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112TH CONGRESS
2D SESSION

H. R. 4310

AN ACT

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

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

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:

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TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

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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.
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Sec. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

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TITLE XLV—OTHER AUTHORIZATIONS

Sec. 4501. OTHER AUTHORIZATIONS.
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Sec. 4602. OVERSEAS CONTINGENCY OPERATIONS.

TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

Sec. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.

1 **SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**

2 In this Act, the term ''congressional defense commit-
3 tees'' has the meaning given that term in section
4 101(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.

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.—In accordance with section 2306b of title 10, United States Code, the Secretary of the Army may enter into a multiyear contract, 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.—Not later than October 31, 2012, and each year thereafter through 2017, the Secretary of the Army shall submit to the congressional defense committees a report on the time-sensitive or mission-critical airlift requirements of the Army.

(b) MATTERS INCLUDED.—The reports 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; and

(C) aircraft of contractors.

(4) For each sortie described under subparagraph (A) or (C) 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. RETIREMENT OF NUCLEAR-POWERED BALLISTIC SUBMARINES.

Section 5062 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) Beginning October 1, 2012, the Secretary of the Navy may not retire or decommission a nuclear-powered ballistic missile submarine if such retirement or decommissioning would result in the active or commissioned fleet of such submarines consisting of less than 12 submarines.

''(2) The limitation in paragraph (1) shall not apply to a nuclear-powered ballistic submarine that has been converted to carry exclusively non-nuclear payloads as of October 1, 2012.''.

SEC. 122. 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. 123. EXTENSION OF MULTIYEAR PROCUREMENT AUTHORITY FOR F/A–18E, F/A–18F, AND EA–18G AIRCRAFT.

Section 128 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2217), as amended by Public Law 111–238 (124 Stat. 2500), is amended by adding at the end the following new subsection:

''(f) EXTENSION OF MULTIYEAR AUTHORITY.—Notwithstanding section 2306b of title 10, United States Code, the Secretary of the Navy may modify a multiyear contract entered into under subsection (a) to add a fifth production year to such contract.''.

SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR V–22 JOINT AIRCRAFT PROGRAM.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—In accordance with section 2306b of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract, 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. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE-CLASS DESTROYERS AND ASSOCIATED SYSTEMS.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—In accordance with section 2306b of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract, beginning with the fiscal year 2013 program year, for the procurement of not more than 10 Arleigh Burke-class guided missile destroyers, including 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 of the Navy may enter into a contract, 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. 126. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA-CLASS SUBMARINE PROGRAM.

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—

(1) IN GENERAL.—In accordance with section 2306b of title 10, United States Code, the Secretary of the Navy may enter into a multiyear contract, beginning with the fiscal year 2014 program year, for the procurement of not more than 10 Virginia-class submarines and Government-furnished equipment associated with the Virginia-class submarine program.

(2) USE OF INCREMENTAL FUNDING.—The Secretary may use incremental funding with respect to a contract entered into under paragraph (1).

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary of the Navy may enter into a contract, 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)(1).

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a)(1) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2014 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

SEC. 127. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. ABRAHAM LINCOLN.

(a) REFUELING AND COMPLEX OVERHAUL.—Of the funds authorized to be appropriated or otherwise made available for fiscal year 2013 for shipbuilding and conversion, Navy, not more than $1,613,392,000 may be obligated or expended for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Abraham Lincoln (CVN–72) during such fiscal year. Such amount shall be the first increment in the two-year sequence of incremental funding planned for such nuclear refueling and complex overhaul.

(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. 128. 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. 129. COMPTROLLER GENERAL REVIEWS OF LITTORAL COMBAT SHIP PROGRAM.

(a) ACCEPTANCE OF LCS.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a review of the compliance of the Secretary of the Navy with part 246 of title 48 of the Code of Federal Regulations and subpart 46.5 of the Federal Acquisition Regulation in accepting the LCS.

(2) MATTERS INCLUDED.—The review under paragraph (1) shall include a discussion of the knowledge of, and determinations by, the LCS pro-

gram office and contractors with respect to the following:

(A) Potential for cracks in the LCS hull and deckhouse and any corresponding potential design risks.

(B) Chargeable equipment failures.

(C) Potential for engine failures or breakdowns.

(D) Meeting key performance parameters, including speed.

(E) Review of the quality of seals and welds.

(F) Review of water jet corrosion.

(G) Completeness of records to support acceptance of the LCS.

(H) How the LCS risk and problems compare to lead ships in comparable programs.

(I) Security of the ship and systems, including any known lapses.

(J) Manning analysis, including how it would affect key performance parameters.

(K) Strategies for balancing cost, schedule, and performance trade-offs as required by section 201 of the Weapon Systems Acquisition

Reform Act of 2009 (Public Law 111–23; 123 Stat. 1719).

(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 modernization and logistics support.

(c) COOPERATION.—For purposes of conducting the review under subsection (a)(1) and (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. 130. 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. 131. SENSE OF CONGRESS ON MARINE CORPS AMPHIBIOUS LIFT AND PRESENCE REQUIREMENTS.

(a) IN GENERAL.—It is the sense of Congress that—

(1) the United States Marine Corps is a combat force which 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 United States 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, operating ''from the sea'' they require no third party host nation permission to conduct military operations;

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

(4) for budgetary reasons only that requirement of 38 vessels was reduced to 33 vessels, which adds military risk to future operations;

(5) the Department of the Navy has been unable to meet even the minimal requirement of 33 operationally available vessels and has submitted a

shipbuilding and ship retirement plan to the Congress which will reduce the force to 28 vessels; and

(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) NEXT GENERATION OF AMPHIBIOUS SHIPS.—In light of subsection (a), it is the sense of Congress that—

(1) the Navy should consider prioritization of investment in and procurement of the next generation of amphibious assault ships;

(2) the next generation amphibious assault ships should maintain survivability protection level II in accordance with current Navy ship requirements;

(3) commonality in hull form design could be a desirable element to reduce acquisition and life cycle cost; and

(4) maintaining a robust amphibious shipbuilding industrial base is vital for future national security.

Subtitle D—Air Force Programs

SEC. 141. 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. 142. MAINTENANCE OF STRATEGIC AIRLIFT AIRCRAFT.

(a) MODIFICATION TO LIMITATION ON RETIREMENT OF C–5 AIRCRAFT.—Section 137(d)(3)(B) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2222) is amended by striking ''316'' and inserting ''301''.

(b) REPORT.—

(1) IN GENERAL.—Not later than February 1, 2013, the Commander of the United States Transportation Command shall submit to the congressional defense committees a report assessing the operational risk of meeting the steady-state and warfighting requirements of the commanders of the geographical combatant commands with respect to the Secretary of the Air Force maintaining an inventory of strategic airlift aircraft of less than 301 aircraft.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include a description and analysis of the assumptions made by the Commander with respect to—

(A) aircraft usage rates;

(B) aircraft mission availability rates;

(C) aircraft mission capability rates;

(D) aircrew ratios;

(E) aircrew production;

(F) aircrew readiness rates; and

(G) any other assumption the Commander uses to develop such report.

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

SEC. 143. LIMITATION ON AVAILABILITY OF FUNDS FOR DIVESTMENT OR RETIREMENT OF C–27J AIRCRAFT.

(a) IN GENERAL.—After fiscal year 2013, none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Air Force may be used to divest, retire, or transfer, or prepare to divest, retire, or transfer, a C–27J aircraft until a period of 180 days has elapsed following the date on which—

(1) the Director of the Congressional Budget Office submits to the congressional defense committees the analysis conducted under subsection (b)(1); and

(2) the reports under subsections (d)(2) and (e)(2) of section 112 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1318) are submitted to the congressional defense committees.

(b) LIFE-CYCLE COST ANALYSIS.—

(1) CBO.—The Director of the Congressional Budget Office shall submit to the congressional defense committees a 40-year life-cycle cost analysis of

C–27J aircraft, C–130H aircraft, and C–130J aircraft.

(2) MATTERS INCLUDED.—The life-cycle cost analysis conducted under paragraph (1) shall—

(A) take into account all upgrades and modifications required to sustain the aircraft specified in paragraph (1) during a 40-year service-life;

(B) assess the most cost-effective and mission-effective manner for which C–27J aircraft could be affordably fielded by the Air National Guard, including by determining—

(i) the number of basing locations required;

(ii) the number of authorized personnel associated with a unit's manning document; and

(iii) the maintenance and sustainment strategy required; and

(C) outline any limiting factors regarding the analysis of C–27J aircraft with respect to cost assumptions used by the Director in such analysis and the actual costs incurred for aircraft fielded by the Air Force as of the date of the analysis.

(3) COOPERATION.—The Secretary of Defense shall provide the Director with any information, including original source documentation, the Director determines is required to promptly conduct the analysis under paragraph (1).

SEC. 144. LIMITATION ON AVAILABILITY OF FUNDS FOR TERMINATION OF C–130 AVIONICS MODERNIZATION PROGRAM.

(a) IN GENERAL.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Air Force may be used to terminate the C–130 avionics modernization program until a period of 180 days has elapsed after the date on which the Secretary of the Air Force submits to the congressional defense committees the cost-benefit analysis conducted under subsection (b)(1).

(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) each of the alternatives described in subparagraphs (A) and (B); and

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

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

SEC. 145. REVIEW OF C–130 FORCE STRUCTURE.

(a) REVIEW.—The Secretary of the Air Force shall conduct a review of the C–130 force structure.

(b) REPORT.—Not later than the date on which the budget of the President is submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2014, the Secretary of the Air Force shall submit

to the congressional defense committees a report of the review under subsection (a), including—

(1) how the Secretary will determine which C–130 aircraft will be retired or relocated during fiscal years 2014 through 2018;

(2) a description of the methodologies underlying such determinations, including the factors and assumptions that shaped the specific determinations;

(3) the rationale for selecting C–130 aircraft to be retired or relocated with respect to such aircraft of the regular components and such aircraft of the reserve components; and

(4) details of the costs incurred, avoided, or saved with respect to retiring or relocating C–130 aircraft.

(c) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after the date on which the report is submitted under subsection (b), the Comptroller General of the United States shall submit to the congressional defense committees a review of such report, including the costs and benefits of the planned retirements and relocations described in such report.

SEC. 146. LIMITATION ON AVAILABILITY OF FUNDS FOR EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM.

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

(1) assured access to space remains critical to national security; and

(2) the plan by the Air Force to commit, beginning in fiscal year 2013, to an annual production rate of launch vehicle booster cores should maintain mission assurance, stabilize the industrial base, reduce costs, and provide opportunities for competition.

(b) 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.

(c) MATTERS INCLUDED.—The report under subsection (b)(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.

(d) COMPTROLLER GENERAL.—

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

(2) SUBMITTAL.—Not later than 30 days after the date on which the report under subsection (b)(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.

(e) 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. 147. PROCUREMENT OF SPACE-BASED INFRARED SYSTEMS.

(a) CONTRACT AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Air Force may procure two space-based infrared systems 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, 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 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 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 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.

Subtitle E—Joint and Multiservice Matters

SEC. 151. REQUIREMENT TO SET F–35 AIRCRAFT INITIAL OPERATIONAL CAPABILITY DATES.

(a) F–35A.—Not later than December 31, 2012, 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 December 31, 2012, 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. 152. 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. 153. COMMON DATA LINK FOR MANNED AND UNMANNED INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE SYSTEMS.

Section 141 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3164), as amended by section 143 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2223), is amended by adding at the end the following new subsection:

"(e) STANDARDS IN SOLICITATIONS.—The Secretary of Defense shall ensure that a solicitation for a common data link described in subsection (a)—

"(1) complies with the most recently issued common data link specification standard of the Department of Defense as of the date of the solicitation; and

"(2) does not include any proprietary or undocumented interface or waveform as a requirement or criterion for evaluation.".

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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. UNMANNED COMBAT AIR SYSTEM.

The Secretary of the Navy shall—

(1) conduct additional technology development risk reduction activities using the unmanned combat air system; and

(2) preserve a competitive acquisition environment for the Unmanned Carrier-launched Surveillance and Strike system program.

SEC. 213. 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 CRITICAL DESIGN PHASES.—

"(1) CONTRACTORS.—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 critical design review milestone.

"(2) CRITICAL DESIGN REVIEW.—The Unmanned Carrier-launched Surveillance and Strike system program may not achieve the critical design review milestone until on or after October 1, 2016.".

(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. 214. LIMITATION ON AVAILABILITY OF FUNDS FOR FUTURE MANNED GROUND MOVING TARGET INDICATOR CAPABILITY OF THE AIR FORCE.

(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, Air Force, may be obligated or expended 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 capability or manned dismount moving target indicator capability until a period of 90 days has elapsed following the date on which the Secretary of the Air Force submits the report under subsection (b)(1).

(b) REPORT.—

(1) IN GENERAL.—The Secretary of the Air Force shall submit to the congressional defense committees a report on the plan of the future manned ground moving target and manned dismount moving target indicator capabilities of the Air Force.

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

(A) The plan to maintain onboard command and control capability that is equal to or better than such capability provided by the E–8C joint surveillance target attack radar program.

(B) Each analysis of alternatives completed during fiscal year 2012 regarding future manned ground moving target indicator capability or manned dismount moving target indicator capability.

(C) With respect to each new program analyzed in an analysis of alternatives described in subparagraph (B)—

(i) the development, procurement, and sustainment cost estimates for such program; and

(ii) a description of how such program will affect the potential growth of future manned ground moving target indicator capability or manned dismount moving target indicator capability.

(D) A description of potential operational and sustainment cost savings realized by the Air Force using a platform that is—

(i) derived from commercial aircraft; and

(ii) in operation by the Department of Defense as of the date of the report.

(E) The plan by the Secretary of Defense to retire or replace E–8C joint surveillance target attack radar aircraft.

(F) Any other matter the Secretary considers appropriate.

(c) WAIVER.—The Secretary may waive the limitation in subsection (a) if the Secretary—

(1) determines that such waiver is required to meet an urgent operational need or other emergency contingency requirement directly related to ongoing combat operations; and

(2) notifies the congressional defense committees of such determination.

SEC. 215. LIMITATION ON AVAILABILITY OF FUNDS FOR MILESTONE A ACTIVITIES FOR THE MQ–18 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 the MQ–18 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—

(A) such system is required to meet a capability in the manned and unmanned medium-altitude intelligence, surveillance, and reconnaissance force structure of the Department of Defense; and

(B) an existing unmanned aircraft system cannot meet such capability or be modified to meet such capability; 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 ''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. 216. VERTICAL LIFT PLATFORM TECHNOLOGY DEMONSTRATIONS.

(a) IN GENERAL.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for joint capability technology demonstrations, the Under Secretary of Defense for Acquisition, Technology, and Logistics may obligate or expend not more than $5,000,000 to carry out a program to develop and flight-demonstrate vertical lift platform technologies that address the capability gaps described in the Future Vertical Lift Strategic Plan of the Department of Defense submitted to Congress in August 2010.

(b) GOALS AND OBJECTIVES.—The Under Secretary shall ensure that the program under subsection (a) has the following goals and objectives:

(1) To develop innovative vertical lift platform technologies that address capability gaps in speed, range, ceiling, survivability, reliability, and affordability applicable to both current and future rotorcraft of the Department of Defense.

(2) To flight-demonstrate such vertical lift technologies no later than 2016.

(3) To accelerate the development and transition of innovative vertical lift technologies by promoting the formation of competitive teams of small

business working in collaboration with large contractors and academia.

Subtitle C—Missile Defense Programs

SEC. 221. PROCUREMENT OF AN/TPY–2 RADARS.

(a) PROCUREMENT.—The Secretary of Defense shall procure two AN/TPY–2 radars.

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of developing an AN/TPY–2 radar on a rotational table to allow the radar to quickly change directions.

SEC. 222. DEVELOPMENT OF ADVANCED KILL VEHICLE.

Not later than 180 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report that includes—

(1) a plan to provide that the new advanced kill vehicle on the standard missile–3 block IIB interceptor shall have the capability of being used for the ground-based midcourse defense program; and

(2) a description of the technology of and concept behind applying the former multiple kill vehicle concept to the new vehicle described in paragraph (1).

SEC. 223. MISSILE DEFENSE SITE ON THE EAST COAST.

(a) OPERATIONAL SITE.—The Secretary of Defense shall ensure that a covered missile defense site on the East Coast of the United States is operational by not later than December 31, 2015.

(b) CONSIDERATION OF LOCATION.—

(1) STUDY.—Not later than December 31, 2013, the Secretary of Defense shall conduct a study evaluating three possible locations selected by the Director of the Missile Defense Agency for a covered missile defense site on the East Coast of the United States.

(2) EIS.—The Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for each location evaluated under paragraph (1).

(3) LOCATION.—In selecting the three possible locations for a covered missile defense site under paragraph (1), the Secretary should—

(A) take into consideration—

(i) the strategic location of the proposed site; and

(ii) the proximity of the proposed site to major population centers; and

(B) give priority to a proposed site that—

(i) is operated or supported by the Department of Defense;

(ii) lacks encroachment issues; and

(iii) has a controlled airspace.

(c) PLAN.—

(1) IN GENERAL.—The Director of the Missile Defense Agency shall develop a plan to deploy an appropriate missile defense interceptor for a missile defense site on the East Coast.

(2) MATTERS INCLUDED.—In developing the plan under paragraph (1), the Director shall evaluate the use of—

(A) two- or three-stage ground-based interceptors; and

(B) standard missile–3 interceptors, including block IA, block IB, and for a later deployment, block IIA or block IIB interceptors.

(3) SUBMISSION.—The Director shall submit to the President the plan under paragraph (1) for inclusion with the budget materials submitted to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2014.

(4) FUNDING.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Missile Defense Agency,

$100,000,000 may be obligated or expended to carry out the plan developed under paragraph (1) after a period of 30 days has elapsed following the date on which the congressional defense committees receive the plan pursuant to paragraph (3).

(d) COVERED MISSILE DEFENSE SITE.—In this section, the term ''covered missile defense site'' means a missile defense site that uses—

(1) ground-based interceptors; or

(2) standard missile–3 interceptors.

SEC. 224. GROUND-BASED MIDCOURSE DEFENSE SYSTEM.

(a) GMD SYSTEM.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense, not less than $1,261,000,000 shall be made available for the ground-based midcourse defense system, as specified in the funding table in section 4201.

(b) CERTAIN PROGRAMS OF THE GMD SYSTEM.—

(1) EKV.—The Secretary of Defense shall complete the refurbishment of the CE1 exoatmospheric kill vehicle-equipped ground-based interceptors.

(2) MF-1.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the ground-based midcourse defense system, not less than $205,000,000 shall be

obligated or expended to upgrade Missile Field 1 at Fort Greely, Alaska.

SEC. 225. GROUND-BASED MIDCOURSE DEFENSE INTERCEPTOR TEST.

Not later than December 31, 2013, the Secretary of Defense shall conduct an intercontinental ballistic missile test of the ground-based midcourse defense program using a ground-based interceptor equipped with a CE1 exoatmospheric kill vehicle.

SEC. 226. DEPLOYMENT OF SM–3 IIB INTERCEPTORS ON LAND AND SEA.

(a) SENSE OF CONGRESS.—It is the sense of Congress that standard missile–3 block IIB interceptors should be deployable in both land-based and sea-based modes by the date on which such interceptors achieve initial operating capability.

