these cases could be prevented by greater awareness of potential risks posed by household substances. The Illinois Poison Center has proven its dedication to educating the citizens of Illinois in better poison prevention.

Thanks to its trained medical staff, the Illinois Poison Center treats over 90 percent of calls reporting poisoning over the phone, reducing the need for doctor's visits and emergency room care.

Mr. Speaker and Distinguished Colleagues, please join me in recognizing March 2013 as Poison Prevention Month in Illinois, and in commending the Illinois Poison Center on 6 decades of excellence in poison education and treatment to the State of Illinois.

CONDEMNING THE HORRIFIC ATTACKS IN NEWTOWN, CONNECTICUT, AND EXPRESSING SUPPORT AND PRAYERS FOR ALL THOSE IMPACTED BY THIS TRAGEDY

SPEECH OF

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2012

Mrs. CAPPS. Mr. Speaker, I rise in support of H. Con. Res. 833, and in support of the greater Newtown community in the wake of the tragic Sandy Hook Elementary School shooting.

Twenty seven lives have been lost and countless others have been affected by the shooting in Newtown, Connecticut on December 15, 2012.

Twenty first-graders were killed in their classroom.

And teachers and school administrators died while protecting their students.

As a nation, we are heartsick.

As a mother and grandmother of eight, I cannot even begin to fathom what the families of Newtown are going through.

As they have just begun the long and slow process of grieving and healing, our nation's hearts, prayers, and deepest sympathies are with them.

This horrible crime reminds us that our time here is precious and short.

And it reminds us that even though we cannot prevent every single senseless violent act, we must come together to all we can to reduce the gun violence that contributed to these losses.

For too long we have neglected to take the steps necessary to stem the damage and harm inflicted by gun violence.

I pray that this horrific event will remind us that our highest priority is to keep our children safe—and right now we are not doing enough.

There is so much more that we can do to protect our families and communities from gun violence.

But there is also much more that we can and must do to strengthen our mental health care systems—to treat those in need, avert future violence, and support those whose lives have been affected by it.

In the coming days, weeks, and months, and as time passes for the community of Newtown, the nation will reflect on this tragedy.

I hope that through this soul searching we will conclude that we have a moral responsibility to take strong, effective action to reduce the harm caused by gun violence.

We owe it to the victims and their families to take every step possible to prevent another horrific tragedy like this one.

If not now, when?

IN RECOGNITION OF SERGEANT BRIAN J. NELSON

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. KEATING. Mr. Speaker, I rise today to recognize Marine Corps Master Sergeant Brian J. Nelson as he is presented with the Purple Heart on December 19, 2012 in Falmouth, Massachusetts.

The Purple Heart, a military decoration awarded by the President, is reserved for members of the Armed Forces who have been injured by an instrument of war in the hands of the enemy. It is one of the highest honors that our servicemen and women may receive. Sergeant Nelson was wounded by an improvised explosive device in Anbar Province, Iraq, on September 30, 2006. He was in the middle of serving his second tour of duty in Iraq at that time. However, this did not stop Sergeant Nelson from returning to active duty, as he deployed a third time to Afghanistan following his recovery. Sergeant Nelson's heroism and commitment to serving our country is truly remarkable, and throughout his military career he has served as an embodiment of real patriotism.

Sergeant Nelson is a native of Cape Cod, having grown up in Falmouth. Before graduating from Falmouth High School, he was selected to be captain of the both the school's cross country and track teams. He then received a bachelor's degree from the University of New Hampshire in chemical engineering, an accomplishment that would later assist him during his tenure in the Armed Forces. For nearly a decade, Sergeant Nelson spent his summers as a lifeguard on the beaches of Falmouth and Dennis before enlisting in the Marine Corps in November of 2003. Two years later, he deployed from Camp Lejeune, North Carolina, for combat operations in Anbar Province, Iraq, and returned to that region the following year. After recovering from the injuries he sustained in 2006 and his promotion to Sergeant, he deployed for a third time from Camp Pendleton, California, to Helmand Province in Afghanistan. Here, Sergeant Nelson worked as a civil affairs development officer and as the coordinator in the experimental Poppyseed Biofuel Program. Since his return to the United States, Sergeant Nelson has been serving in the Marine Corps Combat Water Survival Instructor Course in Quantico, Virginia.

Sergeant Nelson has earned much recognition for his service to his country. In addition to the Purple Heart, Sergeant Nelson has also received three Navy and Marine Corps Achievement Medals and the Combat Action

Ribbon, and he has been selected to attend the Assessment and Selection Indoctrination Course for the Marine Corps Special Operations Command this January. Such accolades are truly fitting for a member of our Armed Services who has always shown the highest level of dedication to his country.

Mr. Speaker, please join me in recognizing Marine Corps Master Sergeant Brian J. Nelson as he is awarded the Purple Heart. I thank my colleagues for joining me in recognition of this distinguished member of our Armed Services.