(b) LAND AND SEA MODES.—The Secretary of Defense shall ensure that standard missile–3 block IIB interceptors are deployable using both land-based and sea-based systems by the date on which such interceptors achieve initial operating capability.

(c) REPORT.—

(1) FORCE STRUCTURE.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense

committees a report on how the deployment of standard missile–3 block IIB interceptors affects the force structure of the Navy.

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

(A) The implications for the force structure of the Navy if standard missile–3 block IIB interceptors cannot fit in the standard vertical launching system configuration for the Aegis ballistic missile defense system, including the implications regarding—

(i) ship deployments;

(ii) cost; and

(iii) ability to respond to raids.

(B) An explanation for how standard missile–3 block IIB interceptors would be used, at initial operating capability, for the defense of the United States from threats originating in the Pacific region if such interceptors are not deployable in a sea-based mode, including an explanation of cost and force structure requirements.

SEC. 227. IRON DOME SHORT-RANGE ROCKET DEFENSE PROGRAM.

(a) AVAILABILITY OF FUNDS.—

(1) IN GENERAL.—Of the funds authorized to be appropriated by section 201 for research, development, test, and evaluation, Defense-wide, as specified in the funding table in section 4201, or otherwise made available for the Department of Defense for fiscal years 2012 through 2015, the Secretary of Defense may provide up to $680,000,000 to the Government of Israel for the procurement of additional batteries and interceptors under the Iron Dome short-range rocket defense system and for related operations and sustainment expenses.

(2) AVAILABILITY.—Funds made available for fiscal year 2012 or 2013 to carry out paragraph (1) are authorized to remain available until September 30, 2014.

(b) OFFICE.—The Secretary of Defense shall establish within the Missile Defense Agency of the Department of Defense an office to carry out subsection (a) and other matters relating to assistance for Israel's Iron Dome short-range rocket defense system.

SEC. 228. SEA-BASED X-BAND RADAR.

The Director of the Missile Defense Agency shall ensure that the sea-based X-band radar 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.

SEC. 229. 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. 230. LIMITATION ON AVAILABILITY OF FUNDS FOR PHASED, ADAPTIVE APPROACH TO MISSILE DEFENSE IN EUROPE.

(a) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for covered missile defense activities, not more than 75 percent may be obligated or expended until—

(1) the Secretary of Defense and the Secretary of State jointly submit to the appropriate congressional committees—

(A) a report on the cost-sharing arrangements for the phased, adaptive approach to missile defense in Europe; and

(B) written certification that a proportional share, as determined by the Secretaries, of the costs for such approach to missile defense will be provided by members of the North Atlantic Treaty Organization other than the United States; and

(2) the Secretary of Defense—

(A) submits a NATO prefinancing request for consideration of expenses regarding such approach to missile defense (excluding such expenses related to military construction described in section 2403(b)); and

(B) submits to the appropriate congressional committees the response by the NATO Secretary General or the North Atlantic Council to such request.

(b) WAIVER.—The President may waive the limitation in subsection (a) with respect to a specific project of a covered missile defense activity if the President submits to the appropriate congressional committees and the written certification that the waiver for such project is vital to the national security interests of the United States.

(c) DEFINITIONS.—In this section:

(1) The term ''appropriate congressional committees'' means the following:

(A) The congressional defense committees.

(B) The Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

(2) The term ''covered missile defense activities'' means, with respect to the phased, adaptive ap-

proach to missile defense in Europe, activities regarding—

(A) Aegis ashore sites; or

(B) an AN/TPY–2 radar located in Turkey.

SEC. 231. LIMITATION ON AVAILABILITY OF FUNDS FOR THE PRECISION TRACKING SPACE SYSTEM.

(a) INITIAL LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the precision tracking space system may be obligated or expended until the date on which—

(1) a federally funded research and development center begins the analysis under subsection (b)(1); and

(2) the terms of reference for the analysis are submitted to the congressional defense committees.

(b) ANALYSIS OF ALTERNATIVES.—

(1) FFRDC.—The Director of the Missile Defense Agency shall enter into an agreement with a federally funded research and development center that has not previously been involved with the precision tracking space system to conduct an analysis of alternatives of such program.

(2) BASIS OF ANALYSIS.—The analysis under paragraph (1) shall be based on a clear articulation by the Director of—

(A) the 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;

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

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

(3) ANALYSIS.—In conducting the analysis under paragraph (1), the federally funded research and development center shall—

(A) appoint a panel of independent study leaders for such analysis;

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

(C) examine the overhead persistent infrared data or other data that is available as of the date of the analysis that is not being used;

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

(E) study the plans of the Director to integrate the precision tracking space system concept into the ballistic missile defense system and evaluate the concept or operations of such use; and

(F) consider the agreement entered into under subsection (d)(1).

(4) COST DETERMINATION.—In determining costs under the analysis under paragraph (1), the federally funded research and development center shall take into account acquisition costs and operation and sustainment costs during the initial ten-year and twenty-year periods.

(c) FURTHER LIMITATION.—

(1) SUBMITTAL AND WAIT.—Except as provided by paragraph (2), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the precision tracking space system may obligated or expended until—

(A) the Director submits to the congressional defense committees the analysis under subsection (b)(1); and

(B) a period of 60 days has elapsed following the date of such submittal.

(2) EXCEPTION.—The limitation in paragraph (1) shall not apply to funds described in such paragraph that are obligated or expended for technology development activities.

(d) MEMORANDUM OF AGREEMENT.—

(1) IN GENERAL.—The Director 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) SUBMITTAL.—The Director shall submit to the congressional defense committees the agreement entered into under paragraph (1).

SEC. 232. PLAN TO IMPROVE DISCRIMINATION AND KILL ASSESSMENT CAPABILITY OF BALLISTIC MISSILE DEFENSE SYSTEMS.

(a) PLAN.—The Director of the Missile Defense Agency shall develop a plan to improve the discrimination and kill assessment capability of ballistic missile defense systems, particularly with respect to the ground-based midcourse defense system.

(b) SUBMISSION.—Not later than December 31, 2012, the Director shall—

(1) transmit to the Secretary of Defense the plan under subsection (a) to be used in the budget materials submitted to the President by the Secretary in connection with the submission to Congress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2014; and

(2) submit to the congressional defense committees such plan.

SEC. 233. PLAN TO INCREASE RATE OF FLIGHT TESTS OF GROUND-BASED MIDCOURSE DEFENSE SYSTEM.

(a) PLAN.—

(1) IN GENERAL.—The Director of the Missile Defense Agency shall develop a plan to increase the rate of flight tests and ground tests of the ground-based midcourse defense system.

(2) RATE OF PLANNED FLIGHT TESTS.—The plan under paragraph (1) shall ensure that there are at least three flight tests conducted during every two-year period unless the Director submits to the congressional defense committees—

(A) written certification that such rate of tests is not feasible or cost-effective; and

(B) an analysis explaining the reasoning of such certification.

(b) SUBMISSION.—Not later than December 31, 2012, the Director shall—

(1) transmit to the Secretary of Defense the plan under subsection (a)(1) to be used in the budget materials submitted to the President by the Secretary in connection with the submission to Con-

gress, pursuant to section 1105 of title 31, United States Code, of the budget for fiscal year 2014; and

(2) submit to the congressional defense committees such plan.

SEC. 234. REPORT ON REGIONAL MISSILE DEFENSE ARCHITECTURES.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Chairman of the Joint Chiefs of Staff, shall submit to the congressional defense committees a report on—

(1) the regional missile defense architectures, including the force structure and inventory requirements derived from such architectures; and

(2) the comprehensive force management process to evaluate such requirements, including the capability, deployment, and resource outcomes that such process has determined.

SEC. 235. USE OF FUNDS FOR CONVENTIONAL PROMPT GLOBAL STRIKE PROGRAM.

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 ground-testing activities of the conventional prompt global strike program are obligated or expended using competitive solicitation

procedures to involve industry as well as government partners.

SEC. 236. TRANSFER OF AEGIS WEAPON SYSTEM EQUIPMENT TO MISSILE DEFENSE AGENCY.

(a) TRANSFER BY NAVY.—In accordance with section 230, the Secretary of the Navy may—

(1) transfer to the Director of the Missile Defense Agency Aegis weapon system equipment with ballistic missile defense capability for use by the Director in the Aegis ashore site in the country the Director has designated as ''Host Nation 1'';

(2) in ensuring the shipbuilding schedules of ships affected by this section—

(A) obligate or expend unobligated funds made available for fiscal year 2012 for shipbuilding and conversion, Navy, for the DDG–51 Destroyer to deliver complete, mission-ready Aegis weapon system equipment with ballistic missile defense capability to a DDG–51 Destroyer for which funds were made available for fiscal year 2012 under shipbuilding and conversion, Navy; or

(B) use any Aegis weapon system equipment acquired using such funds to deliver complete, mission-ready Aegis weapon system

equipment with ballistic missile defense capability to a DDG–51 Destroyer for which funds were made available for fiscal year 2012 under shipbuilding and conversion, Navy; and

(3) treat equipment transferred to the Secretary under subsection (b) as equipment acquired using funds made available under shipbuilding and conversion, Navy, for purposes of completing the construction and outfitting of such equipment.

(b) TRANSFER BY MDA.—In accordance with section 230, upon the receipt of any equipment under subsection (a), the Director of the Missile Defense Agency shall transfer to the Secretary of the Navy Aegis weapon system equipment with ballistic missile defense capability procured by the Director for installation in a shore-based Aegis weapon system for use by the Secretary in the DDG–51 Destroyer program.

Subtitle D—Reports

SEC. 241. 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 EA–6B Prowler aircraft squadrons.

(B) A solution for the replacement of 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. 242. 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 engineering, applied sciences, 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 engineering, applied sciences, 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 directed 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; and

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

(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.

SEC. 243. REPORT ON THREE-DIMENSIONAL INTEGRATED CIRCUIT MANUFACTURING CAPABILITIES.

(a) ASSESSMENT.—The Secretary of Defense shall conduct a comprehensive assessment regarding the manufacturing capability of the United States to produce three-dimensional integrated circuits to serve the national defense interests of the United States.

(b) ELEMENTS.—The assessment under subsection (a) shall include—

(1) an assessment of the military requirements for using three-dimensional integrated circuits in future microelectronic systems;

(2) an assessment of the current domestic commercial capability to develop and manufacture three-dimensional integrated circuits for use in military systems, including a plan for alternative sources to

supply such circuits in case of shortages in the domestic supply;

(3) an assessment of the feasibility, as well as planning and design requirements, for the development of a domestic manufacturing capability for three-dimensional integrated circuits; and

(4) an assessment of any challenges that may exist in the manufacturing capability of the United States to produce three-dimensional integrated circuits (including a review of the challenges that may exist in the manufacturing capability of the United States to produce small-lot quantities of advanced chips (200mm and 300mm)) and a general analysis on potential ways to overcome these challenges and encourage domestic commercial capability to develop and manufacture three-dimensional integrated circuits for use in military systems.

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the assessment under subsection (a).

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

SEC. 244. REPORT ON EFFORTS TO FIELD NEW DIRECTED ENERGY WEAPONS.

(a) 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 summarizing efforts within the Department of Defense to transition mature and maturing directed energy technologies to new operational weapon systems during the five- to- ten-year period beginning on the date of the report.

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

(1) Thorough assessments of—

(A) the maturity of high-energy laser, high-power microwave, and millimeter wave non-lethal technologies, both domestically and foreign;

(B) missions for which directed energy weapons could be used to substantially enhance the current and planned military capabilities of the United States;

(C) the potential for new directed energy systems to reduce requirements for expendable air and missile defense weapons;

(D) the status of and prognosis for foreign directed energy programs;

(E) the potential vulnerabilities of military systems of the United States to foreign directed energy weapons and efforts by the Secretary to mitigate such vulnerabilities; and

(F) a summary of actions the Secretary is taking to ensure that the military will be the global leader in directed energy capabilities.

(2) In light of the suitability of surface ships to support a solid-state laser weapon based on mature and maturing technologies, whether—

(A) the Department of the Navy should be designated as lead service for fielding a 100 to 200 kilowatt-class laser to defend surface ships against unmanned aircraft, cruise missile, and fast attack craft threats; and

(B) the Secretary of the Navy should initiate a program of record to begin fielding a ship-based solid-state laser weapon system.

(3) In light of the potential effectiveness of high-power microwave weapons against sensors, battle management, and integrated air defense networks, whether—

(A) the Department of the Navy and the Department of the Air Force should be designated as lead services for integrating high-

power microwave weapons on small air vehicles, including cruise missiles and unmanned aircraft; and

(B) the Secretary of the Air Force should initiate a program of record to field a cruise missile- or unmanned air vehicle-based high-power microwave weapon.

(4) In light of the potential of mature chemical laser technologies to counter air and ballistic missile threats from relocatable fixed sites, whether the Secretary of the Army should initiate a program of record to develop and field a multi-megawatt class chemical laser weapon system to defend forward airfields, ports, and other theater bases critical to future operations.

(5) Whether the investments by the Secretary of Defense in high-energy laser weapons research, development, test, and evaluation are appropriately prioritized across each military department and defense-wide accounts to support the weaponization of mature and maturing directed energy technologies during the five- to- ten-year period beginning on the date of the report, including whether sufficient funds are allocated within budget area 4 and higher ac-

counts to prepare for near term weaponization opportunities.

(c) FORM.—The report under subsection (a) shall be unclassified, but may include a classified annex.

SEC. 245. REPORT ON AIR FORCE CYBER OPERATIONS.

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 study of Air Force cyber operations research, science, and technology. The report shall include following:

(1) The near-, mid- and far-term research and development priorities of the Secretary with respect to cyber operations, including the resources needed to execute such priorities.

(2) The percentage of research and development funding of the Air Force that is used to support cyber operations during each year covered by the future-years defense program submitted to Congress during 2012 under section 221 of title 10, United States Code.

(3) The anticipated role of each of the installations of the Air Force Research Laboratory with respect to cybersecurity research and development and operational support during each year covered by such future-years defense program.

(4) The resources, including both personnel and funding, that are projected to support the Air Force Research Laboratory in fulfilling such roles.

(5) Anticipated budget actions, if any, that the Secretary of Defense and the Secretary of the Air Force plan to take during fiscal year 2013 to ensure that the Department of Defense and the Air Force maintain the leadership role in cyber research.

(6) The plan of the Secretary of the Air Force to integrate cyber operations into military operations.

(7) The ways in which the Secretary is recruiting and retaining scientists and engineers at the Air Force Research Laboratory involved with cyber operations research, including the use of the authorities granted under the laboratory demonstration program established by Section 342 of the National Defense Authorization Act for Fiscal Year1995 and section 1114 of the National Defense Authorization Act for Fiscal Year 2001.

(8) Efforts to coordinate science and technology cyber activities of the Air Force Research Laboratory with other Air Force organizations, including the Air Force Institute of Technology and the Air

Force Institute of Technology Center for Cyberspace Research.

(9) The potential benefit to the Air Force for collaboration with private industry and the development of cyber security technology clusters.

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, including advanced robotics, advanced defense systems, power and energy innovations, systems to mitigate manmade and naturally occurring electromagnetic pulse or high-powered microwaves, cybersecurity and applied lightweight materials, to address national security and homeland defense challenges.

(b) DESIGNATION OF LEAD OFFICE.—Not later than 60 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(1) designate an office within the Department of Defense with the lead responsibility for enhancing the use of regional advanced technology clusters by the Department; and

(2) notify the appropriate congressional committees of such designation.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to the appropriate congressional committees a report describing—

(1) the participation of the Department of Defense in regional advanced technology clusters;

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

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

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

(e) 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. BRIEFING ON POWER AND ENERGY RESEARCH CONDUCTED AT UNIVERSITY AFFILIATED RESEARCH CENTER.

Not later than February 28, 2013, the Secretary of Defense shall brief the Committees on Armed Services of the Senate and House of Representatives on power and energy research conducted at the University Affiliated Research Centers. The briefing shall include—

(1) a description of research conducted with other university based energy centers; and

(2) a description of collaboration efforts with university-based research centers on energy research and development activities, particularly with centers that have an expertise in energy efficiency and renewable energy, including—

(A) lighting;

(B) heating;

(C) ventilation and air-conditioning systems; and

(D) renewable energy integration.

TITLE III—OPERATION AND MAINTENANCE

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.

SEC. 302. AUTHORIZATION OF APPROPRIATIONS OF FUNDS FOR INACTIVATION EXECUTION OF U.S.S. ENTERPRISE.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Secretary of the Navy for fiscal year 2013 for inactivation execution of the U.S.S. Enterprise (CVN 65) as specified in the funding table in section 4301.

(b) LIMITATION.—The total amount obligated and expended by the Secretary of the Navy for the inactivation execution of the U.S.S. Enterprise may not exceed $708,000,000.

(c) CONTRACT AUTHORITY.—

(1) IN GENERAL.—Subject to the availability of funds under subsection (a) and the condition in paragraph (2), the Secretary of the Navy may enter into a contract during fiscal year 2013 for the inactivation execution of the U.S.S. Enterprise.

(2) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under paragraph (1) 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 fiscal year.

Subtitle B—Energy and Environmental Provisions

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 in subsections (a)(5) and (c)(2), by striking ''fiscal years 2005 through 2013'' and inserting ''fiscal years 2005 through 2018''.

SEC. 312. MODIFICATION OF DEFINITION OF CHEMICAL SUBSTANCE.

Section 3(2)(B)(v) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)(v)) is amended by inserting ‘‘, or any component of any such article including, without limitation, shot, bullets and other projectiles, propellants, and primers’’ before ‘‘, and’’.

SEC. 313. EXEMPTION OF DEPARTMENT OF DEFENSE FROM ALTERNATIVE FUEL PROCUREMENT REQUIREMENT.

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 42 U.S.C. 17142) is amended by adding at the end the following: ‘‘This section shall not apply to the Department of Defense.’’.

SEC. 314. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT OF ALTERNATIVE FUEL.

(a) LIMITATION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available during fiscal year 2013 for the Department of Defense may be obligated or expended for the production or purchase of any alternative fuel if the cost of producing or purchasing the alternative fuel exceeds the cost of producing or purchasing a traditional fossil fuel that would be used for the same purpose as the alternative fuel.

(b) EXCEPTION.—Notwithstanding subsection (a), the Secretary of Defense may purchase such limited quantities of alternative fuels as are necessary to complete fleet certification for 50/50 blends. In such instances, the Secretary shall purchase such alternative fuel using competitive procedures and ensure the best purchase price for the fuel.

SEC. 315. PLAN ON ENVIRONMENTAL EXPOSURES TO MEMBERS OF THE ARMED FORCES.

(a) PLAN.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall develop a plan on the time line of the Secretary to develop a material solution to measure environmental exposures to members of the Armed Forces in the continental United States and outside the continental United States.

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

(1) A time line for identifying relevant materiel solutions that would facilitate the Secretary identifying members of the Armed Forces who have individual exposures to environmental hazards.

(2) A time line, and estimated cost, of developing and deploying the material solution described in paragraph (1).

(3) A system for collecting and maintaining exposure data and a description of the content required.

(4) An identification of the categories of environmental exposures that will be tracked, including burn pits, dust or sand, water contamination, hazardous materials, and waste.

(5) A summary of ongoing research into health consequences of military environmental exposures and areas where additional research is needed.