TRIBUTE TO THE 30TH VETERANS DAY OF REMEMBRANCE PROGRAM

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. THORNBERRY. Mr. Speaker, I rise to recognize a great community program in my district. For thirty years, Mineral Wells ISD and the American Legion Post 75 have co-sponsored an outstanding program to recognize and honor our nation's veterans. This program is held in the high school stadium and is open to all people of the community and the area. All school students of Mineral Wells ISD are driven by bus to the stadium. This year the program was held on November 12th for an audience of approximately 5500.

Some of the neighboring schools also bring their students to the program. The program comprises performances from all campuses of Mineral Wells ISD including the kindergarten drill team, choirs from the middle school, and students from the junior and senior high schools. The high school band performs a pre-ceremony concert while attendees get seated. A dance team from the high school performs as well.

This year, Lt. General Richard E. ''Tex'' Brown III (USAF, Ret.) was the guest speaker. He was a former graduate of Mineral Wells High School. Lt. General Brown spoke of the great respect this area has for the military and for veterans. The Master of Ceremonies was LTC Robert Clayton Evans (US Army, Ret.). He also was a former graduate of Mineral Wells High School, a West Point graduate, and a member of the American Legion Post 75. It was a great homecoming for both men.

American Legion, Sons of the Legion, and American Legion Auxiliary state commanders and presidents attended this program. Elected officials of the county and school officials also were among the platform guests.

Students from Mineral Wells High School also helped with other duties involved with the program. Some passed out programs or helped seat groups in the stands. Some passed out small flags to the crowd or helped fill red, white, and blue balloons for the final song.

Local Legion members performed a flag service and presented service flags in the program. Another member manned a small cannon to open the program after a local pilot presented a flyover to honor our veterans. Lunch was served after the program by more local members of the American Legion Post 75 family.

Mineral Wells recognizes the service that veterans have given to our country now and in the past with this outstanding program. For that reason, Mineral Wells ISD and American Legion Post 75 should be noted for their efforts.

TRIBUTE TO DANIEL K. MILLER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. LATHAM. Mr. Speaker, I rise to recognize the retirement of Iowa Public Television's executive director and general manager, Daniel Miller, and express my appreciation for his years of service to IPTV and the people of Iowa.

A Des Moines native, Mr. Miller has been a part of the IPTV family for 37 years and has been the executive director and general manager since 2002. Under Dan's leadership, IPTV has expanded its statewide and nationwide relevance by tripling its broadcast offerings amidst balancing the transition to digital television and shrinking government funding. Iowa Public Television boasts more than two million viewers each month, and at times its central Iowa station has been the most-watched public television station in the country.

Dan's many accomplishments at IPTV have earned him deserved praise across the nation, including numerous broadcasting and broadcast journalism awards on the regional and national levels. Simply put, the IPTV we know and love today would not be the same without Mr. Miller's tireless efforts and passionate advocacy.

Mr. Speaker, in an increasingly divisive media environment, Dan's career and legacy at IPTV is a testament to the importance of objective and factual journalism. He has never wavered in his commitment to the truth and journalistic integrity, and I am honored to call him my friend. I invite my colleagues in the House to join me in congratulating Mr. Miller on his illustrious career, and wish him a happy retirement.

PERSONAL EXPLANATION

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. PENCE. Mr. Speaker, I was unavoidably absent on December 12 and 13, 2012 and missed rollcall votes. Had I been present, I would have voted ''Aye'' on rollcall votes 621, 622, 623, 624, 625 and 626.

RETIREMENT OF JUDGE JOSEPH P. MACNABB

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. WESTMORELAND. Mr. Speaker, I come before you today to commemorate the retirement of Judge Joseph P. MacNabb. Over the years, Judge MacNabb has proved his dedication to the people of the Third District and Georgia and his presence in the community will not be forgotten.

Joseph MacNabb was born in Newnan, Georgia to George and Ella MacNabb. He graduated with top honors from Newnan High School and attended of Emory University. Following Emory, Judge MacNabb graduated from the University of Georgia School of Law and served as the First Chairman of the Moot Court Board.

Judge MacNabb used his degree to truly serve people. While he was a Captain in the Judge Advocate General's Corps in the United States Army, Judge MacNabb spent time in the Republic of Korea and was awarded the Army Commendation Medal and the Meritorious Service Medal.

After his service abroad, he returned to Georgia and practiced law in Newnan for 43 years as a Partner in the law firm of Mathews, Knight & MacNabb, and then as a Partner in law firm of Rosenzwig, Jones & MacNabb. His hard work did not go unnoticed in the community, as he was elected President of the Newnan Bar Association in 1978 and represented the Coweta County Board of Education for 16 years.

Judge MacNabb was appointed Judge of the Juvenile Court of Coweta County in 1982 and served for 31 years. He was also appointed Judge of the Juvenile Court of Heard County in 1991 and served for 21 years. During his time as Juvenile Judge in Coweta County, he was instrumental in helping establish a permanent home for the Juvenile Court in 2006, earning widespread praise in the community for his commitment to the juvenile court system.