(6) A status report on the sharing of environmental exposure data with the Secretary of Veterans Affairs on an ongoing and regular basis for use in medical and treatment records of veterans, including using such data in determining the service-connectedness of health conditions and in identifying the possible origins and causes of disease.

(c) BRIEFING.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide to the congressional defense committees a briefing on the plan developed under subsection (a).

SEC. 316. SOUTHERN SEA OTTER MILITARY READINESS AREAS.

(a) ESTABLISHMENT OF THE SOUTHERN SEA OTTER MILITARY READINESS AREAS.—Chapter 136 of title 10,

United States Code, is amended by adding at the end the following new section:

"§ 2283. Establishment of the Southern Sea Otter Military Readiness Areas

"(a) ESTABLISHMENT.—The Secretary of Defense shall establish areas, to be known as 'Southern Sea Otter Military Readiness Areas', for national defense purposes. Such areas shall include each of the following:

"(1) The area that includes Naval Base Ventura County, San Nicolas Island, and Begg Rock and the adjacent and surrounding waters within the following coordinates:

"N. Latitude/W. Longitude

"33°27.8′/119°34.3′

"33°20.5′/119°15.5′

"33°13.5′/119°11.8′

"33°06.5′/119°15.3′

"33°02.8′/119°26.8′

"33°08.8′/119°46.3′

"33°17.2′/119°56.9′

"33°30.9′/119°54.2′.

"(2) The area that includes Naval Base Coronado, San Clemente Island and the adjacent and surrounding waters running parallel to shore to 3 nautical miles from the high tide line, as designated

by part 165 of title 33, Code of Federal Regulations, on May 20, 2010, as the San Clemente Island 3NM Safety Zone.

"(3) The area that includes Marine Corps Base Camp Pendleton and the adjacent waters within the following coordinates:

"Latitude/W. Longitude

"33°26.6′/117°38.9′

"33°21.3′/117°45.8′

"32°56.2′/117°39.7′

"33°6.5′/117°28.5′

"33°10.2′/117°23.7′

"33°11.8′/117°23.2′

"33°26.6′/117°38.9′.

"(b) ACTIVITIES WITHIN THE SOUTHERN SEA OTTER MILITARY READINESS AREAS.—

"(1) INCIDENTAL TAKINGS UNDER ENDANGERED SPECIES ACT OF 1973.—Sections 4 and 9 of the Endangered Species Act of 1973 (16 U.S.C. 1533, 1538) shall not apply with respect to the incidental taking of any southern sea otter in the Southern Sea Otter Military Readiness Areas in the course of conducting a military readiness activity.

"(2) INCIDENTAL TAKINGS UNDER MARINE MAMMAL PROTECTION ACT OF 1972.—Sections 101

and 102 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371, 1372) shall not apply with respect to the incidental taking of any southern sea otter in the Southern Sea Otter Military Readiness Areas in the course of conducting military readiness activities.

"(3) TREATMENT AS SPECIES PROPOSED TO BE LISTED.—For purposes of any military readiness activity, any southern sea otter while within the Southern Sea Otter Military Readiness Areas shall be treated for the purposes of section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) as a member of a species that is proposed to be listed as an endangered species or a threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

"(c) REMOVAL.—Nothing in this section or any other Federal law shall be construed to require the removal of any southern sea otter located within the Southern Sea Otter Military Readiness Areas as of the date of the enactment of this section or thereafter.

"(d) REVISION OR TERMINATION OF EXCEPTIONS.—The Secretary of the Interior may revise or terminate the application of subsection (b) if the Secretary of the Interior, in consultation with, and with the concurrence of, the

Secretary of the Navy, determines that military activities occurring in the Southern Sea Otter Military Readiness Areas are substantially impeding southern sea otter conservation or the return of southern sea otters to optimum sustainable population levels.

"(e) MONITORING.—

"(1) IN GENERAL.—The Secretary of the Navy, in consultation and in cooperation with the Secretary of the Interior, shall monitor the Southern Sea Otter Military Readiness Areas not less often than every year to evaluate the status of the southern sea otter population.

"(2) REPORTS.—Within 18 months after the effective date of this section and every three years thereafter, the Secretaries of the Navy and the Interior shall jointly report to Congress and the public on monitoring undertaken pursuant to paragraph (1).

"(f) DEFINITIONS.—In this section:

"(1) The term 'incidental taking' means any take of a southern sea otter that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.

"(2) The term 'optimum sustainable population' means, with respect to any population stock, the

number of animals that will result in the maximum productivity of the population or the species, keeping in mind the carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.

"(3) The term 'southern sea otter' means any member of the subspecies Enhydra lutris nereis.

"(4) The term 'take'—

"(A) when used in reference to activities subject to regulation by the Endangered Species Act of 1973 (16 U.S.C. 1531–1544) shall have the meaning given such term in that Act; and

"(B) when used in reference to activities subject to regulation by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1423h), shall have the meaning given such term in that Act.

"(5) The term 'military readiness activity' has the meaning given that term in section 315(f) of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107–314; 16 U.S.C. 703 note), and includes all training and operations of the Armed Forces that relate to combat, and the adequate and realistic testing of military equipment,

vehicles, weapons, and sensors for proper operation and suitability for combat use.''.

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

''2283. Establishment of the Southern Sea Otter Military Readiness Areas.''.

(c) CONSERVATION AND MANAGEMENT ACTIONS.—Section 1 of Public Law 99–625 (16 U.S.C. 1536 note) is amended by adding at the end the following:

''(g) CONSERVATION AND MANAGEMENT ACTIONS.—If the Secretary issues a final rule ending the management plan authorized under subsection (b) through the termination of the regulations implementing such plan—

''(1) the Secretary, in planning and implementing recovery and conservation measures under the Act to allow for the expansion of the range of the population of the sea otter, shall coordinate and cooperate with—

''(A) the Secretary of the Navy;

''(B) the Secretary of Commerce regarding recovery efforts for species listed under the Act; and

''(C) the State of California to assist the State in continuing viable commercial harvest of State fisheries; and

"(2) interaction with sea otters in the course of engaging in fishing in any State fishery south of Point Conception, California, under an authorization issued by the State of California shall not be treated as a violation of section 9 of the Act for incidental take or of the Marine Mammal Protection Act of 1972.".

SEC. 317. 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 Na-

tive 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. 318. SENSE OF CONGRESS REGARDING DECONTAMINATION OF FORMER BOMBARDMENT AREA ON ISLAND OF CULEBRA, PUERTO RICO.

(a) FINDINGS.—The Congress finds the following—

(1) Section 2815 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4464) requires the Secretary of Defense within 270 days of receiving a request from the government of Puerto Rico, to conduct a study assessing the presence of unexploded ordnance, and any threat to public health, public safety and the environment posed by such unexploded ordnance, in the portion of the former bombardment area on the island of Culebra, Puerto Rico, that was transferred to the government of Puerto Rico by quitclaim deed on August 11, 1982.

(2) On April 25, 2011, the Governor of Puerto Rico formally requested by letter that the Secretary of Defense commence this study.

(3) On May 25, 2011, the Deputy Under Secretary of Defense for Installations and Environment acknowledged receipt of the Governor's letter on behalf of the Secretary of Defense, and affirmed that the Department of Defense would conduct the study in accordance with such section 2815 and provide the final report to Congress no later than 270 days from the date of the Governor's letter.

(4) January 20, 2012, marked the date 270 days after the Governor's letter of April 25, 2011.

(5) Section 204(c) of the Military Construction Authorization Act, 1974 (Public Law 93–166; 87 Stat. 668) stated that ''the present bombardment area on the island of Culebra shall not be utilized for any purpose that would require decontamination at the expense of the United States.'' The Department of Defense has interpreted this provision to constitute a permanent prohibition on the use of Federal funds in the area of Culebra referenced in such section to pay for decontamination and removal of unexploded ordnance, although it may be warranted to protect public health, public safety, and the environment.

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

(1) the Secretary of Defense should expeditiously submit to the Committees on Armed Services of the Senate and House of Representatives the final report prepared in accordance with section 2815 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4464);

(2) if that report indicates that decontamination and removal of unexploded ordnance in the portion of the former bombardment area on Culebra that was transferred to the government of Puerto Rico by quitclaim deed on August 11, 1982, could be conducted at reasonable cost to the Federal Government, it is appropriate for Congress to amend section 204(c) of the Military Construction Authorization Act, 1974 (Public Law 93–166; 87 Stat. 668) to authorize such decontamination and removal of unexploded ordnance; and

(3) any removal of unexploded ordnance should be accomplished pursuant to the normal prioritization process established by the Department of Defense under the Military Munitions Response Program within the Defense Environmental Restoration Program.

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. DEPOT-LEVEL MAINTENANCE AND REPAIR.

(a) AMENDMENTS TO DEFINITION OF DEPOT-LEVEL MAINTENANCE AND REPAIR.—Section 2460 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting after ''software'' the following: ''during the course of a customary depot-level maintenance action''; and

(B) by striking ''or the modification or rebuild of end-items,'' and inserting ''retrofit, modification, upgrade, or rebuild of end items, components,'';

(2) in paragraph (1)(B), by striking ''and'' at the end;

(3) in paragraph (2)(B), by striking ''change events made to operational software, integration and testing'' and inserting ''and change events (including integration and testing) made to operational software'';

(4) in paragraph (2)(C), by striking the period and inserting ''; and''; and

(5) by adding at the end the following new paragraph:

"(3) excludes—

"(A) the nuclear refueling or defueling of an aircraft carrier and any concurrent complex overhaul; and

"(B) the procurement of major modifications or upgrades designed to significantly improve the performance or safety of a weapon system or major end item.".

(b) AMENDMENTS RELATING TO CORE DEPOT-LEVEL MAINTENANCE AND REPAIR CAPABILITIES.—

(1) ASSOCIATED CAPACITY.—Section 2464(a)(3)(A) of title 10, United States Code, is amended by striking "and capacity required in paragraph (1)" and inserting "required in paragraph (1) and the associated capacity to maintain those capabilities in accordance with paragraph (2)".

(2) DIRECT SUPPORT OF ASSOCIATED LOGISTICS CAPABILITIES.—Section 2464(a)(3)(B) of such title is amended by inserting "in direct support of depot-level maintenance and repair" after "associated logistics capabilities".

(3) TIME OF FIELDING.—Section 2464(a)(3) of such title is further amended by adding at the end

the following new sentence: ''If a weapon system or item of military equipment does not have an officially scheduled initial operational capability, the weapon system or item is considered fielded at the time when, as part of combined or individual operation, it provides a warfighting capability, unless the Secretary waives this paragraph under subsection (b)(1)(A) based on a determination that the system or item is not an enduring element of the national defense strategy.''.

(3) REQUIREMENT TO NOTIFY CONGRESS BEFORE ISSUANCE OF WAIVER.—Section 2464(b)(3) of such title is amended by striking ''within 30 days of issuance'' and inserting ''at least 30 days before issuance of the waiver''.

(4) PROHIBITION ON DELEGATION OF CERTAIN WAIVER AUTHORITY.—Section 2464(b) of such title is amended by adding at the end the following new paragraph:

''(4) The authority of the Secretary of Defense to waive the requirement in subsection (a)(3) on the basis of a determination under paragraph (1)(A) or (1)(B) may not be delegated.''.

(5) EXCLUSION OF NUCLEAR AIRCRAFT CARRIERS AND SPECIAL ACCESS PROGRAMS.—Section 2464 of such title is further amended—

(A) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(B) by inserting after subsection (c) the following new subsection (d):

''(d) EXCLUSION OF NUCLEAR AIRCRAFT CARRIERS AND SPECIAL ACCESS PROGRAMS.—(1) The requirement in subsection (a)(3) shall not apply to nuclear aircraft carriers.

''(2) The requirement in subsection (a)(3) shall not apply to special access programs.''.

(6) ANNUAL SPECIAL ACCESS PROGRAM CORE CAPABILITY REVIEW.—Section 2464 of such title is further amended by adding at the end the following new subsection:

''(i) BIENNIAL SPECIAL ACCESS PROGRAM CORE CAPABILITY REVIEW.—Notwithstanding the inapplicability of subsection (a)(3) to special access programs (as provided in subsection (d)), the Secretary of Defense shall, not later than April 1 on each even-numbered year, conduct a review of each special access program in existence during the two fiscal years preceding the fiscal year during

which the review is conducted to determine the core depot maintenance and repair capabilities required to provide a ready and controlled source of technical competence, and the resources that would be required to establish a core capability if it becomes necessary. The Secretary of Defense shall include the results of such review in the form of a classified annex to the biennial core report required under subsection (f).''.

(7) AMENDMENTS FOR CONSISTENCY IN USE OF TERMS.—Section 2464 of such title is further amended—

(A) in subsection (a)(1), by striking ''a core depot-level maintenance and repair capability'' and inserting ''core depot-level maintenance and repair capabilities'';

(B) in subsection (a)(2), by striking ''This core depot-level maintenance and repair capability'' and inserting ''The core depot-level maintenance and repair capabilities required in paragraph (1)''; and

(C) in subsection (e)(1), as redesignated by paragraph (5), by striking ''a core depot-level maintenance and repair capability'' and inserting ''core depot-level maintenance and repair capabilities''.

(8) CONFORMING AMENDMENTS.—Section 2464(b) of such title is further amended—

(A) in paragraph (1)—

(i) by striking subparagraph (B);

(ii) by inserting ''or'' at the end of subparagraph (A); and

(iii) by redesignating subparagraph (C) as subparagraph (B);

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2) and in that paragraph by striking ''or (2)''.

SEC. 323. SENSE OF CONGRESS REGARDING THE PERFORMANCE OF COMMERCIALLY-AVAILABLE ACTIVITIES BY DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

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

(1) our Nation's economic strength is characterized by individual freedom and the competitive enterprise system, and as such, the Federal Government should not compete with its citizens and private enterprise;

(2) in recognition of this policy, the Government should rely on commercially available sources

to provide commercial products and services and should not start or carry on any activity to provide a commercial product or service if the product or service can be procured more economically from a commercial source;

(3) this policy conforms with Department of Defense Total Force Management procedures aimed at improving total manpower requirements, determinations, and planning to facilitate decisions regarding which sector (military, civilian, or contractor personnel) should perform each requirement; and

(4) the Department of Defense should not convert the performance of any function from performance by a contractor to performance by Department of Defense civilian employees unless the function is inherently governmental in nature or the conversion is necessary to comply with section 129a of title 10, United States Code, as amended by this Act.

(b) DEFINITION OF INHERENTLY GOVERNMENTAL.—In this section, the term ''inherently governmental'' has the meaning given that term in section 5(2) of the Federal Activities Inventory Reform Act of 1998 (Public Law 105–270; 112 Stat. 2384; 31 U.S.C. 501 note).

Subtitle D—Readiness

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

(a) AGREEMENTS AUTHORIZED.—Section 2391 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection:

''(c) INTERGOVERNMENTAL SUPPORT AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS.—(1) The Secretary of the military department concerned may enter into an intergovernmental support agreement with a State or local government to provide, receive, or share installation-support services when such an agreement—

''(A) serves the best interests of the military department by enhancing mission effectiveness or creating efficiencies or economies of scale, including by reducing costs;

''(B) serves the best interest of State or local government party to the agreement, as determined by the community's particular circumstances; and

''(C) otherwise provides a mutual benefit to the military department and the State or local government.

"(2) The authority provided by this subsection and limitations on its use 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.

"(3) Funds available to the Secretary of the military department concerned for installation support may be used to reimburse a State or local government for providing installation-support services pursuant to an agreement under this subsection. Funds received by the Secretary as reimbursement for providing installation-support services pursuant to the agreement shall be credited to the appropriation or account charged with providing installation support.".

(b) INSTALLATION-SUPPORT SERVICES DEFINED.—Subsection (e) of section 2391 of title 10, United States Code, as redesignated by subsection (a)(1) of this section, is amended by adding at the end the following new paragraph:

"(4) The term 'installation-support services' means those services, supplies, resources, and support provided typically by a local government, except that the term does not include or authorize police or fire protection services.".

SEC. 332. EXTENSION AND EXPANSION 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. 333. 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. 334. CENTER OF EXCELLENCE FOR THE NATIONAL GUARD STATE PARTNERSHIP PROGRAM.

(a) IN GENERAL.—Chapter 5 of title 32, United States Code, is amended by adding at the end the following new section:

''§ 510. Center of Excellence for the National Guard State Partnership Program

''(a) CENTER AUTHORIZED.—The National Guard Bureau may maintain a Center of Excellence for the Na-

1 tional Guard State Partnership Program (in this section
2 referred to as the 'Center').

3 "(b) CENTER AUTHORITY AND PURPOSE.—If the
4 Center is established, the Chief of the National Guard Bu-
5 reau shall administer the Center to provide training oppor-
6 tunities for units and members of the regular and reserve
7 components for the purpose of improving the skills for
8 such units and members when deployed to complete the
9 mission of the State Partnership Program. The Center will
10 provide accredited instruction in partnership with a uni-
11 versity program and other internationally recognized insti-
12 tutions.

13 "(c) CONDUCT OF CENTER.—The Chief of the Na-
14 tional Guard Bureau may provide for the conduct of the
15 Center in such State as the Chief considers appropriate.

16 "(d) PERSONS ELIGIBLE TO PARTICIPATE IN CEN-
17 TER TRAINING.—(1) The Chief of the National Guard Bu-
18 reau may recommend units and members of the National
19 Guard to attend training at the Center under section
20 502(f) of this title for not longer than the duration of the
21 training.

22 "(2) The Secretaries of the Army, Navy, Air Force,
23 and Marine Corps may detail units or members of their
24 respective regular or reserve components to attend train-
25 ing at the Center. The Secretary of Homeland Security

may detail members of the Coast Guard to attend training and provide subject matter expertise as requested.

"(e) AUTHORIZED TRAINING.—The training authorized to be provided by the Center involves such matters within the core competencies of the National Guard and suitable for contacts under the State Partnership Program as the Chief of the National Guard Bureau specifies consistent with regulations issued by the Secretary of Defense.

"(f) CENTER PERSONNEL.—(1) The Chief of the National Guard Bureau shall appoint an active member of the National Guard to be the Commandant of the Center to administer and lead the center.

"(2) The Center shall contain personnel authorizations under a table of distribution and allowance that ensures sufficient cadre and support to the Center and will be assigned to the host State.

"(3) Personnel of the National Guard of any State may serve on full-time National Guard duty for the purpose of providing command, administrative, training, or supporting services for the Center. For the performance of those services, any personnel may be ordered to duty under section 502(f) of this title.

"(4) Employees of the Departments of Defense may be detailed to the Center for the purpose of providing additional training.

"(5) The National Guard Bureau may procure, by contract, the temporary full time services of such civilian personnel as may be necessary in carrying out the training provided by the Center.".

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

"510. Center for Excellence for the National Guard State Partnership Program.".

SEC. 335. CODIFICATION OF NATIONAL GUARD STATE PARTNERSHIP PROGRAM.

(a) STATE PARTNERSHIP PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

"§ 116. State Partnership Program

"(a) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense, including for the Air and Army National Guard, shall be available for the payment of costs to conduct activities under the State Partnership Program, whether inside the United States or outside the United States, for purposes as follows:

"(A) To support the objectives of the commander of the combatant command for the theater of operations in which such contacts and activities are conducted.

"(B) To support the objectives of the United States chief of mission of the partner nation with which contacts and activities are conducted.

"(C) To build international partnerships and defense and security capacity.

"(D) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments to support building of defense and security capacity.

"(E) To facilitate intergovernmental collaboration between the United States Government and foreign governments in the areas of defense and security.

"(F) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

"(2) Costs under paragraph (1) may include costs as follows:

"(A) Costs of pay and allowances of members of the National Guard.

"(B) Travel and necessary expenses of United States personnel outside of the Department of Defense in the State Partnership Program.

"(C) Travel and necessary expenses of foreign participants directly supporting activities under the State Partnership Program.

"(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for activities described in that subsection that are conducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

"(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

"(3) Funds shall not be available under subsection (a) for interagency activities involving United States civilian personnel or foreign civilian personnel unless the participation of such personnel in such activities—

"(A) contributes to responsible management of defense resources;

"(B) fosters greater respect for and understanding of the principle of civilian control of the military;

"(C) contributes to cooperation between United States military and civilian governmental agencies and foreign military and civilian government agencies; or

"(D) improves international partnerships and capacity on matters relating to defense and security.

"(c) REIMBURSEMENT.—In the event of the participation of United States Government participants (other than personnel of the Department of Defense) in activities for which payment is made under subsection (a), the head of the department or agency concerned shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

"(d) DEFINITIONS.—In this section:

"(1) The term 'State Partnership Program' means a program that establishes a defense and security relationship between the National Guard of a

State or territory and the military and security forces, and related disaster management, emergency response, and security ministries, of a foreign country.

"(2) The term 'activities', for purposes of the State Partnership Program, means any military-to-military activities or interagency activities for a purpose set forth in subsection (a)(1).

"(3) The term 'interagency activities' means the following:

"(A) Contacts between members of the National Guard and foreign civilian personnel outside the ministry of defense of the foreign country concerned on matters within the core competencies of the National Guard.

"(B) Contacts between United States civilian personnel and members of the Armed Forces of a foreign country on matters within such core competencies.

"(4) The term 'matter within the core competencies of the National Guard' means matters with respect to the following:

"(A) Disaster response and mitigation.

"(B) Defense support to civil authorities.

"(C) Consequence management and installation protection.

"(D) Response to a chemical, biological, radiological, nuclear, or explosives (CBRNE) event.

"(E) Border and port security and cooperation with civilian law enforcement.

"(F) Search and rescue.

"(G) Medicine.

"(H) Counterdrug and counternarcotics activities.

"(I) Public affairs.

"(J) Employer support and family support for reserve forces.

"(5) The term 'United States civilian personnel' means the following:

"(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

"(B) Members and employees of the legislative branch of the United States Government.

"(C) Non-governmental individuals.

"(6) The term 'foreign civilian personnel' means the following:

"(A) Civilian personnel of a foreign government at any level (including personnel of ministries other than ministries of defense).

"(B) Non-governmental individuals of a foreign country.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by adding at the end the following new item:

"116. State Partnership Program.".

(b) REPEAL OF SUPERSEDED AUTHORITY.—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) is repealed.

Subtitle E—Reports

SEC. 341. REPORT ON JOINT STRATEGY FOR READINESS AND TRAINING IN A C4ISR-DENIED ENVIRONMENT.

(a) REPORT REQUIRED.—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 Re-

connaissance (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, and 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. 342. 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. 343. 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), by inserting after "justification under law" the following: "and operational justification"; and

(2) in paragraph (4), 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 Military Sealift Command, the Maritime Administration, or the United States Transportation Command.".

SEC. 344. 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".

SEC. 345. GAO REPORT REVIEWING METHODOLOGY OF DEPARTMENT OF DEFENSE RELATING TO COSTS OF PERFORMANCE BY CIVILIAN EMPLOYEES, MILITARY PERSONNEL, AND CONTRACTORS.

(a) REVIEW REQUIREMENT.—The Comptroller General of the United States shall conduct a review of Department of Defense Directive-Type Memorandum 09–007 entitled "Estimating and Comparing the Full Costs of Civil-

ian and Military Manpower and Contractor Support'' 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.

(b) CONSULTATION.—In conducting the review required by subsection (a), the Comptroller General shall consult with the Under Secretary of Defense for Personnel and Readiness, the Director of Cost Assessment and Program Evaluation, the Director of the Office of Management and Budget, and private sector stakeholders.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General shall submit a report on the review required by subsection (a) to the Committees on Armed Services of the Senate and the House of Representatives. The report shall contain the results of the review and make recommendations for any statutory changes that the Comptroller General determines are necessary to ensure that the memorandum reviewed includes the actual, relevant, and quantifiable costs to taxpayers for Federal civilian employees, military personnel, and contractors.

SEC. 346. REPORT ON MEDICAL EVACUATION POLICIES.

(a) IN GENERAL.—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 and the Comptroller General of the United States a report on the policies, procedures, and guidelines of the Department of Defense for helicopter evacuation of injured members of the Armed Forces performed by—

(1) unarmed Army helicopters (in this section referred to as ''MEDEVAC''); and

(2) armed Air Force helicopters (in this section referred to as ''CASEVAC'').

(b) CONTENTS.—The report submitted under subsection (a) shall contain the following:

(1) The differences between armed escort helicopters that accompany MEDEVAC helicopters and CASEVAC helicopters.

(2) The differences between Army and Air Force training of MEDEVAC and CASEVAC air crews.

(3) The differences between the capacity of the Army and the Air Force to care for wounded members of the Armed Forces.

(4) The potential costs associated with—

(A) arming MEDEVAC helicopters;

(B) increasing the training of MEDEVAC air crews to be comparable to the training of CASEVAC air crews; and

(C) increasing the quality of the avionics used in MEDEVAC helicopters to be comparable to the quality of the avionics used in CASEVAC helicopters.

(5) An analysis of the Army rescue goal, commonly known as the ''golden hour'', which specifies a goal of transporting an injured member of the Armed Forces to a military medical treatment facility not later than 60 minutes after the MEDEVAC unit receives notification of the injury, including an analysis on—

(A) whether the 60-minute time period should begin at the time of injury instead of at the time of notification;

(B) the usefulness of gathering information about survival rates using additional different time periods; and

(C) the validity of the survival rate associated with the ''golden hour''.

(6) A comparison of the helicopter evacuation capabilities in combat zones of—

(A) the Army;

(B) the Air Force;

(C) Special Operations Command; and

(D) armed forces of other countries that perform helicopter evacuations in combat zones.

(7) An analysis of—

(A) the requirements under the Convention for the Amelioration of the Condition of the Wounded and Sick in the Armed Forces in the Field, done at Geneva, August 12, 1949 (6 UST 3114) and the related protocols with regard to the weapons an aircraft may carry and still be considered a medical aircraft (which, for purposes of such Convention and protocols, means an aircraft exclusively employed for the removal of wounded and sick and for the transport of medical personnel and equipment) protected under such Convention, and of the interpretations of and policies under such requirements by the Department of Defense;

(B) the threats to MEDEVAC and CASEVAC air crews and assets posed by unconventional forces that do not abide by international law, military tradition, or custom, such as insurgent or criminal organizations; and

(C) any strategies to respond to the threats identified in subparagraph (B), as well as any legal or policy restrictions to such re-

sponses based on the requirements, policies, and interpretations identified in subparagraph (A).

(8) An explanation of how the survival rate of injured members of the Armed Forces rescued by helicopter evacuation is calculated.

(9) Information on the average number of injured members of the Armed Forces that are evacuated during each MEDEVAC and CASEVAC mission.

(c) REVIEW BY COMPTROLLER GENERAL.—Not later than 120 days after the date on which the Comptroller General receives the report submitted by the Secretary of Defense under subsection (a), the Comptroller General shall submit to the congressional defense committees an analysis of such report.

SEC. 347. REPORT ON PROVIDING TELECOMMUNICATIONS SERVICES TO UNIFORMED PERSONNEL TRANSITING THROUGH FOREIGN AIRPORTS.

(a) REPORT REQUIREMENT.—The Secretary of Defense shall submit to the congressional defense committees a report on the feasibility of providing market-rate or below-market rate (or both) telecommunications service (either phone, VoIP, video chat, or a combination thereof), either directly or through a contract, to uniformed military personnel transiting through a foreign airport while in

transit to or returning from deployment overseas. The Secretary also shall investigate allegations of certain telecom companies specifically targeting uniformed military personnel in transit overseas (who have no other option to contact their families) with above-market-rate fees, and shall include the results of that investigation in the report.

(b) SUBMISSION.—The report required by subsection (a) shall be submitted not later than 180 days after the date of the enactment of this Act.

SEC. 348. SURVEY AND REPORT ON PERSONAL PROTECTION EQUIPMENT NEEDED BY MEMBERS OF THE ARMED FORCES DEPLOYED ON THE GROUND IN COMBAT ZONES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that, when sending members of the United States Armed Forces into combat, the United States has an obligation to ensure that—

(1) the members are properly equipped with the best available protective equipment and supplies; and

(2) the members, or their family and friends, never feel compelled to purchase additional equipment and supplies to be safer in combat.

(b) SURVEY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary

of Defense shall conduct an anonymous survey among members and former members of the Armed Forces who were deployed on the ground in a combat zone since September 11, 2001, requesting information on what kinds of personal protection equipment (such as body armor and ballistic eyewear) the member believes should have been provided to members during deployment but were not provided. The Secretary shall include in the survey questions about whether members, their families, or other persons purchased any personal protection equipment because the Armed Forces did not provide the equipment and the types and quantity of equipment purchased.

(c) REPORT ON RESULTS OF SURVEY.—Not later than 180 days after the completion of the survey required by subsection (b), the Secretary of Defense shall submit to Congress a report—

(1) describing the results of the survey;

(2) describing the types and quantity of personal protection equipment not provided by the Armed Forces and purchased instead by or on behalf of members of the Armed Forces to protect themselves;

(3) explaining why such personal protection equipment was not provided; and

(4) recommending future funding solutions to prevent the omission in the future.

SEC. 349. REPORT ON STATUS OF TARGETS IN OPERATIONAL ENERGY STRATEGY IMPLEMENTATION PLAN.

(a) IN GENERAL.—The Secretary of Defense shall submit annually to the relevant congressional committees a report on the status of the targets listed in the document entitled ''Operational Energy Strategy: Implementation Plan, Department of Defense, March 2012'', including—

(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 such date is different from the date indicated in the report; and

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

(b) RELEVANT CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''relevant congressional committees'' means—

(1) the Committee on Armed Services of the Senate and the House of Representatives;

(2) the Committee on Oversight and Government Reform of the House of Representatives;

(3) the Committee on Homeland Security and Governmental Affairs of the Senate;

(4) the Committee on Foreign Affairs of the House of Representatives; and

(5) the Committee on Foreign Relations of the Senate.

Subtitle F—Limitations and Extensions of Authority

SEC. 351. REPEAL OF AUTHORITY TO PROVIDE CERTAIN MILITARY EQUIPMENT AND FACILITIES TO SUPPORT CIVILIAN LAW ENFORCEMENT AND EMERGENCY RESPONSE.

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

(1) in subsection (a), by striking ''(a) IN GENERAL.—The Secretary'' and inserting ''The Secretary''; and

(2) by striking subsection (b).

SEC. 352. LIMITATION ON AVAILABILITY OF FUNDS FOR THE DISESTABLISHMENT OF AEROSPACE CONTROL ALERT LOCATIONS.

(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 disestablish or downgrade any

of the 18 level 5 aerospace control alert defense locations in existence as of the date of the enactment of this Act.

(b) MAINTAINED LEVELS.—The Secretary of the Air Force shall maintain the operational capabilities provided by the 18 level 5 aerospace control alert defense capabilities until the later of the following dates:

(1) The date of the enactment of the National Defense Authorization Act for Fiscal Year 2014.

(2) September 30, 2013.

(c) 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.

(d) REPORT.—

(1) REPORT TO CONGRESS.—Not later than March 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 force structure plan of the Department of Defense and the 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.

(e) SENSE OF CONGRESS ON THE ESSENTIAL SERVICE PROVIDED BY FIGHTER WINGS PERFORMING AEROSPACE CONTROL ALERT MISSIONS.—It is the sense of Congress that fighter 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.

(a) LIMITATION.—Except as provided by subsection (b), 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.

(b) EXCEPTION.—Notwithstanding subsection (a), the U.S.S. Port Royal, CG 73, is authorized for retirement.

(c) MAINTAINED LEVELS.—The Secretary of the Navy, in supporting the operational requirements of the combatant commands, shall maintain the operational capability and perform the necessary maintenance of each cruiser and dock landing ship belonging to the Navy until the later of the following dates:

(1) The date of the enactment of the National Defense Authorization Act for Fiscal Year 2014.

(2) September 30, 2013.

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—Other Matters

SEC. 361. RETIREMENT, ADOPTION, CARE, AND RECOGNITION OF MILITARY WORKING DOGS.

(a) RETIREMENT AND ADOPTION OF MILITARY WORKING DOGS.—

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

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

(B) by inserting after subsection (e) the following new subsections:

"(f) CLASSIFICATION OF MILITARY WORKING DOGS.—The Secretary of Defense shall classify military working dogs as canine members of the armed forces. Such dogs shall not be classified as equipment.

"(g) 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.".

(2) ACCEPTANCE OF FREQUENT TRAVELER MILES TO FACILITATE ADOPTION.—Section 2613(d) of such title is amended—

(A) in paragraph (1)(B), by striking "; or" and inserting a semicolon;

(B) in paragraph (2), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(3) facilitating the adoption of a military working dog under section 2583 of this title.".

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

(1) VETERINARY CARE.—

(A) IN GENERAL.—Chapter 50 of such title is amended by adding at the end the following new section:

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

"(a) IN GENERAL.—The Secretary of Defense shall establish and maintain a system to provide for the veterinary care of retired military working dogs.

"(b) ELIGIBLE DOGS.—(1) A retired military working dog eligible for veterinary care under this section is

1 any military working dog adopted under section 2583 of
2 this title.

3 ''(2) The veterinary care provided a military working
4 dog under this section shall be provided during the life
5 of the dog beginning on the date on which the dog is
6 adopted under such section 2583.

7 ''(c) ADMINISTRATION.—(1) The Secretary shall ad-
8 minister the system required by this section under a con-
9 tract awarded by the Secretary for that purpose.

10 ''(2)(A) The contract under this subsection shall be
11 awarded to a private non-profit entity selected by the Sec-
12 retary from among such entities submitting an application
13 therefor that have such experience and expertise as the
14 Secretary considers appropriate for purposes of this sub-
15 section.

16 ''(B) An entity seeking the award of a contract under
17 this subsection shall submit to the Secretary an applica-
18 tion therefor in such form, and containing such informa-
19 tion, as the Secretary shall require.

20 ''(3) The term of any contract under this subsection
21 shall be such duration as the Secretary shall specify.

22 ''(d) STANDARDS OF CARE.—(1) The veterinary care
23 provided under the system required by this section shall
24 meet such standards as the Secretary shall establish and
25 from time to time update.

"(2) The standards required by this subsection shall include the following:

"(A) Provisions regarding the types of care to be provided to retired military working dogs.

"(B) Provisions regarding the entities (including private veterinarians and entities) qualified to provide the care.

"(C) Provisions regarding the facilities, including military installations, government facilities, and private facilities, in which the care may be provided.

"(D) A requirement that complete histories be maintained on the health and use in research of retired military working dogs.

"(E) Such other matters as the Secretary considers appropriate.

"(3) The Secretary shall consult with the board of directors of the non-profit private entity awarded the contract under subsection (c) in establishing and updating standards of care under this subsection.

"(e) COVERAGE OF COSTS.—(1) Except as provided in paragraph (2), any costs of operation and administration of the system required by this section, and of any veterinary care provided under the system, shall be covered by such combination of the following as the Secretary

1 and the non-profit entity awarded the contract under sub-
2 section (c) jointly consider appropriate:
3 "(A) Contributions from the non-profit entity.
4 "(B) Payments for such care by owners or
5 guardians of the retired military working dogs re-
6 ceiving such care.
7 "(C) Other appropriate non-Federal sources of
8 funds.
9 "(2) Funds provided by the Federal Government—
10 "(A) may not be used—
11 "(i) to provide veterinary care under the
12 system required by this section; or
13 "(ii) to pay for the normal operation of the
14 non-profit entity awarded the contract under
15 subsection (c); and
16 "(B) may be used to carry out the duties of the
17 Secretary under subsections (a), (c), (d), and (f).
18 "(f) REGULATIONS.—The Secretary shall prescribe
19 regulations for the discharge of the requirements and au-
20 thorities in this section, including regulations on the
21 standards of care required by subsection (d).".
22 (B) CLERICAL AMENDMENT.—The table of
23 sections at the beginning of such chapter is
24 amended by adding at the end the following
25 new item:

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

(2) REGULATIONS.—The Secretary of Defense shall prescribe the regulations required by subsection (f) of section 993 of title 10, United States Code (as added by paragraph (1)), not later than 180 days after the date of the enactment of this Act.

(c) RECOGNITION OF SERVICE OF MILITARY WORKING DOGS.—Section 1125 of such title is amended—

(1) by inserting ''(a) GENERAL AUTHORITY.—'' before ''The Secretary of Defense''; and

(2) by adding at the end the following new subsection:

''(b) RECOGNITION OF SERVICE OF MILITARY WORKING DOGS.—The Secretary of Defense shall create a decoration or other appropriate recognition to recognize military working dogs under the jurisdiction of the Secretary that are killed in action or perform an exceptionally meritorious or courageous act in service to the United States.''.

SEC. 362. ASSISTANCE FOR HOMELAND DEFENSE MISSION TRAINING.

(a) ASSISTANCE AUTHORIZED.—Chapter 9 of title 32, United States Code, is amended by adding at the end the following new section:

''§ 909. Training assistance

''(a) ASSISTANCE AUTHORIZED.—To improve the training of National Guard units and Federal agencies

performing homeland defense activities, the Secretary of Defense may provide funding assistance through a special military cooperative agreement for the operation and maintenance of any State training center certified by the Federal Emergency Management Agency as capable of providing emergency response training.

"(b) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds under subsection (a) with or to a specific entity shall—

"(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10 or on competitive procedures; and

"(2) comply with other applicable provisions of law.".

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

"909. Training assistance.".

SEC. 363. 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 De-

fense 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 the 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 materials shipments in commerce and similar Department of Defense guidance, policies, and procedures pertaining to the handling, labeling, and packaging of hazardous materials 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.

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, 330,383.

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

Section 691(b) of title 10, United States Code, is amended by striking paragraphs (1) through (4) and inserting the following new paragraphs:

"(1) For the Army, 552,100.

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

"(3) For the Marine Corps, 197,300.

"(4) For the Air Force, 330,383.".

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

(a) ANNUAL CERTIFICATION.—Subject to subsections (b) and (c), if the President determines that a reduction in end strength of the regular component of the Army or Marine Corps (or both) is necessary for any of fiscal years 2014 through 2017, the President shall submit to Congress, with the budget request for that fiscal year, a certification that the reduction in end strength, should the assumptions of the National Security Strategy prescribed by the President in the most recent annual national security strategy report under section 108 of the National Security Act of 1947 (50 U.S.C. 404a) prove to be incorrect, will not—

(1) undermine the ability of the Armed Forces to meet the requirements of the National Security Strategy;

(2) increase security risks for the United States; or

(3) compel members of the Armed Forces to endure diminished dwell time and repeated deployments.