Throughout his career, Judge MacNabb has shown his ability to help others, be the cases big or small. His work abroad on behalf of our nation and in the local community shows his dedication to the legal system and those who are struggling within it. A judge is a man of character and integrity, and Judge MacNabb epitomizes that, which is why I am proud to help honor his service to and I wish our best to Judge MacNabb as he begins his next journey, and hope he has a long and happy retirement.

TRIBUTE TO EAGLE SCOUT KYLE MATTHEW JENNETT

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Kyle Matthew Jennett of Creston, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. For his project, Kyle renovated latrines at a local county park to ensure greater public utilization, including handicap accessibility. The work ethic Kyle has shown in his

Eagle Project and every other project leading up to his Eagle Scout rank speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Kyle and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him on obtaining the Eagle Scout ranking, and I wish him continued success in his future education and career.

IN RECOGNITION OF PETER JAMES DEJARNATT

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor Peter James DeJarnatt for his 16 years of service on the Pacifica City Council, four of them as mayor. Pete has been a tireless champion of the environment and Pacifica residents and visitors can thank him for many of the trails and much of the open space that allow all of us to enjoy the beautiful coast.

Pete was first elected to the city council in 1996. During his tenure, he always aimed to achieve a balance between development and the quality of life of residents. His work and partnership with the Pacifica Land Trust were vital in the transfers of Mori Point, the San Pedro Headland parcel and Cattle Hill to the Golden Gate National Recreation Area.

Pete was instrumental in championing major improvements to Linda Mar Beach, a popular surf spot. Ample parking, hiking and biking trails have turned it into a true multipurpose area, attracting tourists and locals alike. He also helped create flood protection for lower Linda Mar as well as a new estuary for San Pedro Creek. The San Pedro Creek Control Project included rerouting the lower creek, placing gravel to provide steelhead spawning beds, and creating new wetlands. The solar power projects on top of the wastewater treatment plant and the community center are in part due to Pete's outstanding work.

As an advocate of the arts and civic engagement, Pete played an important part in creating the Sanchez Art Center, the farmers market, additional senior housing, the skateboard park and the new police station. He has been a long-time supporter of Pacifica's library system and the resource center.

Pete, a native San Franciscan, graduated from Terra Nova High School and attended the College of San Mateo.

He and his long time partner Dianne Devin live in Pacifica. In his spare time, Peter loves to garden, hike, camp, dive and read.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Peter DeJarnatt on the day of his retirement as mayor of Pacifica. He has dedicated his life to his community and public service and has never tired of improving the lives of residents of this coastal gem.

RECOGNIZING WOMEN-OWNED SMALL BUSINESSES

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mr. TERRY. Mr. Speaker, today, I rise to recognize twelve women who are making a difference in the Second Congressional District and—in fact—all of Nebraska.

Small businesses are the life blood of our economy. They provide about 55 percent of all jobs in the private sector, and create about two of every three net new jobs in the United States. In 2007, women owned 7.8 million businesses.

On Friday, I will be honoring the achievements of some of the women business owners throughout the Second Congressional District. Through their hard work and dedication, they have created opportunities and made a difference in our community. As we work to strengthen our economy, women business owners will continue to play an important role in that recovery.

I also ask all of my colleagues to join me in celebrating the important contributions women continue to make in support of our economy.

BC CLARK

BC Clark was recognized as the Women in Business Spotlight for January 2012. She is the co-founder and President of the Metro Omaha Women's Business Center (MOWBC) which was founded in 2007. MOWBC hosts monthly business forums on the third Friday of each month. The mission of the organization is to empower women to become economically self-sufficient by providing target education in business, professional and personal growth. As President, Clark has recently instituted the MOWBC ''Start-up Award Grant'' awarded annually to women entrepreneurs for their initial start-up costs. In addition to being the President of MOWBC, Clark is a Counselor at SCORE, serves on the Board of Directors for the Ralston Area Chamber of Commerce, Midlands Latino Community Development Corporation and the Nebraska Business Development Center Advisory Board.

DIANE BRUCE

Diane Bruce was recognized as the Women in Business Spotlight for February 2012. She is the cofounder of Charv's Contracting, Inc. which was founded in 2009. Charv's Contracting is a woman-owned and managed small business certified by the SBA and is also approved by the City of Omaha as a Tier H Emerging Small Business. Charv's Contracting focuses on small to medium sized new construction and remodeling services for commercial and residential properties. Bruce has played a vital role in improving the overall company with her 20 year background in sales, marketing and office management. Various residential as well as government customers have worked with Charv's Contracting, like, City of Lincoln, State of Nebraska, Omaha Housing Authority and the Buland Group.