(b) ANNUAL LIMITATION ON REDUCTIONS.—

(1) ARMY.—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.

(2) MARINE CORPS.—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.

(c) BUDGETING REQUIREMENT.—The budget for the Department of Defense for each of fiscal years 2014 through 2017 as submitted to Congress—

(1) shall include amounts for maintaining an end strength of the regular component of the Army and the Marine Corps sufficient to comply with the active duty end strengths prescribed in section 691(b) of title 10, United States Code; and

(2) shall not rely on any emergency, supplemental, or overseas contingency operations funding.

SEC. 404. EXCLUSION OF MEMBERS WITHIN THE INTEGRATED DISABILITY EVALUATION SYSTEM FROM END STRENGTH LEVELS FOR ACTIVE FORCES.

(a) EXCLUSION.—A member of the Armed Forces who is within the Integrated Disability Evaluation System as of the last day of any of fiscal years 2013 through 2018 shall not be counted toward the end strength levels for active duty members of the Armed Forces prescribed for that fiscal year.

(b) FUNDING SOURCE.—The Secretary of Defense shall use funds authorized to be appropriated for overseas contingency operations being carried out by the Armed Forces to cover any military personnel expenses incurred as a result of the exclusion under subsection (a) of members of the Armed Forces from the end strengths levels for active forces.

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, 106,005.

(6) The Air Force Reserve, 72,428.

(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, 14,952.

(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, 22,272.

(4) For the Air Force Reserve, 10,946.

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.

(a) ADDITIONAL FLAG OFFICER AUTHORIZED.—Section 526(a)(2) of title 10, United States Code, is amended by striking ''160'' and inserting ''161''.

(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.

SEC. 502. 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. 503. AIR FORCE CHIEF AND DEPUTY 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 and Deputy 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) DEPUTY CHIEF OF CHAPLAINS.—(1) There is a Deputy 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;

"(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 Deputy 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 Deputy Chief of Chaplains shall perform such duties as may be prescribed by the Secretary of the Air Force and the Chief of Chaplains and by law.

"(c) 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 or the Deputy 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.''.

(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 and Deputy Chief of Chaplains: appointment; duties.''.

SEC. 504. 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. 505. 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. 506. 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 forces in a grade specified in sub-

paragraph (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—

''(i) for officers of the Army, Navy, and Air Force, may not exceed five percent of the authorized active-duty strength for that fiscal year for officers of that armed force in those grades; and

''(ii) for officers of the Marine Corps, may not exceed 10 percent of the authorized active-duty strength for that fiscal year for officers in those grades.''.

SEC. 507. DIVERSITY IN MILITARY LEADERSHIP AND RELATED REPORTING REQUIREMENTS.

(a) PLAN TO ACHIEVE MILITARY LEADERSHIP REFLECTING DIVERSITY OF UNITED STATES POPULATION.—

1 (1) IN GENERAL.—Chapter 37 of title 10,
2 United States Code, is amended by adding at the
3 end the following new section:

4 **"§ 656. Diversity in military leadership: plan**

5 "(a) PLAN.—The Secretary of Defense (and the Sec-
6 retary of Homeland Security in the case of the Coast
7 Guard) shall develop and implement a plan to accurately
8 measure the efforts of the Department of Defense to
9 achieve a dynamic, sustainable level of members of the
10 armed forces (including reserve components) that, among
11 both commissioned officers and senior enlisted personnel
12 of each armed force, will reflect the diverse population of
13 the United States eligible to serve in the armed forces,
14 including gender specific, racial, and ethnic populations.
15 Any metric established pursuant to this subsection may
16 not be used in a manner that undermines the merit-based
17 processes of the Department of Defense, including such
18 processes for accession, retention, and promotion. Such
19 metrics may not be combined with the identification of
20 specific quotas based upon diversity characteristics. The
21 Secretary shall continue to account for diversified lan-
22 guage and cultural skills among the total force of the mili-
23 tary.

24 "(b) METRICS TO MEASURE PROGRESS IN DEVEL-
25 OPING AND IMPLEMENTING PLAN.—In developing and im-

1 plementing the plan under subsection (a), the Secretary
2 of Defense (and the Secretary of Homeland Security in
3 the case of the Coast Guard) shall develop a standard set
4 of metrics and collection procedures that are uniform
5 across the armed forces. The metrics required by this sub-
6 section shall be designed—

7 "(1) to accurately capture the inclusion and ca-
8 pability aspects of the armed forces broader diversity
9 plans, including race, ethnic, and gender specific
10 groups, functional expertise, and diversified cultural
11 and language skills as to leverage and improve readi-
12 ness; and

13 "(2) to be verifiable and systematically linked
14 to strategic plans that will drive improvements.

15 "(c) DEFINITION OF DIVERSITY.—In developing and
16 implementing the plan under subsection (a), the Secretary
17 of Defense (and the Secretary of Homeland Security in
18 the case of the Coast Guard) shall develop a uniform defi-
19 nition of diversity.

20 "(d) CONSULTATION.—Not less than annually, the
21 Secretary of Defense and the Secretary of Homeland Se-
22 curity shall meet with the Secretaries of the military de-
23 partments, the Joint Chiefs of Staff, the Commandant of
24 the Coast Guard, and senior enlisted members of the
25 armed forces to discuss the progress being made toward

1 developing and implementing the plan established under
2 subsection (a).

3 "(e) COOPERATION WITH STATES.—The Secretary of
4 Defense shall coordinate with the National Guard Bureau
5 and States in tracking the progress of the National Guard
6 toward developing and implementing the plan established
7 under subsection (a).".

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions at the beginning of such chapter is amended
10 by adding at the end the following new item:

"656. Diversity in military leadership: plan.".

11 (b) INCLUSION IN DOD MANPOWER REQUIREMENTS
12 REPORT.—Section 115a(c) of such title is amended by
13 adding at the end the following new paragraphs:

14 "(4) The progress made in implementing the
15 plan required by section 656 of this title to accu-
16 rately measure the efforts of the Department to re-
17 flect the diverse population of the United States eli-
18 gible to serve in the armed forces.

19 "(5) The number of members of the armed
20 forces, including reserve components, listed by sex
21 and race or ethnicity for each rank under each mili-
22 tary department.

23 "(6) The number of members of the armed
24 forces, including reserve components, who were pro-
25 moted during the year covered by the report, listed

by sex and race or ethnicity for each rank under each military department.

"(7) 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 sex and race or ethnicity for each rank under each military department.

"(8) 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 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 sex 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 sex 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 sex and race or ethnicity for each rank.

(2) SUBMISSION.—The report under paragraph (1) shall be submitted each year 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.

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 for 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 Dis-

1 trict of Columbia, the commanding general of the
2 District of Columbia National Guard;
3 "(B) have had at least 10 years of federally rec-
4 ognized commissioned service in the National Guard
5 and significant joint duty experience, as determined
6 by the Chairman of the Joint Chiefs of Staff; and
7 "(C) are in a grade above the grade of colonel.
8 "(2) The Assistant to the Chairman of the Joint
9 Chiefs of Staff for Reserve Matters shall be selected by
10 the Chairman from officers of the Army Reserve, the Navy
11 Reserve, the Marine Corps Reserve, or the Air Force Re-
12 serve who—
13 "(A) are recommended for such selection by the
14 Secretary of the military department concerned;
15 "(B) have had at least 10 years of commis-
16 sioned service in their reserve component and signifi-
17 cant joint duty experience, as determined by the
18 Chairman of the Joint Chiefs of Staff; and
19 "(C) are in a grade above the grade of colonel
20 or, in the case of the Navy Reserve, captain.
21 "(c) TERM OF OFFICE.—Each Assistant to the
22 Chairman of the Joint Chiefs of Staff under subsection
23 (a) serves at the pleasure of the Chairman for a term of
24 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, 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 for 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 prescribe 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. ON-LINE TRACKING OF CERTAIN RESERVE DUTY.

The Secretary of Defense shall establish an online means by which members of the Ready Reserve of the Armed Forces can track their operational active-duty service performed after January 28, 2008, under section 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10, United States Code. The tour calculator shall specify early retirement credit authorized for each qualifying tour of active duty, as well as cumulative early reserve retirement credit authorized to date under the amendments to section 12731 of such title made by section 647 of the National Defense Authorization Act for fiscal year 2008 (Public Law 110–181; 122 Stat. 160).

Subtitle C—General Service Authorities

SEC. 521. MODIFICATIONS TO CAREER INTERMISSION PILOT PROGRAM.

(a) EXTENSION OF PROGRAMS TO INCLUDE ACTIVE GUARD AND RESERVE PERSONNEL.—Subsection (a)(1) of section 533 of Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4449; 10 U.S.C. 701 prec.) is amended by inserting after ''officers and enlisted members of the regular components'' the following: '', and members of the Active Guard and Reserve (as defined in section 101(b)(16) 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) by striking ''for purposes of the entitlement'' and inserting ''for purposes of—

''(1) the entitlement'';

(2) by striking the period at the end and inserting ''; and''; and

(3) 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. 522. 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 nurse practitioner''; and

(2) in paragraph (3), by striking ''or psychiatrist'' and inserting '', psychiatrist, licensed clinical social worker, or psychiatric nurse practitioner''.

SEC. 523. AUTHORITY TO ACCEPT VOLUNTARY SERVICES TO ASSIST DEPARTMENT OF DEFENSE EFFORTS TO ACCOUNT FOR MISSING PERSONS.

Section 1501(a)(6) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

''(D) Notwithstanding section 1342 of title 31, the Secretary of Defense may accept voluntary services provided by individuals or non–Federal entities to further the purposes of this chapter.''.

SEC. 524. AUTHORIZED LEAVE AVAILABLE FOR MEMBERS OF THE ARMED FORCES UPON BIRTH OR ADOPTION OF A CHILD.

Section 701 of title 10, United States Code, is amended—

(1) by striking subsections (i) and (j) and inserting the following new subsection:

''(i)(1) A member of the armed forces who gives birth to a child or who adopts a child in a qualifying child adoption and will be primary caregiver for the adopted child shall receive 42 days of leave after the birth or adoption to be used in connection with the birth or adoption of the child.

''(2) A married member of the armed forces on active duty whose wife gives birth to a child or who adopts a child in a qualifying child adoption, but will not be pri-

mary caregiver for the adopted child, shall receive 10 days of leave to be used in connection with the birth or adoption of the child.

"(3) If two members of the armed forces who are married to each other adopt a child in a qualifying child adoption, only one of the members may be designated as primary caregiver for purposes of paragraph (1). In the case of a dual-military couple, the member authorized leave under paragraph (1) and the member authorized leave under paragraph (2) may utilize the leave at the same time.

"(4) For the purpose of this subsection, an adoption of a child by a member is a qualifying child adoption if the member is eligible for reimbursement of qualified adoption expenses for such adoption under section 1052 of this title.

"(5) Leave authorized under this subsection is in addition to other leave provided under other provisions of this section.

"(6) The Secretary of Defense may prescribe such regulations as may be necessary to carry out this subsection."; and

(2) by redesignating subsection (k) as subsection (j).

SEC. 525. COMMAND RESPONSIBILITY AND ACCOUNTABILITY FOR REMAINS OF MEMBERS OF THE ARMY, NAVY, AIR FORCE, AND MARINE CORPS WHO DIE OUTSIDE THE UNITED STATES.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall take such steps as may be necessary to ensure that there is continuous, designated military command responsibility and accountability for the care, handling, and transportation of the remains of each deceased member of the Army, Navy, Air Force, or Marine Corps who died outside the United States, beginning with the initial recovery of the remains, through the defense mortuary system, until the interment of the remains or the remains are otherwise accepted by the person designated as provided by section 1482(c) of title 10, United States Code, to direct disposition of the remains.

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. COMPLIANCE WITH MEDICAL PROFILES ISSUED FOR MEMBERS OF THE ARMED FORCES.

(a) COMPLIANCE REQUIREMENT.—The Secretary of a military department shall ensure that commanding officers—

(1) do not prohibit or otherwise restrict the ability of physicians and other licensed health-care providers to issue a medical profile for a member of the Armed Forces; and

(2) comply with the terms of a medical profile issued to a member of the Armed Forces is assigning duties to the member.

(b) LIMITED WAIVER AUTHORITY.—The first general officer or flag officer in the chain of command of a member of the Armed Forces covered by a medical profile may authorize, on a case-by-case basis, a temporary waiver of the compliance requirement imposed by subsection (a)(2) if the officer determines that the assignment of duties to the member in violation of the terms of the medical profile is vital to ensuring the readiness of the member and the unit.

(c) MEDICAL PROFILE DEFINED.—In this section, the term ''medical profile'', with respect to a member of

the Armed Forces, means a limitation imposed by a physician or other licensed health-care provider on the physical activity of the member on account of an illness or injury to facilitate the member's recovery or reduce the seriousness of the illness or injury.

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: ''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 chapters 47 (the Uniform Code of Military Justice) and 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 ''or senior members of his staff'' and inserting '', the Staff Judge Advocate to the Commandant of the Marine Corps, or senior members of their staffs''.

(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. PERSONS WHO MAY EXERCISE DISPOSITION AUTHORITY REGARDING CHARGES INVOLVING CERTAIN SEXUAL MISCONDUCT OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.

(a) PERSONS WHO MAY EXERCISE DISPOSITION AUTHORITY.—

(1) DISPOSITION AUTHORITY.—With respect to any charge under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice) that alleges an offense specified in paragraph (2), the Secretary of Defense shall require the Secretaries of the military departments to restrict disposition authority under section 830 of such chapter (article 30 of the Uniform Code of Military Justice) to officers of the Armed Forces who have the authority to convene special courts-martial under section 823 of such chapter (article 23 of the Uniform Code of Military Justice), but no lower than the first colonel, or in the case of the Navy, the first captain, with a legal advisor (or access to a legal advisor) in the chain of command of the person accused of committing the offense.

(2) COVERED OFFENSES.—Paragraph (1) applies with respect to a charge that alleges any of the following offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice):

(A) Rape or sexual assault under subsection (a) or (b) of section 920 of such chapter (article 120).

(B) Forcible sodomy under section 925 of such chapter (article 125).

(C) An attempt to commit an offense specified in paragraph (1) or (2), as punishable under section 880 of such chapter (article 80).

(b) IMPLEMENTATION.—

(1) SERVICE SECRETARIES.—The Secretaries of the military departments shall revise policies and procedures as necessary to comply with subsection (a).

(2) SECRETARY OF DEFENSE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall recommend such changes to the Manual for Courts-Martial as are necessary to ensure compliance with subsection (a).

(c) RECOMMENDATION OF ADDITIONAL CHANGES TO MANUAL FOR COURTS-MARTIAL OR UCMJ POLICY.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall make recommendations for additional changes to the Manual for Courts-Martial or to Department of Defense policies that would—

(1) ensure the consideration of the material facts regarding an alleged offense specified in subsection (a)(2) or other sexual offense under sections

920 through 920c of title 10, United States Code (articles 120 through 120c of the Uniform Code of Military Justice) is given precedence over the consideration of the character of the military service of the person accused of the sexual offense; and

(2) require all commanders who receive a report or complaint alleging an offense specified in subsection (a)(2) to refer the report or complaint to the Defense Criminal Investigative Service, Army Criminal Investigative Command, Naval Criminal Investigative Service, or Air Force Office of Special Investigations, as the case may be.

SEC. 533. INDEPENDENT REVIEW AND ASSESSMENT OF UNIFORM CODE OF MILITARY JUSTICE AND JUDICIAL PROCEEDINGS OF SEXUAL ASSAULT CASES.

(a) INDEPENDENT REVIEW AND ASSESSMENT.—The Secretary of Defense shall establish an independent panel to conduct an independent review and assessment of judicial proceedings under the Uniform Code of Military Justice involving sexual assault and related offenses for the purpose of developing potential improvements to such proceedings.

(b) INDEPENDENT PANEL FOR REVIEW.—

(1) COMPOSITION.—The panel shall be composed of five members, appointed by the Secretary of Defense from among private United States citizens who have expertise in military law, civilian law, prosecution of sexual assaults in Federal criminal court, military justice policies, the missions of the Armed Forces, or offenses relating to rape, sexual assault, and other sexual misconduct under the Uniform Code of Military Justice.

(2) CHAIR.—The chair of the panel shall be appointed by the Secretary from among the members of the panel appointed under paragraph (1).

(3) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the panel. Any vacancy in the panel shall be filled in the same manner as the original appointment.

(4) DEADLINE FOR APPOINTMENTS.—All original appointments to the panel shall be made not later than 120 days after the date of the enactment of this Act.

(5) MEETINGS.—The panel shall meet at the call of the chair.

(6) FIRST MEETING.—The chair shall call the first meeting of the panel not later than 60 days

after the date of the appointment of all the members of the panel.

(7) DURATION.—The panel shall expire on September 30, 2017.

(c) DUTIES.—

(1) ANNUAL REPORT ON IMPLEMENTATION OF UCMJ AMENDMENTS.—The panel shall prepare annual reports regarding the implementation of the reforms to the offenses relating to rape, sexual assault, and other sexual misconduct under the Uniform Code of Military Justice enacted by section 541 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1404).

(2) REVIEW AND CONSULTATION.—In preparing the reports, the panel shall review, evaluate, and assess the following:

(A) The advisory sentencing guidelines given by judges in Federal courts and how those guidelines compare to advisory sentencing guidance provided to panels rendering punishments in court-martial proceedings, including whether it would be more beneficial for advisory sentencing guidelines to be provided to panels

or for discretion to be given to judges regarding whether to issue advisory sentencing guidelines.

(B) The punishments or administrative actions taken in response to sexual assault court-martial proceedings, including the number of punishments or administrative actions taken as rendered by a panel and the number of punishments or administrative actions rendered by a judge and the consistency and proportionality of the decisions, punishments, and administrative actions to the facts of each case compared with Federal and State criminal courts.

(C) The court-martial convictions of sexual assaults in the year covered by the report and the number and description of instances when punishments were reduced upon appeal and the instances in which the defendant appealed following a plea agreement, if such information is available.

(D) The number of instances in which the previous sexual conduct of the alleged victim was considered in Article 32 proceedings and any instances where previous sexual conduct was deemed to be inadmissible.

(E) The number of instances in which evidence of the previous sexual conduct of the alleged victim was introduced by the defense in a court-martial what impact that evidence had on the case.

(F) The training level of defense and prosecution trial counsel, including an inventory of the experience of JAG lead trial counsel in each instance and any existing standards or requirements for lead counsel, including their experience in defending or prosecuting sexual assault and related offenses.

(G) Such other matters and materials as the panel considers appropriate for purposes of the reports.

(3) UTILIZATION OF OTHER STUDIES.—In preparing the reports, the panel may review, and incorporate as appropriate, the findings of applicable ongoing and completed studies.