NANCY SEMPEK

Nancy Sempek was recognized as the Women in Business Spotlight for March 2012. She is the current owner of Christensen Drywall Construction, Inc. which was founded in 1949. Christensen Drywall is a woman-owned and managed small business certified by the SBA as well as certified as a Tier II Emerging Small Business with the City of Omaha. The company specializes in residential, both new and remodel, and commercial finishes. They provide a wide variety of construction and drywall services for all construction or remodeling needs ranging from acoustical ceilings to water damage. Some of the projects that Christensen Drywall has worked on are the Hummel Park Nature Camp Center, commercial tenant finishes and low income housing.

SHAYNE FILI

Shayne Fili was recognized as the Women in Business Spotlight for April 2012. She is the President and Owner of Auction Solutions, Inc. which was founded in 1999. Auction Solutions is an SBA certified Woman-Owned Small Business and a Tier II Emerging Small Business with the City of Omaha. The Auction Solution team primarily focuses on Real Estate and Personal Property Auctions, but also focuses on Estates, Collections, Collector Vehicles and more. As the owner, Fili has played a vital role in improving the overall company by becoming a CAGA Appraiser and CAI certified, obtaining her Real Estate Salesperson License, as well as becoming a Real Estate Broker and BAS certified.

JULIE KAUP

Julie Kaup was recognized as the Women in Business Spotlight for May 2012. She is the current President and Owner of Boss Electric LLC, which was founded in 2010 and is quickly being recognized as an up-and-coming electrical contracting company in Eastern Nebraska. Boss Electric is an SBA certified Woman Owned Small Business, a Tier II Emerging Small Business with the City of Omaha and a Registered Apprenticeship Sponsor with the U.S. Department of Labor. The team at Boss Electric handles multiple areas of expertise which range from new construction to remodeling, build outs and commercial projects. As the owner, Kaup has brought a unique aspect to the company with her background as a pharmaceutical representative. This sales and marketing background has allowed Boss Electric to market and sell their brand of electrical contracting in a fresh way to commercial, residential and government customers. The Army and Air National Guard, VA Hospital, and GSA contracts are just a few of the government contracts that Boss Electric has been awarded.

LISA WOLFORD

Lisa Wolford was recognized as the Women in Business Spotlight for June 2012. She is the founder and current CEO of CSSS.NET which was founded in 1997. CSSS.NET is certified with the SBA as an 8(a) Small Disadvantaged Business, 8(m) Woman Owned Small Business and a Service Disabled Veteran Owned Business. The company specializes in providing high quality IT services and solutions to federal, state, and commercial customers. As CEO, Wolford has played a vital role in improving the overall company by steering the company firmly and fully into the federal marketplace, contracting with U.S. Strategic Command, (USSTRATCOM), Centers for Medicare and Medicaid Services (CMS) and the National Aeronautics and Space Administration. CSSS.NET was named 2011 SBA Nebraska Veteran Services Champion of the Year, 2010 Vetrepreneur of the Year (NaVOBA) for exceptional Government service, won the Nunn-Perry Award in 2009 in recognition of CSSS.NET's work in GIS.

DANIELLE ZOZ

Danielle Zoz was recognized as the Women in Business Spotlight for July, 2012. She took the position of CEO of the GovDirect organization, and she is part owner of both GovDirect and Bizco Technologies. GovDirect is a Woman Owned Business, is

HUBZone Certified, and located in downtown Lincoln, Nebraska. GovDirect's focus is to provide superior consulting, services and product procurement to the federal, state and local government markets as well as education customers. Zoz and her team pride themselves on assisting customers with building the right technology solutions and delivering them on time and within budget.

LEE PANKOWSKI

Lee Pankowski was recognized as the Women in Business Spotlight for August 2012. She started LP Custodial & Supply LLC in July 2005, with only two employees. She began to build a client list by knocking on doors, chasing down leads, and contacting people she knew. Her company is certified as an SBA 8(a) Business and SBA Small Disadvantaged Business. Some of her past and current contracts have been with the US Customs Office at Eppley, LAX Air Traffic Control Tower, the 10 Omaha Public Libraries, Union Pacific in Nebraska and Kansas, and the Omaha Fire and Police Training Center. LP Custodial & Supply takes pride in what they do; helping businesses grow by impressing clients with a sanitary environment and keeping employees work space clean and healthy. Their goal is to maintain an environment where a business can focus on their growth.

TRACIE MALESA

Tracie Malesa was recognized as the Women in Business Spotlight for September 2012. Du-Rite Electric was founded in 1958 by Tracie's maternal grandparents, Roger and Marlene Charbonneau. The company has been in its Elkhorn, Nebraska location since 1977. After helping the company out on an occasional basis over the years, Tracie formally joined Du-Rite in December of 2005 as an owner and Vice-President. Trade's partners in Du-Rite include her mother, Valerie Malesa, and her father, Edward Malesa. Du-Rite is registered as a Tier 2 company with the City of Omaha, and has obtained a Woman Owned Small Business certification. Du-Rite Electric is licensed in Nebraska and Iowa and has proudly served local metropolitan homeowners, builders and contractors for their residential and commercial electrical needs. Du-Rite prides itself on providing quality products and services for fair and competitive prices.