(4) FIRST REPORT.—Not later than 180 days after its first meeting, the panel shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives its first report under this subsection. The panel shall include proposals for such legislative or admin-

1 istrative action as the panel considers appropriate in
2 light of its review.
3 (d) POWERS OF PANEL.—
4 (1) HEARINGS.—The panel may hold such
5 hearings, sit and act at such times and places, take
6 such testimony, and receive such evidence as the
7 panel considers appropriate to carry out its duties
8 under this section.
9 (2) INFORMATION FROM FEDERAL AGENCIES.—
10 Upon request by the chair of the panel, any depart-
11 ment or agency of the Federal Government may pro-
12 vide information that the panel considers necessary
13 to carry out its duties under this section.
14 (e) PERSONNEL MATTERS.—
15 (1) PAY OF MEMBERS.—Members of the panel
16 shall serve without pay by reason of their work on
17 the panel.
18 (2) TRAVEL EXPENSES.—The members of the
19 panel shall be allowed travel expenses, including per
20 diem in lieu of subsistence, at rates authorized for
21 employees of agencies under subchapter I of chapter
22 57 of title 5, United States Code, while away from
23 their homes or regular places of business in the per-
24 formance or services for the panel.

SEC. 534. COLLECTION AND RETENTION OF RECORDS ON DISPOSITION OF REPORTS OF SEXUAL ASSAULT.

(a) COLLECTION.—The Secretary of Defense shall require that the Secretary of each military department establish a record on the disposition of any report of sexual assault, whether such disposition is court martial, non-judicial punishment, or other administrative action. The record of any such disposition shall include the following, as appropriate:

(1) Documentary information collected about the incident reported, other than investigator case notes.

(2) 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 and local court and other sentencing, or any other punishment imposed.

(3) Administrative actions taken, if any.

(4) Any pertinent referrals offered as a result of the incident (such as drug and alcohol counseling and other types of counseling or intervention).

(b) RETENTION.—The Secretary of Defense shall require that—

(1) the records established pursuant to subsection (a) be retained by the Department of Defense for a period of not less than 20 years; and

(2) a copy of such records be maintained at a centralized location for the same period as applies to retention of the records under paragraph (1).

SEC. 535. BRIEFING, PLAN, AND RECOMMENDATIONS REGARDING EFFORTS TO PREVENT AND RESPOND TO HAZING INCIDENTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) BRIEFING AND PLAN REQUIRED.—Not later than May 1, 2013, the Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard) shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing and plan that outlines efforts by the Department of Defense and the Coast Guard—

(1) to prevent the hazing of members of the Armed Forces by other members of the Armed Forces; and

(2) to respond to and resolve alleged hazing incidents involving members of the Armed Forces, including the prosecution of offenders through the use of punitive articles under subchapter X of chapter

47 of title 10, United States Code (the Uniform Code of Military Justice).

(b) DATABASE.—The plan required by subsection (a) shall include the establishment of a database for the purpose of improving the ability of the Department of Defense and the Coast Guard—

(1) to determine the extent to which hazing incidents involving members of the Armed Forces are occurring and the nature of such hazing incidents; and

(2) to track, respond to, and resolve hazing incidents involving members of the Armed Forces.

(c) RECOMMENDATIONS.—As part of the briefing required by subsection (a), the Secretary of Defense (and the Secretary of Homeland Security in the case of the Coast Guard) shall submit such recommendations for changes to the Uniform Code of Military Justice and the Manual for Courts-Martial as the Secretaries consider necessary to improve the prosecution of hazing incidents.

(d) CONSULTATION.—The Secretary of Defense shall prepare the plan, database, and recommendations required by this section in consultation with the Secretaries of the military departments.

(e) TRANSFER OF VICTIMS OF HAZING IN THE ARMED FORCES.—The Secretary concerned (as defined in

1 section 101(a)(9) of title 10, United States Code) shall
2 develop and implement a procedure to transfer a member
3 of that branch of the Armed Forces who has been the vic-
4 tim of a substantiated incident of hazing to another unit
5 in such branch of the Armed Forces.

6 (f) HAZING DESCRIBED.—For purposes of carrying
7 out this section, the Secretary of Defense (and the Sec-
8 retary of Homeland Security in the case of the Coast
9 Guard) shall use the definition of hazing contained in the
10 August 28, 1997, Secretary of Defense Policy Memo-
11 randum, which defined hazing as any conduct whereby a
12 member of the Armed Forces, regardless of branch or
13 rank, without proper authority causes another member to
14 suffer, or be exposed to, any activity which is cruel, abu-
15 sive, humiliating, oppressive, demeaning, or harmful. So-
16 liciting or coercing another person to perpetrate any such
17 activity is also considered hazing. Hazing need not involve
18 physical contact among or between members of the Armed
19 Forces. Hazing can be verbal or psychological in nature.
20 Actual or implied consent to acts of hazing does not elimi-
21 nate the culpability of the perpetrator.

22 (g) ANNUAL REPORTING REQUIREMENT.—

23 (1) IN GENERAL.—The database required by
24 subsection (b) shall be used to develop and imple-
25 ment an annual congressional report.

(2) REPORTS REQUIRED.—Not later than January 15 of each year, the Secretary of Defense and the Secretary of Homeland Security (with respect to the Coast Guard) shall submit to the designated congressional committees a report on the hazing incidents involving members of the Armed Forces during the preceding year.

(3) ELEMENTS.—Each report shall include the following:

(A) an assessment by the Secretaries of the implementation during the preceding year of the policies and procedures of each Armed Force on the prevention of and response to hazing involving members of the Armed Forces in order to determine the effectiveness of such policies and procedures.

(B) Data on the number of alleged and substantiated hazing incidents within each Armed Force that occurred that year, including the race, gender and Armed Force of the victim and offender, the nature of the hazing, and actions taken to resolve and address the hazing.

(h) COMPTROLLER GENERAL REPORT.—

(1) REPORT REQUIRED.—Not later than one year after the date of enactment of this Act, the

Comptroller General of the United States shall submit to the designated congressional committees a report on the policies to prevent hazing and systems initiated to track incidents of hazing in each of the Armed Forces, including officer cadet schools, military academies, military academy preparatory schools, and basic training and professional schools for enlisted members.

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

(A) An evaluation of the definition of hazing used pursuant to subsection (e).

(B) A description of the criteria used, and the methods implemented, in the systems to track incidents of hazing in the Armed Forces.

(C) An assessment of the following:

(i) The scope of hazing in each Armed Force.

(ii) The policies in place and the training on hazing provided to members throughout the course of their careers for each Armed Force.

(iii) The actions taken to mitigate hazing incidents in each Armed Force.

(iv) The effectiveness of the training and policies in place regarding hazing.

(v) The number of alleged and substantiated incidents of hazing over the last five years for each Armed Force, the nature of these cases and actions taken to address such matters through non-judicial and judicial action.

(D) An evaluation of the additional actions, if any, the Secretary of Defense and the Secretary of Homeland Security propose to take to further address the incidence of hazing in the Armed Forces.

(E) Such recommendations as the Comptroller General considers appropriate for improving hazing prevention programs, policies, and other actions taken to address hazing within the Armed Forces.

(i) DESIGNATED CONGRESSIONAL COMMITTEES DEFINED.—In subsections (f) and (g), the term ''designated congressional committees'' means—

(1) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Commerce, Science and Transportation of the Senate; and

(2) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 536. PROTECTION OF RIGHTS OF CONSCIENCE OF MEMBERS OF THE ARMED FORCES AND CHAPLAINS OF SUCH MEMBERS.

(a) PROTECTION.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1034 the following new section:

"§ 1034a. Protection of rights of conscience of members of the Armed Forces and chaplains of such members

''(a) PROTECTION OF RIGHTS OF CONSCIENCE.—The Armed Forces shall accommodate the conscience and sincerely held moral principles and religious beliefs of the members of the Armed Forces concerning the appropriate and inappropriate expression of human sexuality and may not use such conscience, principles, or beliefs as the basis of any adverse personnel action, discrimination, or denial of promotion, schooling, training, or assignment. Nothing in this subsection precludes disciplinary action for conduct that is proscribed by chapter 47 of this title (the Uniform Code of Military Justice).

1 "(b) PROTECTION OF CHAPLAINS.—(1) For purposes
2 of this title, a military chaplain is—
3 "(A) a certified religious leader or clergy of a
4 faith community who, after satisfying the profes-
5 sional and educational requirements of the commis-
6 sioning service, is commissioned as an officer in the
7 Chaplains Corps of one of the branches of the
8 Armed Forces; and
9 "(B) a representative of the faith group of the
10 chaplain, who remains accountable to the endorsing
11 faith group for the religious ministry involved to
12 members of the Armed Forces, to—
13 "(i) provide for the religious and spiritual needs
14 of members of the Armed Forces of that faith group;
15 and
16 "(ii) facilitate the religious needs of members of
17 the Armed Forces of other faith groups.
18 "(2) No member of the Armed Forces may—
19 "(A) direct, order, or require a chaplain to per-
20 form any duty, rite, ritual, ceremony, service, or
21 function that is contrary to the conscience, moral
22 principles, or religious beliefs of the chaplain, or con-
23 trary to the moral principles and religious beliefs of
24 the endorsing faith group of the chaplain; or

"(B) 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 direction, order, or requirement prohibited by subparagraph (A).

"(c) REGULATIONS.—The Secretary of Defense shall issue regulations implementing the protections afforded by this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of title 10, United States Code, is amended by inserting after the item relating to section 1034 the following new item:

"1034a. Protection of rights of conscience of members of the Armed Forces and chaplains of such members.".

SEC. 537. USE OF MILITARY INSTALLATIONS AS SITES FOR MARRIAGE CEREMONIES OR MARRIAGE-LIKE CEREMONIES.

A military installation or other property owned or rented by, or otherwise under the jurisdiction or control of, the Department of Defense may not be used to officiate, solemnize, or perform a marriage or marriage-like ceremony involving anything other than the union of one man with one woman.

SEC. 538. COORDINATION BETWEEN YELLOW RIBBON REINTEGRATION PROGRAM AND SMALL BUSINESS DEVELOPMENT CENTERS.

The Office for Reintegration Programs shall assist each State to coordinate services under the Yellow Ribbon Reintegration Program under section 582 of the National Defense Authorization Act of 2008 (10 U.S.C. 10101 note) with Small Business Development Centers (as defined in section 3(t) of the Small Business Act) in each State.

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) EFFECTIVE DATE.—The transfer under paragraph (1) shall take effect on the first day of the first month beginning more than 90 days after the date of the enactment of this Act, or 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 fami-

lies 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; 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 to 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

1 school', and 'State' have the meanings given those
2 terms in section 9101 of the Elementary and Sec-
3 ondary Education Act of 1965 (20 U.S.C. 7801).
4 "(b) PROGRAM AUTHORIZATION.—The Secretary of
5 Defense may carry out a Troops-to-Teachers Program—
6 "(1) to assist eligible members of the armed
7 forces described in subsection (d) to obtain certifi-
8 cation or licensing as elementary school teachers,
9 secondary school teachers, or career or technical
10 teachers; and
11 "(2) to facilitate the employment of such mem-
12 bers—
13 "(A) by local educational agencies or char-
14 ter schools that the Secretary of Education
15 identifies as—
16 "(i) receiving grants under part A of
17 title I of the Elementary and Secondary
18 Education Act of 1965 (20 U.S.C. 6301
19 et. seq.) as a result of having within their
20 jurisdictions concentrations of children
21 from low-income families; or
22 "(ii) experiencing a shortage of teach-
23 ers, in particular a shortage of science,
24 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 under 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 edu-

cation, 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 compo-

nent 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 obtain certification or licensing as an elementary school teacher, secondary school teacher, or career or technical teacher; 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 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 obtain teacher certification or licensing 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.—Subparagraph (C) of section 1142(b)(4) of such title is amended by striking "section 2302" and all that follows through the end of the subparagraph and inserting "under section 1154 of this title.".

(d) TERMINATION OF DEPARTMENT OF EDUCATION TROOPS-TO-TEACHERS PROGRAM.—

(1) TERMINATION.—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 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) AUTHORITY TO SUPPORT PROGRAMS.—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.—The Secretary of the Navy may enter into agreements, including cooperative agreements (as described in section 6305 of title 31), with the Naval Academy Athletic Association and its successors and assigns (in this section referred to as the 'association') to manage any aspect of the athletic and physical fitness programs of the Naval Academy.

"(b) AUTHORITY TO PROVIDE SUPPORT TO ASSOCIATION.—(1) The Secretary of the Navy may to transfer funds to the association to pay expenses incurred by the association in managing the athletic and physical fitness programs of the Naval Academy.

"(2) The Secretary may provide personal property and the services of members of the naval service and civilian personnel of the Department of the Navy to assist the association in managing the athletic and physical fitness programs of the Naval Academy.

"(c) ACCEPTANCE OF GIFTS FROM THE ASSOCIATION.—The Secretary of the Navy may accept from the association funds, supplies, and services for the support of the athletic and physical fitness programs of the Naval Academy.

"(d) RECEIPT AND RETENTION OF FUNDS FROM ASSOCIATION AND OTHER SOURCES.—(1) The Secretary of the Navy may receive from the association funds generated by the athletic and physical fitness programs of the Naval Academy and any other activity of the association and to retain and use such funds to further the mission of the Naval Academy. Receipt and retention of such funds shall be subject to oversight by the Secretary.

"(2) The Secretary may accept, use, and retain funds from the National Collegiate Athletic Association and to

1 transfer all or part of those funds to the association for
2 the support of the athletic and physical fitness programs
3 of the Naval Academy.

4 "(e) USER FEES.—The Secretary of the Navy may
5 charge user fees to the association for the association's
6 use of Naval Academy facilities for the conduct of summer
7 athletic camps. Fees collected under this subsection may
8 be retained for use in support of the Naval Academy ath-
9 letic program and shall remain available until expended.

10 "(f) LICENSING, MARKETING, AND SPONSORSHIP
11 AGREEMENTS.—(1) The Secretary of the Navy may enter
12 into an agreement with the association authorizing the as-
13 sociation to represent the Department of the Navy in con-
14 nection with licensing, marketing, and sponsorship agree-
15 ments relating to trademarks and service marks identi-
16 fying the Naval Academy, to the extent authorized by the
17 Chief of Naval Research and in accordance with sections
18 2260 and 5022 of this title.

19 "(2) Notwithstanding section 2260(d)(2) of this title,
20 any funds generated by the licensing, marketing, and
21 sponsorship under a agreement entered into under para-
22 graph (1) may be accepted, used, and retained by the Sec-
23 retary, or transferred by the Secretary to the association,
24 for—

"(A) payment of the costs of securing trademark registrations and operating of licensing programs; or

"(B) supporting the athletic and physical fitness programs of the Naval Academy.

"(g) AUTHORIZED SERVICE ON BOARD OF DIRECTORS.—The Secretary may authorize members of the naval service and civilian personnel of the Department of the Navy to serve in accordance with sections 1033 and 1589 of this title as members of the governing board of the association.

"(h) CONDITIONS.—The authority provided in this section with respect to the association is available only so long as the association continues—

"(1) to qualify as a nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986;

"(2) to operate in accordance with this section, the laws of the State of Maryland, and the constitution and bylaws of the association; and

"(3) to operate exclusively to support the athletic and physical fitness programs of the Naval Academy.

"(i) CONGRESSIONAL NOTIFICATION.—Not later than 60 days after the date on which the Secretary of the

Navy enters into an agreement under the authority of this section, the Secretary shall provide a copy of the agreement to the congressional defense committees.''.

(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. DEPARTMENT OF DEFENSE INSPECTOR GENERAL REVIEW OF ACCESS TO MILITARY INSTALLATIONS BY REPRESENTATIVES OF FOR-PROFIT EDUCATIONAL INSTITUTIONS.

(a) REVIEW REQUIRED.—The Inspector General of the Department of Defense shall 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.

(b) ELEMENTS OF REVIEW.—The review shall determine at a minimum the following:

(1) The extent to which representatives of for-profit educational institutions are accessing military installations for marketing and recruitment purposes.

(2) Whether there uniform and robust enforcement of DOD Directive 1344.07.

(3) Whether additional Department rules, policies, or oversight mechanisms should be put in place to regulate such practices.

(c) INSPECTOR GENERAL ACCESS.—The Secretary of Defense shall ensure that the Inspector General has access to all Department of Defense records and military installations for the purpose of conducting the review.

SEC. 544. 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 (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 opportunities for civilian occupational skills comparable to the specialties or codes so designated; and".

Subtitle F—Decorations and Awards

SEC. 551. ISSUANCE OF PRISONER-OF-WAR MEDAL.

Section 1128(a)(4) of title 10, United States Code, is amended by striking "that are hostile to the United States,".

SEC. 552. 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.

(a) AWARD REQUIRED.—The Secretary of the military department concerned shall award the Purple Heart to the 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.

(b) EXCEPTION.—Subsection (a) shall not apply to a member of the Armed Forces whose wound was the result of the willful misconduct of the member.

SEC. 553. ADVANCEMENT OF BRIGADIER GENERAL CHARLES E. YEAGER, UNITED STATES AIR FORCE (RETIRED), ON THE RETIRED LIST.

(a) ADVANCEMENT.—Brigadier General Charles E. Yeager, United States Air Force (retired), is entitled to hold the rank of major general while on the retired list of the Air Force.

(b) ADDITIONAL BENEFITS NOT TO ACCRUE.—The advancement of Charles E. Yeager on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which Charles E. Yeager is now or may in the future be entitled based upon his military service or affect any benefits to which any other person may become entitled based on his service.

SEC. 554. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO FIRST LIEUTENANT ALONZO H. CUSHING FOR ACTS OF VALOR DURING THE CIVIL WAR.

(a) AUTHORIZATION.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to then 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, as described in subsection (b).

(b) ACTS OF VALOR DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of then First Lieutenant Alonzo H. Cushing while in command of Battery A, 4th United States Artillery, Army of the Potomac, at Gettysburg, Pennsylvania, on July 3, 1863, during the American Civil War.

SEC. 555. RETROACTIVE AWARD OF ARMY COMBAT ACTION BADGE.

(a) AUTHORITY TO AWARD.—The Secretary of the Army may award the Army Combat Action Badge (established by order of the Secretary of the Army through Headquarters, Department of the Army Letter 600–05–1, dated June 3, 2005) 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 date of the otherwise applicable limitation on retroactivity for the award of such decoration), if the Secretary determines that the person has not been previously recognized in an appropriate manner for such participation.

(b) PROCUREMENT OF BADGE.—The Secretary of the Army may make arrangements with suppliers of the Army Combat Action Badge so that eligible recipients of the Army Combat Action Badge pursuant to subsection (a) may procure the badge directly from suppliers, thereby eliminating or at least substantially reducing administrative costs for the Army to carry out this section.

SEC. 556. REPORT ON NAVY REVIEW, FINDINGS, AND ACTIONS PERTAINING TO MEDAL OF HONOR NOMINATION OF MARINE CORPS SERGEANT RAFAEL PERALTA.

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall 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 report shall account for all evidence submitted with regard to the case.

Subtitle G—Defense Dependents' Education and Military Family Readiness Matters

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.—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 (Public Law 109–163; 20 U.S.C. 7703b).

(c) 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. TRANSITIONAL COMPENSATION FOR DEPENDENT CHILDREN WHO WERE CARRIED DURING PREGNANCY AT THE TIME OF DEPENDENT-ABUSE OFFENSE COMMITTED BY AN INDIVIDUAL WHILE A MEMBER OF THE ARMED FORCES.