CONNIE MARTIN

Connie Martin was recognized as the Women in Business Spotlight for October 2012. She started SpecPro, Inc. with two employees and an idea of providing exemplary maintenance, repair and replacement services to owners of commercial skylights and windows. With their expertise and experience, SpecPro, Inc. currently offers services across the country with the majority of services offered in 12 Midwestern states. SpecPro, Inc. is now the largest maintenance and repair company specializing in composite commercial translucent skylights in the United States. SpecPro, Inc. is certified as a Woman-Owned Small Business.

TINA DIAZ-CIECHOMSKI

Tina Diaz-Ciechomski was recognized as the Women in Business Spotlight for November 2012. Since a young girl, she has always wanted to own her own business; due to circumstances, she had to give up that dream to raise her two young boys as a single mom. She eventually started Future Construction Specialties in June of 2000, with only one employee. Now Tina has thirteen employees including subcontractors. Future Construction Specialties is a City of Omaha Tier H Small Emerging and Hispanic Woman Owned Business.

The company offers complete home improvement and remodeling to Omaha and surrounding areas. They are a full-service contractor specializing in concrete work, masonry, siding and roofing. They also offer flooring and tile installation, drywall and painting, framing, finishing and much more. Diaz-Ciechomski believes that giving customers the best skilled craftsmanship shows the type of pride they take into their work.

JENNIFER MAASSEN

Jennifer Maassen was recognized as the Women in Business Spotlight for the month of December 2012. She is the current CEO of McCallie Associates Incorporated which was founded in 1982. McCallie is a woman-owned and managed small business certified by the National Women Business Owners Corporation. The McCallie team delivers high quality contract mission and systems support for the Department of Defense and Public Health customers. As CEO, Maassen has played a vital role in improving the overall company. Since then, McCallie has been recognized as one of the Top 500 Woman Owned Businesses in the United States, and in 2011, Maassen was honored as the Bellevue Business Woman of the Year by the Bellevue Chamber of Commerce for her ''unwavering commitment, leadership and dedication to the Bellevue-Offutt Community.'' McCallie was also the State of Nebraska nominee for the Secretary of Defense Employer Support Freedom Award, and in 2012, McCallie received the Bronze Award of Merit for Business Integrity from the Better Business Bureau.

IN RECOGNITION OF JAMES NANTELL

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Ms. SPEIER. Mr. Speaker, I rise to honor James Nantell. He has served for 40 years in the public sector, twelve of them as the City Manager for the City of Burlingame. A gifted community leader, there isn't a street corner in Burlingame that doesn't have his fingerprints on it.

Jim became city manager of Burlingame in November of 2000 and my time is too short to list all of his accomplishments. At the top of that list is the merger of the fire departments of Burlingame and Hillsborough to form the Central County Fire Department in 2004. The two cities share staff, training and equipment to protect their citizens while reducing cost. For the past 15 years Jim has been a champion of shared services and he currently chairs the Shared Services Initiative of the San Mateo County City Managers Association.

Much of Jim's work has resulted in very visible improvements in Burlingame. For example he facilitated the upgrade to the Burlingame Avenue train station, oversaw the approval of the Mills-Peninsula Medical Center and the Peninsula Humane Society Center for Compassion, obtained federal stimulus funds for street resurfacing projects, developed the Burlingame Avenue streetscape concept plan, obtained a designation of Burlingame as a ''Tree City USA'' for a 31st consecutive year, and implemented the construction of a bicycle and pedestrian crossing bridge over U.S. Highway 101.

Over the last ten years, Jim has overseen the rehabilitation of some 40 miles of the 100-year-old water and sewer pipeline system in Burlingame and the construction of a 1.5 million gallon retention basin at the waste water treatment plant.

Jim has also brought many wonderful celebrations to Burlingame. In 2008, he worked closely with local officials and community members to put on nine flawless Centennial events. Residents can thank him for the annual pet parade and employee Halloween costume contest.

Before Jim brought his energy and talent to Burlingame, he served the City of San Mateo for 28 years. He started as assistant recreation center director in 1973 and within a year became the director. From 1975–76 he was the supervisor for athletics and outdoor recreation. From 1976–81 he served as the administrative director of athletics, aquatics, outdoor recreation and community relations. The following four years Jim was the superintendent of recreation and human services. From 1985–90 he served as assistant city manager and from 1990–2000 as deputy city manager and the interim fire chief from 1995–96.

Jim has been a board member of the San Mateo Rotary Club, the Lesley Foundation, the Strategic Planning Committee for the Peninsula Family YMCA, and Our Lady of Angels men's club.

His career clearly demonstrates his passion for recreation and outdoor activities. In his spare time, he has helped coordinate many foot races, including the Bay to Breakers race, the Giants Run to Home Plate, the San Francisco Zoo Run, and the San Francisco Marathon.

Jim, a Wisconsin native, graduated with a BA in Psychology from the University of Wisconsin-Madison. He earned his M.S. in Parks and Recreation Administration from San Francisco State University. He attended the Harvard Kennedy School of Government in 2000.

Jim married his college sweetheart Christine 42 years ago. They are the proud parents of four children—Maddie, Michael, Ashley and Erin—and grandparents of three grandchildren.

Mr. Speaker, I ask the House of Representatives to rise with me to honor James Nantell for his outstanding and storied service to San Mateo County. His contributions will continue to benefit residents for decades to come.

PERSONAL EXPLANATION

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2012

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall vote on December 17, 2012, and would like the record to reflect that I would have voted as follows:

Rollcall No. 627: yes.

Rollcall No. 628: yes.

Daily Digest

HIGHLIGHTS

Senator Patrick J. Leahy, of Vermont, was sworn in as President pro tempore of the Senate of the United States.

Senate agreed to S. Res. 624, relative to the death of Senator Daniel K. Inouye, of Hawaii.

Senate

Chamber Action

Routine Proceedings, pages S8095–S8154

Measures Introduced: One bill and five resolutions were introduced, as follows: S. 3689, S. Res. 622–624, and S. Con. Res. 63–64. **Pages S8138–39**

Measures Reported:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals for Fiscal Year 2013". (S. Rept. No. 112–252)

Special Report entitled "Report of the Joint Economic Committee Congress of the United States on the 2012 Economic Report of the President". (S. Rept. No. 112–253) **Page S8138**

Measures Passed:

Notification to the House of Representatives: Senate agreed to S. Res. 622, notifying the House of Representatives of the election of a President pro tempore. **Page S8103**

Notification to the President: Senate agreed to S. Res. 623, notifying the President of the United States of the election of a President pro tempore. **Pages S8103–04**

Enrollment Correction: Senate agreed to S. Con. Res. 63, correcting the enrollment of S. 2367. **Page S8152**

Authorizing the Use of the Capitol Rotunda: Senate agreed to S. Con. Res. 64, authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the late Honorable Daniel K. Inouye. **Page S8152**

Relative to the Death of Senator Daniel K. Inouye: Senate agreed to S. Res. 624, relative to the death of the Honorable Daniel Ken Inouye, Senator from the State of Hawaii. **Page S8152**

Measures Considered:

Full-Year Continuing Appropriations Act—AGREEMENT: Senate continued consideration of H.R. 1, making appropriations for the Department of Defense and the other departments and agencies of the Government for the fiscal year ending September 30, 2011, taking action on the following amendments proposed thereto: **Pages S8117–32**

Pending:

Leahy (for Inouye) Amendment No. 3338, in the nature of a substitute. **Page S8117**

Leahy (for Inouye) Amendment No. 3339 (to Amendment No. 3338), of a perfecting nature. **Page S8117**

Merkley Amendment No. 3367 (to Amendment No. 3338), to extend certain supplemental agricultural disaster assistance programs. **Pages S8117–26**

McCain/Coburn Amendment No. 3355 (to Amendment No. 3338), to strike funding for the emergency forest restoration program. **Pages S8126–28**

Tester Amendment No. 3350 (to Amendment No. 3338), to provide additional funds for wildland fire management. **Pages S8128–30**

Coburn/McCain Amendment No. 3371 (to Amendment No. 3338), to ensure that Federal disaster assistance is available for the most severe disasters. **Pages S8130–32**

A unanimous-consent agreement was reached providing for further consideration of the bill at approximately 10:30 a.m., on Wednesday, December 19, 2012. **Pages S8152–53**

Swearing in of President Pro Tempore: Senator Patrick J. Leahy, of Vermont, was sworn in as President pro tempore of the Senate of the United States. **Page S8103**

Retiring Senator Speeches—Agreement: A unanimous-consent-time agreement was providing that Senator Hutchison be recognized at 11:30 a.m., on

Wednesday, December 19, 2012, for up to 30 minutes, and that Senator Kyl be recognized at 2 p.m., on Wednesday, December 19, 2012, for up to 30 minutes, each for the purpose of delivering retirement speeches. **Pages S8152–53**

Messages from the House: **Page S8138**

Additional Cosponsors: **Page S8139**

Statements on Introduced Bills/Resolutions: **Pages S8139–40**

Additional Statements: **Pages S8137–38**

Amendments Submitted: **Pages S8140–51**

Notices of Intent: **Page S8151**

Authorities for Committees to Meet: **Page S8152**

Adjournment: Senate convened at 10 a.m. and adjourned, as a further mark of respect to the memory of the late Senator Daniel K. Inouye, in accordance with S. Res. 624, at 7:51 p.m., until 9:30 a.m. on Wednesday, December 19, 2012. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8153.)