(a) DEFINITION OF DEPENDENT CHILD.—Subsection (l) of section 1059 of title 10, United States Code, is amended in the matter preceding paragraph (1) by striking ''at the time of the dependent-abuse offense resulting in the separation of the former member'' and inserting ''or eligible spouse or former 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) DETERMINATION OF PAYMENT AMOUNT.—Subsection (f) of such section is amended by adding at the end the following new paragraph:

''(4) A payment to a child under this section shall not cover any period during which the child was in utero.''.

(c) 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. 563. 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) 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. 564. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE ARMED FORCES.

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

"SEC. 208. CHILD CUSTODY PROTECTION.

"(a) RESTRICTION ON TEMPORARY CUSTODY ORDER.—If a court renders a temporary order for custodial responsibility for a child based solely on a deployment or anticipated deployment of a parent who is a servicemember, then the court shall require that, upon the return

of the servicemember from deployment, the custody order that was in effect immediately preceding the temporary order shall be reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (b).

"(b) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD'S BEST INTEREST.—If a motion or a petition is filed seeking a permanent order to modify the custody of the child of a servicemember, no court may consider the absence of the servicemember by reason of deployment, or the possibility of deployment, in determining the best interest of the child.

"(c) NO FEDERAL JURISDICTION OR RIGHT OF ACTION OR REMOVAL.—Nothing in this section shall create a Federal right of action or otherwise give rise to Federal jurisdiction or create a right of removal.

"(d) PREEMPTION.—In any case where State law applicable to a child custody proceeding involving a temporary order as contemplated in this section provides a higher standard of protection to the rights of the parent who is a deploying servicemember than the rights provided under this section with respect to such temporary order, the appropriate court shall apply the higher State standard.

"(e) DEPLOYMENT DEFINED.—In this section, the term 'deployment' means the movement or mobilization of a servicemember to a location for a period of longer than 60 days and not longer than 18 months pursuant to temporary or permanent official orders—

"(1) that are designated as unaccompanied;

"(2) for which dependent travel is not authorized; or

"(3) that otherwise do not permit the movement of family members to that location.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

"208. Child custody protection.".

SEC. 565. TREATMENT OF RELOCATION OF MEMBERS OF THE ARMED FORCES FOR ACTIVE DUTY FOR PURPOSES OF MORTGAGE REFINANCING.

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act is amended by inserting after section 303 (50 U.S.C. App. 533) the following new section:

"SEC. 303A. TREATMENT OF RELOCATION OF SERVICEMEMBERS FOR ACTIVE DUTY FOR PURPOSES OF MORTGAGE REFINANCING.

"(a) TREATMENT OF ABSENCE FROM RESIDENCE DUE TO ACTIVE DUTY.—While a servicemember who is the mortgagor under an existing mortgage does not reside

in the residence that secures the existing mortgage because of a relocation described in subsection (c)(1)(B), if the servicemember inquires about or applies for a covered refinancing mortgage, the servicemember shall be considered, for all purposes relating to the covered refinancing mortgage (including such inquiry or application and eligibility for, and compliance with, any underwriting criteria and standards regarding such covered refinancing mortgage) to occupy the residence that secures the existing mortgage to be paid or prepaid by such covered refinancing mortgage as the principal residence of the servicemember during the period of such relocation.

"(b) LIMITATION.—Subsection (a) shall not apply with respect to a servicemember who inquires about or applies for a covered refinancing mortgage if, during the 5-year period preceding the date of such inquiry or application, the servicemember entered into a covered refinancing mortgage pursuant to this section.

"(c) DEFINITIONS.—In this section:

"(1) EXISTING MORTGAGE.—The term 'existing mortgage' means a mortgage that is secured by a 1- to 4-family residence, including a condominium or a share in a cooperative ownership housing association, that was the principal residence of a servicemember for a period that—

"(A) had a duration of 13 consecutive months or longer; and

"(B) ended upon the relocation of the servicemember caused by the servicemember receiving military orders for a permanent change of station or to deploy with a military unit, or as an individual in support of a military operation, for a period of not less than 18 months that did not allow the servicemember to continue to occupy such residence as a principal residence.

"(2) COVERED REFINANCING MORTGAGE.—The term 'covered refinancing mortgage' means any mortgage that—

"(A) is made for the purpose of paying or prepaying, and extinguishing, the outstanding obligations under an existing mortgage or mortgages; and

"(B) is secured by the same residence that secured such existing mortgage or mortgages.".

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 303 the following new item:

"303A. Treatment of relocation of servicemembers for active duty for purposes of mortgage refinancing.".

SEC. 566. SENSE OF CONGRESS REGARDING SUPPORT FOR YELLOW RIBBON DAY.

(a) FINDINGS.—Congress makes the following findings:

(1) The hopes and prayers of the American people for the safe return of members of the Armed Forces serving overseas are demonstrated through the proud display of yellow ribbons.

(2) The designation of a ''Yellow Ribbon Day'' would serve as an additional reminder for all Americans of the continued sacrifice of members of the Armed Forces.

(3) Yellow Ribbon Day would also recognize the history and meaning of the Yellow Ribbon as the symbol of support for members of the Armed Forces and American civilians serving in combat or crisis situations overseas.

(b) SENSE OF CONGRESS.—Congress supports the goals and ideals of Yellow Ribbon Day, observed on April 9th each year, in honor of members of the Armed Forces and American civilians who are serving overseas in defense of the United States apart from their families and loved ones.

Subtitle H—Improved Sexual Assault Prevention and Response in the Armed Forces

SEC. 571. ESTABLISHMENT OF SPECIAL VICTIM TEAMS TO RESPOND TO ALLEGATIONS OF CHILD ABUSE, SERIOUS DOMESTIC VIOLENCE, OR SEXUAL OFFENSES.

(a) ESTABLISHMENT REQUIRED.—The Secretary of each military department shall establish special victim teams for the purpose 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.—A special victim team shall be comprised of specially trained and selected—

(1) investigators from the Defense Criminal Investigative Service, 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 each military department shall prescribe standards for the training, selection, and certification of personnel for special victim teams established by that Secretary.

(d) TIME FOR ESTABLISHMENT.—

(1) DISCRETION REGARDING NUMBER OF TEAMS NEEDED.—The Secretary of a military department shall determine the total number of special victim teams to be established, and prescribe regulations for their management and use, in order to provide effective, timely, and responsive world-wide support for the purposes described in subsection (a). Not later than 270 days after the date of the enactment of this Act, each Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan and time line for the establishment of the special victim teams that the Secretary has determined are needed.

(2) INITIAL TEAM.—Not later than one year after the date of the enactment of this Act, the Secretary of each military department shall have available for use at least one special victim team.

(e) EVALUATION OF EFFECTIVENESS.—Not later than 180 days after the date of the enactment of this Act,

the Secretary of Defense shall prescribe the common criteria to be used by the Secretaries of the military departments to measure the effectiveness and impact of the special victim teams from the investigative, prosecutorial, and victim's perspectives, and require the Secretaries of the military departments to collect and report the data required by the Secretary of Defense.

(f) SPECIAL VICTIM TEAM DEFINED.—In this section, the term ''special victim team'' 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 a special victim team be created as separate military unit or have a separate chain of command.

SEC. 572. 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) 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 com-

mand. 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. 573. ENHANCEMENT TO REQUIREMENTS FOR AVAILABILITY OF INFORMATION ON SEXUAL ASSAULT PREVENTION AND RESPONSE RESOURCES.

(a) REQUIRED POSTING OF INFORMATION ON SEXUAL ASSAULT PREVENTION AND RESPONSE RESOURCES.—

(1) POSTING.—The Secretary of Defense shall require that there be prominently posted, in accordance with paragraph (2), notice of the following information relating to sexual assault prevention and response, in a form designed to ensure visibility and understanding:

(A) Resource information for members of the Armed Forces, military dependents, and civilian personnel of the Department of Defense with respect to prevention of sexual assault and reporting of incidents of sexual assault.

(B) Contact information for personnel who are designated as Sexual Assault Response Coordinators and Sexual Assault Victim Advocates.

(C) The Department of Defense ''hotline'' telephone number, referred to as the Safe Helpline, for reporting incidents of sexual assault, or any successor operation.

(2) POSTING PLACEMENT.—Posting under subsection (a) shall be at the following locations, to the extent practicable:

(A) Any Department of Defense duty facility.

(B) Any Department of Defense dining facility.

(C) Any Department of Defense multi-unit residential facility.

(D) Any Department of Defense health care facility.

(E) Any Department of Defense commissary or exchange.

(F) Any Department of Defense Community Service Agency.

(G) Any Department of Defense website.

(b) NOTICE TO VICTIMS OF AVAILABLE ASSISTANCE.—The Secretary of Defense shall require that procedures in the Department of Defense for responding to a complaint or allegation of sexual assault submitted by or against a member of the Armed Forces include prompt notice to the person making the complaint or allegation of the forms of assistance available to that person from the Department of Defense and, to the extent known to the Secretary, through other departments and agencies, including State and local agencies, and other sources.

SEC. 574. 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 an Article 32 Investigating Officer recommends dismissal of the charges against a member of the Armed Forces accused of committing a sexual assault, the case synopsis shall explicitly state the reasons for that recommendation.

''(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

1 honorable) given the service of the member upon
2 separation.
3 ''(3) The case synopsis shall indicate whether a
4 member of the Armed Forces accused of committing
5 a sexual assault was ever previously accused of a
6 substantiated sexual assault.
7 ''(4) The case synopsis shall indicate the branch
8 of the Armed Forces of each member accused of
9 committing a sexual assault and the branch of the
10 Armed Forces of each member who is a victim of a
11 sexual assault.
12 ''(5) If the case disposition includes non-judicial
13 punishment, the case synopsis shall explicitly state
14 the nature of the punishment.
15 ''(6) If alcohol was involved in any way in a
16 substantiated sexual assault incident, the case syn-
17 opsis shall specify whether the member of the Armed
18 Forces accused of committing the sexual assault had
19 previously been ordered to attend substance abuse
20 counseling.''.
21 (b) APPLICATIONS FOR CERTAIN TRANSFERS BY
22 SEXUAL ASSAULT VICTIMS.—Subsection (b) of such sec-
23 tion is amended by adding at the end the following new
24 paragraph:

"(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.".

(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, 2013, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

SEC. 575. INCLUSION OF SEXUAL HARASSMENT INCIDENTS IN ANNUAL DEPARTMENT OF DEFENSE REPORTS ON SEXUAL ASSAULTS.

Effective with the report required to be submitted by March 1, 2013, 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 each military department shall include in each annual report required by that section information on sexual harassment involving members of the

Armed Forces under the jurisdiction of that Secretary during the preceding year. For purposes of complying with this section, the Secretary of the military department concerned shall apply subsection (b) of such section 1631 by substituting the term ''sexual harassment'' for ''sexual assault'' each place it appears in paragraphs (1) through (4) of such subsection.

SEC. 576. CONTINUED SUBMISSION OF PROGRESS REPORTS REGARDING CERTAIN INCIDENT INFORMATION MANAGEMENT TOOLS.

(a) REPORTS REQUIRED.—Not later than August 28, 2012, and every six months thereafter until the date determined under subsection (b), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report describing the progress made during the previous six months to ensure that both of the following are fully functional and operational:

(1) The Defense Incident-Based Reporting System.

(2) The Defense Sexual Assault Incident Database.

(b) DURATION OF REPORTING REQUIREMENT.—The reporting requirement imposed by subsection (a) shall continue until the date on which the Secretary of Defense

certifies, in a report submitted under such subsection, that—

(1) the Defense Incident-Based Reporting System and the Defense Sexual Assault Incident Database are fully functional and operational throughout the Department of Defense; and

(2) each of the military departments is using the Defense Incident-Based Reporting System or providing data for inclusion in the Defense Sexual Assault Incident Database.

(c) REPEAL OF SUPERSEDED REPORTING REQUIREMENT.—Section 598 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2345; 10 U.S.C. 113 note) is repealed.

SEC. 577. BRIEFINGS ON DEPARTMENT OF DEFENSE ACTIONS REGARDING SEXUAL ASSAULT PREVENTION AND RESPONSE IN THE ARMED FORCES.

Not later than October 31, 2012, and April 30, 2013, the Secretary of Defense (or the designee of the Secretary of Defense) shall provide to the Committees on Armed Services of the Senate and House of Representatives a briefing that outlines efforts by the Department of Defense to implement—

(1) subtitle H of title V of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1430) and the amendments made by that subtitle;

(2) the additional initiatives announced by the Secretary of Defense on April 17, 2012, to address sexual assault involving members of the Armed Forces; and

(3) any other initiatives, policies, or programs being undertaken by the Secretary of Defense and the Secretaries of the military departments to address sexual assault involving members of the Armed Forces.

SEC. 578. 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. 579. REQUIREMENT FOR COMMANDERS TO CONDUCT ANNUAL ORGANIZATIONAL CLIMATE ASSESSMENTS.

(a) REQUIREMENT.—The Secretary of Defense shall require the commander of each covered unit to conduct an organizational climate assessment within 120 days after the commander assumes command and annually thereafter.

(b) DEFINITIONS.—In this section:

(1) COVERED UNIT.—The term "covered unit" means any organizational element of the Armed Forces (other than the Coast Guard) with more than 50 members assigned, including any such element of a reserve component.

(2) ORGANIZATIONAL CLIMATE ASSESSMENT.—The term "organizational climate assessment" means an assessment intended to obtain information about the positive and negative factors that may have an impact on unit effectiveness and readiness by measuring matters relating to human relations

climate such as prevention and response to sexual assault and equal opportunity.

SEC. 580. ADDITIONAL REQUIREMENTS FOR ORGANIZATIONAL CLIMATE ASSESSMENTS.

(a) ELEMENTS OF ASSESSMENTS.—An organizational climate assessment shall include avenues for members of the Armed Forces to express their views on how their leaders, including commanders, are responding to allegations of sexual assault and complaints of sexual harassment. The Secretary of Defense shall require the Office of Diversity Management and Equal Opportunity and the Sexual Assault Prevention and Response Office to ensure equal opportunity advisors and officers of the Sexual Assault Prevention and Response Office are available to conduct these assessments.

(b) ENSURING COMPLIANCE.—

(1) IN GENERAL.—The Secretary of Defense shall direct the Secretaries of the military departments to verify and track the compliance of commanding officers in conducting organizational climate assessments.

(2) IMPLEMENTATION.—No 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 containing—

(A) a description of the progress of the development of the system that will verify and track the compliance of commanding officers in conducting organizational climate assessments; and

(B) an estimate of when the system will be completed and implemented.

(c) CONSULTATION.—In developing the sexual harassment and sexual assault portion of an organizational climate assessment, the Secretary of Defense shall consult with representatives of the following:

(1) The Sexual Assault Prevention and Response Office.

(2) The Office of Diversity Management.

(3) Appropriate non-Governmental organizations that have expertise in areas related to sexual harassment and sexual assault in the Armed Forces.

(d) RELATION TO OTHER REPORTING REQUIREMENTS.—The reporting requirements of this section are in addition to, and an expansion of, the Armed Forces Workplace and Gender Relations Surveys required by section 481 of title 10, United States Code.

SEC. 581. REVIEW OF UNRESTRICTED REPORTS OF SEXUAL ASSAULT AND SUBSEQUENT SEPARATION OF MEMBERS MAKING SUCH REPORTS.

(a) REVIEW REQUIRED.—The Secretary of Defense shall 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 Armed Forces and the circumstances of and grounds for such separation.

(b) ELEMENTS OF REVIEW.—The review shall determine at a minimum the following:

(1) For each member who made an unrestricted report of sexual assault and was subsequently separated, the reason provided for the separation and whether the member requested an appeal.

(2) For each member separated on the grounds of having a personality disorder, whether the separation was carried out in compliance with Department of Defense Instruction 1332.14.

(3) For each member who requested an appeal, the basis and results of the appeal.

(c) SUBMISSION OF RESULTS.—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 House of Representatives a report containing the results of the review.

SEC. 582. LIMITATION ON RELEASE FROM ACTIVE DUTY OR RECALL TO ACTIVE DUTY OF 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 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 of whether the member was assaulted while in the line of duty, the Secretary concerned may, upon the request of the member, order the member to be retained on active duty until the line of duty determination, but not to exceed 180 days beyond the original expiration of active duty date. 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 determina-

tion whether the member was in the line of duty is not completed, the Secretary concerned may, upon the request of the member, order the member to active duty for such time as necessary to complete the line of duty determination, but not to exceed 180 days.

"(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 such chapter is amended adding at the end the following new item:

"12323. Active duty for response to sexual assault.".

SEC. 583. INCLUSION OF INFORMATION ON SUBSTANTIATED REPORTS OF SEXUAL HARASSMENT IN MEMBER'S OFFICIAL SERVICE RECORD.

(a) INCLUSION.—If a complaint of sexual harassment is made against a member of the Army, Navy, Air Force, or Marine Corps and the complaint is substantiated, a notation to that effect shall be placed in the service record of the member, regardless of the member's rank, for the purpose of—

(1) reducing the likelihood that a member who has committed sexual harassment can commit the same offense multiple times without suffering the appropriate consequences; and

(2) alerting commanders of the background of the members of their command, so the commanders have better awareness of its members, especially as members are transferred.

(b) DEFINITION OF SUBSTANTIATED.—For purposes of implementing this section, the Secretary of Defense shall use the definition of substantiated developed for the annual report on sexual assaults involving members of the Armed Forces prepared 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).

SEC. 584. SENSE OF CONGRESS ON MILITARY SEXUAL TRAUMA.

(a) FINDINGS.—Congress finds the following:

(1) The Department of Defense conducted a survey of members of the Armed Forces serving on active duty that revealed that only 13.5 percent of such members reported incidents of sexual assault, which means that more than 19,000 incidents of sexual assault of members of the Armed Forces actually occurred in 2010 alone.

(2) Despite attempts, the Department of Defense has failed to address the chronic under reporting of incidents of sexual assault and harassment, as by the Department's own estimates, 86 percent of sexual assaults went unreported in 2010.

(3) Sexual assault in the military is an ongoing problem leading many victims to seek help after separation from the Armed Forces from the Department of Veterans Affairs.

(4) About 1 in 5 women and 1 in 100 men seen in Veterans Health Administration respond ''Yes'' when screened for military sexual trauma.

(5) Among users of healthcare provided by the Department of Veterans Affairs, medical record data indicates that diagnoses of post-traumatic stress disorder and other anxiety disorders, depression and

other mood disorders, and substance use disorders are most frequently associated with military sexual trauma.

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

(1) 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; and

(2) 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 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.

SEC. 585. CORRECTION OF MILITARY RECORDS OF MEMBERS OF THE ARMED FORCES WHO EXPERIENCE RETALIATORY PERSONNEL ACTIONS FOR MAKING A REPORT OF SEXUAL ASSAULT OR SEXUAL HARASSMENT.

The Secretary of Defense shall conduct 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.

SEC. 586. DEPARTMENT OF DEFENSE SEXUAL ASSAULT AND HARASSMENT OVERSIGHT AND ADVISORY COUNCIL.

(a) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 188. Sexual Assault and Harassment Oversight and Advisory Council

''(a) ESTABLISHMENT.—There is a Sexual Assault and Harassment Oversight and Advisory Council (in this section referred to as the 'Council').