Committee Meetings

(Committees not listed did not meet)

COMPUTERIZED TRADING VENUES

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Securities, Insurance and Investment concluded a hearing to examine computerized trading venues, focusing on what should the rules of the road be, after receiving testimony from Joseph Mecane, NYSE Euronext, and Daniel Mathisson, Credit Suisse, both of Rye, New York; Eric Noll, NASDAQ OMX, Haverford, Pennsylvania; and Robert C. Gasser, ITG, Madison, New Jersey.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 8 public bills, H.R. 6675–6682; and 2 resolutions, H.J. Res. 122; and H.Res. 835 were introduced. **Page H7264**

Additional Cosponsors: **Pages H7264–65**

Reports Filed: Reports were filed today as follows:

H. Res. 819, directing the Attorney General of the United States to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, any documents and legal memoranda in the Attorney General's possession relating to the practice of targeted killing of United States citizens and targets abroad, adversely (H. Rept. 112–704) and

Conference report on H.R. 4310, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 2013, and for other purposes (H. Rept. 112–705). **Pages H7263–64**

Speaker: Read a letter from the Speaker wherein he appointed Representative Hayworth to act as Speaker pro tempore for today. **Page H6829**

Recess: The House recessed at 10:58 a.m. and reconvened at 12 noon. **Page H6834**

Journal: The House agreed to the Speaker's approval of the Journal by voice vote. **Page H6835**

Private Calendar: On the call of the Private calendar, the House passed S. 285, for the relief of Sopuruchi Chukwueke. **Page H6838**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Small Business Investment Company Modernization Act of 2012: H.R. 6504, to amend the Small Business Investment Act of 1958 to provide for increased limitations on leverage for multiple licenses under common control, by a ⅔ yea-and-nay vote of 359 yeas to 36 nays with 1 answering "present", Roll No. 629; **Pages H6838–40, H6852–53**

Countering Iran in the Western Hemisphere Act of 2012: Concurred in the Senate amendment to H.R. 3783, to provide for a comprehensive strategy to counter Iran's growing hostile presence and activity in the Western Hemisphere, by a ⅔ yea-and-nay vote of 386 yeas to 6 nays, Roll No. 630; **Pages H6840–41, H6853**

Correcting and improving certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code: H.R. 6621, amended, to correct and improve certain provisions of the Leahy-Smith America Invents Act and title 35, United States Code, by a ⅔ yea-and-nay vote of 308 yeas to 89 nays, Roll No. 631; **Pages H6842–44, H6854**

Katie Sepich Enhanced DNA Collection Act of 2012: H.R. 6014, amended, to authorize the Attorney General to award grants for States to implement minimum and enhanced DNA collection processes;

Pages H6844–48

Agreed to amend the title so as to read: "To authorize the Attorney General to award grants for States to implement DNA arrestee collection processes.". **Page H6848**

Theft of Trade Secrets Clarification Act of 2012: S. 3642, to clarify the scope of the Economic Espionage Act of 1996, by a ⅔ yea-and-nay vote of 388 yeas to 4 nays, Roll No. 632; and

Pages H6848–49, H6854–55

Amending section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis: H.R. 6671, to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet. **Pages H6849–51**

Recess: The House recessed at 2:05 p.m. and reconvened at 6:15 p.m. **Pages H6851–52**

Conference report filing: Agreed that the managers on the part of the House have until midnight tonight, December 18th, to file the conference report to accompany H.R. 4310, National Defense Authorization Act for Fiscal Year 2013. **Page H6852**

Amending the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program and designating certain Federal buildings: The House agreed to discharge from committees and pass S. 3687, to amend the Federal Water Pollution Control Act to reauthorize the Lake Pontchartrain Basin Restoration Program and to designate certain Federal buildings.

Pages H6855–56

Privileged Resolution: The House agreed to H. J. Res. 122, establishing the date for the counting of the electoral votes for President and Vice President cast by the electors in December 2012. **Page H6856**

Senate Messages: A message received from the Senate today and a message received from the Senate by the Clerk and subsequently presented to the House today appear on pages H6829, H6869.

Senate Referrals: S. 1792 was referred to the Committee on the Judiciary and S. 1793 was held at the desk. **Pages H6829, H6869**

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings of today and appear on pages H6852, H6853, H6854, H6854–55. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 9:22 p.m.

Committee Meeting

No hearings were held.

Joint Meetings

NATIONAL DEFENSE AUTHORIZATION ACT

Conferees agreed to file a conference report on the differences between the Senate and House passed versions of 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.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D1017)*

H.R. 6156, to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization. Signed on December 14, 2012. (Public Law 112–208)

COMMITTEE MEETINGS FOR WEDNESDAY, DECEMBER 19, 2012

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Financial Institutions and Consumer Protection, to hold hearings to examine consumer credit reports, 10 a.m., SD–538.

Committee on Commerce, Science, and Transportation: business meeting to consider pending calendar business, Time to be announced, Room to be announced.

Committee on Finance: business meeting to consider the nominations of Ronald Lee Buch, of Virginia, and Albert G. Lauber, of the District of Columbia, both to be a Judge of the United States Tax Court, Time to be announced, Room to be announced.

Committee on Foreign Relations: to receive a closed briefing on the Accountability Review Board, 8:30 a.m., SVC–217.

Committee on the Judiciary: to hold hearings to examine the state of the right to vote after the 2012 election, 10 a.m., SD–226.

Committee on Veterans' Affairs: business meeting to consider the nominations of Keith Kelly, of Montana, to be Assistant Secretary of Labor for Veterans' Employment and Training, and William S. Greenberg, of New Jersey, to be a Judge of the United States Court of Appeals for Veterans Claims, Time to be announced, S–216, Capitol.

House

Committee on Armed Services, Full Committee, hearing on an update on the evolving security situation in the Democratic Republic of the Congo and implications for U.S. national security, 10 a.m., 2118 Rayburn.

Committee on Education and the Workforce, Subcommittee on Health, Employment, Labor, and Pensions, hearing entitled ''Challenges Facing Multiemployer Pension Plans: Evaluating PBGC's Insurance Program and Financial Outlook'', 10 a.m., 2175 Rayburn.

Committee on Ethics, Full Committee, meeting on considering proposed amendments to Committee Rules, 10:45 a.m., 304–A Cannon.

House Permanent Select Committee on Intelligence, Full Committee, hearing on ongoing intelligence activities, 10 a.m., HVC–304. This is a closed hearing.

Next Meeting of the SENATE

9:30 a.m., Wednesday, December 19

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond one hour), Senate will continue consideration of H.R. 1, Full-Year Continuing Appropriations Act.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, December 19

House Chamber

Program for Wednesday: To be announced.

Extensions of Remarks, as inserted in this issue

HOUSE

Bass, Karen, Calif., E1939
Conyers, John, Jr., Mich., E1945
Costa, Jim, Calif., E1939
Green, Gene, Tex., E1937
Kissell, Larry, N.C., E1941
Kucinich, Dennis J., Ohio, E1937, E1939
Latham, Tom, Iowa, E1937, E1940
Levin, Sander M., Mich., E1938
LoBiondo, Frank A., N.J., E1939
McGovern, James P., Mass., E1941
Moore, Gwen, Wisc., E1940
Moran, James P., Va., E1938
Myrick, Sue Wilkins, N.C., E1943, E1944, E1945
Neugebauer, Randy, Tex., E1937
Polis, Jared, Colo., E1938
Slaughter, Louise McIntosh, N.Y., E1944
Smith, Christopher H., N.J., E1938
Young, Don, Alaska, E1940

Congressional Record

The *Congressional Record* (USPS 087–390). The Periodicals postage is paid at Washington, D.C. The public proceedings of each House of Congress, as reported by the Official Reporters thereof, are printed pursuant to directions of the Joint Committee on Printing as authorized by appropriate provisions of Title 44, United States Code, and published for each day that one or both Houses are in session, excepting very infrequent instances when two or more unusually small consecutive issues are printed one time. ¶Public access to the *Congressional Record* is available online through the U.S. Government Printing Office at *www.fdsys.gov*, free of charge to the user. The information is updated online each day the *Congressional Record* is published. For more information, contact the GPO Customer Contact Center, U.S. Government Printing Office. Phone 202–512–1800, or 866–512–1800 (toll-free). E-Mail, *contactcenter@gpo.gov*. ¶The *Congressional Record* paper and 24x microfiche edition will be furnished by mail to subscribers, free of postage, at the following prices: paper edition, $252.00 for six months, $503.00 per year, or purchased as follows: less than 200 pages, $10.50; between 200 and 400 pages, $21.00; greater than 400 pages, $31.50, payable in advance; microfiche edition, $146.00 per year, or purchased for $3.00 per issue payable in advance. The semimonthly *Congressional Record Index* may be purchased for the same per issue prices. To place an order for any of these products, visit the U.S. Government Online Bookstore at: bookstore.gpo.gov. Mail orders to: Superintendent of Documents, P.O. Box 979050, St. Louis, MO 63197–9000, or phone orders to 866–512–1800 (toll-free), 202–512–1800 (D.C. area), or fax to 202–512–2104. Remit check or money order, made payable to the Superintendent of Documents, or use VISA, MasterCard, Discover, American Express, or GPO Deposit Account. ¶Following each session of Congress, the daily *Congressional Record* is revised, printed, permanently bound and sold by the Superintendent of Documents in individual parts or by sets. ¶With the exception of copyrighted articles, there are no restrictions on the republication of material from the *Congressional Record*.

POSTMASTER: Send address changes to the Superintendent of Documents, *Congressional Record,* U.S. Government Printing Office, Washington, D.C. 20402, along with the entire mailing label from the last issue received.