''(b) MEMBERSHIP.—(1) The Council shall be comprised of individuals appointed by the Secretary of Defense who are experts and professionals in the fields of

sexual assault and harassment, judicial proceedings involving sexual assault or harassment, or treatment for sexual assault or harassment. At a minimum, the Council shall include as members the following:

"(A) The Director of the Sexual Assault Prevention and Response Office of the Department of Defense.

"(B) The Judge Advocates General of the Army, Navy, and Air Force.

"(C) A judge advocate from the Army, Navy, Air Force, and Marine Corps with experience in prosecuting sexual assault cases.

"(D) A Department of Justice representative with experience in prosecuting sexual assault cases.

"(E) An individual who has extensive experience in providing assistance to sexual assault victims.

"(F) An individual who has expertise the civilian judicial system with respect to sexual assault.

"(2) Subject to paragraph (3), members shall be appointed for a term of two years. A member may serve after the end of the member's term until the member's successor takes office.

"(3) If a vacancy occurs in the Council, the vacancy shall be filled in the same manner as the original appoint-

ment. A member of the Council appointed to fill a vacancy occurring before the end of the term for which the member's predecessor was appointed shall only serve until the end of such term.

"(c) CHAIRMAN; MEETINGS.—(1) The Council shall elect a chair from among its members.

"(2) The Council shall meet not less often than once every year.

"(3) If a member of the Board fails to attend two successive Board meetings, except in a case in which an absence is approved in advance, for good cause, by the Board chairman, such failure shall be grounds for termination from membership on the Board. A person designated for membership on the Board shall be provided notice of the provisions of this paragraph at the time of such designation.

"(d) ADMINISTRATIVE PROVISIONS.—(1) Each member of the Council 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 Executive Schedule Level IV under section 5315 of title 5, for each day (including travel time) during which such member is engaged in the performance of the duties of the Council. Members of the Council 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.

"(2) The members of the Council 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, while away from their homes or regular places of business in the performance of services for the Council.

"(e) RESPONSIBILITIES.—The Council shall be responsible for providing oversight and advice to the Secretary of Defense and the Secretaries of the military departments on the activities and implementation of policies and programs developed by the Sexual Assault Prevention and Response Office, including any modifications to the Uniform Code of Military Justice, in response to sexual assault and harassment.

"(f) ANNUAL REPORT.—Not later than March 31 of each year, the Council shall submit to the Secretary of Defense and the congressional defense committees a report that describes the activities of the Council during the preceding year and contains such recommendations as the Council considers appropriate to improve sexual assault prevention and treatment programs and policies of the Department of Defense.".

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

"188. Sexual Assault and Harassment Oversight and Advisory Council.".

Subtitle I—Other Matters

SEC. 590. INCLUSION OF FREELY ASSOCIATED STATES WITHIN SCOPE OF JUNIOR RESERVE OFFICERS' TRAINING CORPS PROGRAM.

Section 2031(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(3) If a secondary educational institution in the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau otherwise meets the conditions imposed by subsection (b) on the establishment and maintenance of units of the Junior Reserve Officers' Training Corps, the Secretary of a military department may establish and maintain a unit of the Junior Reserve Officers' Training Corps at the secondary educational institution even though the secondary educational institution is not a United States secondary educational institution.".

SEC. 591. PRESERVATION OF EDITORIAL INDEPENDENCE OF STARS AND STRIPES.

To preserve the actual and perceived editorial and management independence of the Stars and Stripes news-

paper, 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.

SEC. 592. SENSE OF CONGRESS REGARDING DESIGNATION OF BUGLE CALL COMMONLY KNOWN AS "TAPS" AS NATIONAL SONG OF REMEMBRANCE.

(a) FINDINGS.—Congress makes the following findings:

(1) The bugle call commonly known as ''Taps'' is known throughout the United States.

(2) In July 1862, following the Seven Days Battles, Union General Daniel Butterfield and bugler Oliver Willcox Norton created ''Taps'' at Berkley Plantation, Virginia, as a way to signal the end of daily military activities.

(3) ''Taps'' is now established by the uniformed services as the last call of the day and is sounded at the completion of a military funeral.

(4) ''Taps'' has become the signature, solemn musical farewell for members of the uniformed services and veterans who have faithfully served the United States during times of war and peace.

(5) Over its 150 years of use, ''Taps'' has been woven into the historical fabric of the United States.

(6) When sounded, ''Taps'' summons emotions of loss, pride, honor, and respect and encourages Americans to remember patriots who served the United States with honor and valor.

(7) The 150th anniversary of the writing of ''Taps'' will be observed with events culminating in June 2012 with a rededication of the Taps Monument at Berkley Plantation, Virginia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the bugle call commonly known as ''Taps'' should be designated as the National Song of Remembrance.

SEC. 593. RECOMMENDED CONDUCT DURING SOUNDING OF BUGLE CALL COMMONLY KNOWN AS "TAPS".

(a) CONDUCT DURING SOUNDING OF ''TAPS''.—Chapter 3 of title 36, United States Code, is amended by adding at the end the following new section:

"§ 306. Conduct during sounding of 'Taps'

"(a) DEFINITION.—In this section, the term 'Taps' refers to the bugle call consisting of 24 notes normally sounded on a bugle or trumpet without accompaniment or embellishment as the last call of the day on a military base, at the completion of a military funeral, or on other occasions as the solemn musical farewell to members of the uniform services and veterans.

"(b) CONDUCT DURING SOUNDING.—

"(1) IN GENERAL.—During a performance of Taps—

"(A) all present, except persons in uniform, should stand at attention with the right hand over the heart;

"(B) men not in uniform should remove their headdress with their right hand and hold the headdress at the left shoulder, the hand being over the heart; and

"(C) persons in uniform should stand at attention and give the military salute at the first note of Taps and maintain that position until the last note.

"(2) EXCEPTION.—Paragraph (1) shall not apply when Taps is sounded as the final bugle call of the day at a military base.

"(c) DEFINITION OF MILITARY BASE.—In this section, the term 'military base' 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.".

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CHAPTER HEADING.—The heading of chapter 3 of title 36, United States Code, is amended to read as follows:

"CHAPTER 3—NATIONAL ANTHEM, MOTTO, AND OTHER NATIONAL DESIGNATIONS".

(2) TABLE OF CHAPTERS.—The item relating to chapter 3 in the table of chapters for such title is amended to read as follows:

"3. National Anthem, Motto, and Other National Designations ..... 301".

(3) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"306. Conduct during sounding of 'Taps'.".

SEC. 594. 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. 595. PILOT PROGRAM TO PROVIDE TRANSITIONAL ASSISTANCE TO MEMBERS OF THE ARMED FORCES WITH A FOCUS ON SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

(a) PROGRAM AUTHORITY.—The Secretary of Defense may conduct one or more pilot programs to provide transitional assistance for members of the Armed Forces leaving active duty that focuses on assisting the members to transition into the fields of science, technology, engineering, and mathematics to address the shortage of expertise within the Department of Defense in those fields.

(b) COOPERATION WITH EDUCATIONAL INSTITUTIONS.—The Secretary of Defense may enter into an agreement with an institution of higher education to provide for the management and execution of a pilot program under this section. The institution of higher education must agree to allow the translation of military experience and training into course credit and provide for the transfer of previously received credit through local community colleges and other accredited institutions of higher education.

(c) DURATION.—Any pilot program established under the authority of this section may not operate for more than three academic years.

(d) REPORTING REQUIREMENT.—At the conclusion of a pilot program under this section, the Secretary of Defense shall submit to the congressional defense committee a report on the results of the pilot program, including the cost incurred to conduct the program, the number of participants of the program, and the outcomes for the participants of the program.

SEC. 596. SENSE OF CONGRESS REGARDING THE RECOVERY OF THE REMAINS OF CERTAIN MEMBERS OF THE ARMED FORCES KILLED IN THURSTON ISLAND, ANTARCTICA.

(a) FINDINGS.—Congress makes the following findings:

(1) Commencing August 26, 1946, though late February 1947 the United States Navy Antarctic Developments Program Task Force 68, codenamed ''Operation Highjump'' initiated and undertook the largest ever-to-this-date exploration of the Antarctic continent.

(2) The primary mission of the Task Force 68 organized by Rear Admiral Richard E. Byrd Jr. USN, (Ret) and led by Rear Admiral Richard H. Cruzen, USN, was to do the following:

(A) Establish the Antarctic research base Little America IV.

(B) In the defense of the United States of America from possible hostile aggression from abroad - to train personnel test equipment, develop techniques for establishing, maintaining and utilizing air bases on ice, with applicability comparable to interior Greenland, where conditions are similar to those of the Antarctic.

(C) Map and photograph a full two-thirds of the Antarctic Continent during the classified, hazardous duty/volunteer-only operation involving 4700 sailors, 23 aircraft and 13 ships including the first submarine the U.S.S. Sennet, and the aircraft carrier the U.S.S. Philippine Sea, brought to the edge of the ice pack to launch (6) Navy ski-equipped, rocket-assisted R4Ds.

(D) Consolidate and extend United States sovereignty over the largest practicable area of the Antarctic continent.

(E) Determine the feasibility of establishing, maintaining and utilizing bases in the Antarctic and investigating possible base sites.

(3) While on a hazardous duty/all volunteer mission vital to the interests of National Security and while over the eastern Antarctica coastline

known as the Phantom Coast, the PBM–5 Martin Mariner ''Flying Boat'' ''George 1'' entered a whiteout over Thurston Island. As the pilot attempted to climb, the aircraft grazed the glacier's ridgeline and exploded within 5 seconds instantly killing Ensign Maxwell Lopez, Navigator and Wendell ''Bud'' Hendersin, Aviation Machinists Mate 1st Class while Frederick Williams, Aviation Radioman 1st Class died several hours later. Six other crewmen survived including the Captain of the ''George 1's'' seaplane tender U.S.S. Pine Island.

(4) The bodies of the dead were protected from the desecration of Antarctic scavenging birds (Skuas) by the surviving crew wrapping the bodies and temporarily burying the men under the starboard wing engine nacelle.

(5) Rescue requirements of the ''George-1'' survivors forced the abandonment of their crewmates' bodies.

(6) Conditions prior to the departure of Task Force 68 precluded a return to the area to the recover the bodies.

(7) For nearly 60 years Navy promised the families that they would recover the men: ''If the safety, logistical, and operational prerequisites allow

a mission in the future, every effort will be made to bring our sailors home.''.

(8) The Joint POW/MIA Accounting Command twice offered to recover the bodies of this crew for Navy.

(9) A 2004 NASA ground penetrating radar overflight commissioned by Navy relocated the crash site three miles from its crash position.

(10) The Joint POW/MIA Accounting Command offered to underwrite the cost of an aerial ground penetrating radar (GPR) survey of the crash site area by NASA.

(11) The Joint POW/MIA Accounting Command studied the recovery with the recognized recovery authorities and national scientists and determined that the recovery is only ''medium risk''.

(12) National Science Foundation and scientists from the University of Texas, Austin, regularly visit the island.

(13) The crash site is classified as a ''perishable site'', meaning a glacier that will calve into the Bellingshausen Sea.

(14) The National Science Foundation maintains a presence in area - of the Pine Island Glacier.

(15) The National Science Foundation Director of Polar Operations will assist and provide assets for the recovery upon the request of Congress.

(16) The United States Coast Guard is presently pursuing the recovery of 3 WWII air crewmen from similar circumstances in Greenland.

(17) On Memorial Day, May 25, 2009, President Barack Obama declared: ''* * * the support of our veterans is a sacred trust * * * we need to serve them as they have served us * * * that means bringing home all our POWs and MIAs * * *''.

(18) The policies and laws of the United States of America require that our armed service personnel be repatriated.

(19) The fullest possible accounting of United States fallen military personnel means repatriating living American POWs and MIAs, accounting for, identifying, and recovering the remains of military personnel who were killed in the line of duty, or providing convincing evidence as to why such a repatriation, accounting, identification, or recovery is not possible.

(20) It is the responsibility of the Federal Government to return to the United States for proper

burial and respect all members of the Armed Forces killed in the line of duty who lie in lost graves.

(b) SENSE OF CONGRESS.—In light of the findings under subsection (a), Congress—

(1) reaffirms its support for the recovery and return to the United States, the remains and bodies of all members of the Armed Forces killed in the line of duty, and for the efforts by the Joint POW-MIA Accounting Command to recover the remains of members of the Armed Forces from all wars, conflicts and missions;

(2) recognizes the courage and sacrifice of all members of the Armed Forces who participated in Operation Highjump and all missions vital to the national security of the United States of America;

(3) acknowledges the dedicated research and efforts by the US Geological Survey, the National Science Foundation, the Joint POW/MIA Accounting Command, the Fallen American Veterans Foundation and all persons and organizations to identify, locate, and advocate for, from their temporary Antarctic grave, the recovery of the well-preserved frozen bodies of Ensign Maxwell Lopez, Naval Aviator, Frederick Williams, Aviation Machinist's Mate 1ST

Class, Wendell Hendersin, Aviation Radioman 1ST Class of the ''George 1'' explosion and crash; and

(4) encourages the Department of Defense to review the facts, research and to pursue new efforts to undertake all feasible efforts to recover, identify, and return the well-preserved frozen bodies of the ''George 1'' crew from Antarctica's Thurston Island.

SEC. 597. REPORT ON EFFECTS OF MULTIPLE DEPLOYMENTS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall 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.

SEC. 598. ESTABLISHMENT OF CHAIN OF COMMAND FOR ARMY NATIONAL MILITARY CEMETERIES.

(a) MILITARY CHAIN OF COMMAND REQUIRED.—The Secretary of the Army shall 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.

(b) CONFORMING AMENDMENT.—Section 4724(a)(1) of title 10, United States Code, is amended by striking

"who shall meet" and inserting "who is a commissioned officer and meets".

SEC. 599. MILITARY SALUTE DURING RECITATION OF PLEDGE OF ALLEGIANCE BY MEMBERS OF THE ARMED FORCES NOT IN UNIFORM AND BY VETERANS.

Section 4 of title 4, United States Code, is amended by adding at the end the following new sentence: "Members of the Armed Forces not in uniform and veterans may render the military salute in the manner provided for persons in uniform.".

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

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. 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. 603. NO REDUCTION IN BASIC ALLOWANCE FOR HOUSING FOR ARMY NATIONAL GUARD AND AIR NATIONAL GUARD MEMBERS WHO TRANSITION BETWEEN ACTIVE DUTY AND FULL-TIME NATIONAL GUARD DUTY WITHOUT A BREAK IN ACTIVE SERVICE.

Section 403(g) of title 37, United States Code, is amended by adding at the end the following new paragraph:

''(6)(A) The rate of basic allowance for housing to be paid to a member of the Army National Guard of the United States or the Air National Guard of the United

States shall not be reduced upon the transition of the member from active duty to full-time National Guard duty, or from full-time National Guard duty to active duty, when the transition occurs without a break in active service.

"(B) For the purposes of this paragraph, a break in active service occurs when one or more calendar days between active service periods do not qualify as active service.".

SEC. 604. 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.

Effective as of October 1, 2011, the changes made by the Secretary of Defense to the 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 shall not apply to a member of a reserve component whose qualified mobilization (as described in such program guidance) commenced before October 1, 2011, and continued on or after that date until the date the mobilization is terminated.

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.—Subject to subsection (e), the Secretary concerned shall, upon application therefor, 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, 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.

(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) PAYMENTS SUBJECT TO AVAILABILITY OF APPROPRIATIONS.—No cash payment may be made under subsection (a) unless the funds to be used to make the payments are available pursuant to an appropriations Act enacted after the date of enactment of this Act.

(f) FUNDING OFFSET.—The Secretary of Defense shall transfer $2,000,000 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.

(g) 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 Generally

SEC. 621. TRAVEL AND TRANSPORTATION ALLOWANCES FOR NON-MEDICAL ATTENDANTS FOR MEMBERS RECEIVING CARE IN A RESIDENTIAL TREATMENT PROGRAM.

(a) AUTHORIZED TRAVEL AND TRANSPORTATION.—Subsection (a) of section 481k of title 37, United States Code, is amended—

(1) by inserting ''(1)'' before ''Under uniform regulations''; and

(2) by adding at the end the following new paragraph:

''(2) Travel and transportation described in subsection (d) also may be provided for a qualified non-medical attendant for a member of the uniformed services who is receiving care in a residential treatment program if the attending physician or other mental health professional and the commander or head of the military medical facility exercising control over the member determine that the presence and participation of such an attendant is essential to the treatment of the member.''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (b)—

(A) by striking ''covered member'' in the matter preceding paragraph (1) and inserting ''member''; and

(B) in paragraph (2), by striking ''surgeon and the commander or head of the military medical facility'' and inserting ''surgeon (or mental health professional in the case of a member described in subsection (a)(2)) and the commander or head of the military medical facility exercising control over the member''; and

(2) in subsection (c), by striking ''this section'' in the matter preceding paragraph (1) and inserting ''subsection (a)(1)''.

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 involuntary 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—Commissary and Nonappropriated Fund Instrumentality Benefits and Operations

SEC. 641. CHARITABLE ORGANIZATIONS ELIGIBLE FOR DONATIONS OF UNUSABLE COMMISSARY STORE FOOD AND OTHER FOOD PREPARED FOR THE ARMED FORCES.

Subparagraph (A) of section 2485(f) of title 10, United States Code, is amended to read as follows:

"(A) A food bank, food pantry, or soup kitchen (as those terms are defined in section 201A of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501))."

SEC. 642. 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. 643. 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 411f(e) of title 37.

"(iii) An escort of a family member described in clause (i) or (ii).".

(b) CONFORMING AMENDMENTS.—Subsections (b), (e), (f), and (g) of such section are amended by striking ''health care'' each place it appears.

(c) REPEAL OF FISCAL YEAR 2012 FREESTANDING DESIGNATION.—Section 643 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1466) is repealed.

SEC. 644. PURCHASE OF SUSTAINABLE PRODUCTS, LOCAL FOOD PRODUCTS, AND RECYCLABLE MATERIALS FOR RESALE IN COMMISSARY AND EXCHANGE STORE SYSTEMS.

(a) IMPROVED PURCHASING EFFORTS.—Section 2481(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3)(A) The governing body established pursuant to paragraph (2) shall endeavor to increase the purchase for resale at commissary stores and exchange stores of sustainable products, local food products, and recyclable materials.

''(B) As part of its efforts under subparagraph (A), the governing body shall develop—

''(i) guidelines for the identification of fresh meat, poultry, seafood, and fish, fresh produce, and other products raised or produced through sustainable methods; and

"(ii) goals, applicable to all commissary stores and exchange stores world-wide, to maximize, to the maximum extent practical, the purchase of sustainable products, local food products, and recyclable materials by September 30, 2017.".

(b) DEADLINE FOR ESTABLISHMENT AND GUIDELINES.—The initial guidelines required by paragraph (3)(B)(i) of section 2481(c) of title 10, United States Code, as added by subsection (a), shall be issued not later than two years after the date of the enactment of this Act.

Subtitle F—Disability, Retired Pay, and Survivor Benefits

SEC. 651. 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 a annuity for survivors under chapter 84 of title 5, United States Code, on or after the date of the enactment of this Act.

Subtitle G—Other Matters

SEC. 661. 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 de-

scribed in subparagraph (A), (D), (E), or (I) of section 1072(2) of this title.''.

SEC. 662. 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. 663. 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 by the Secretary of Homeland Security under section 712 of title 14, United States Code, on or after April 19, 2010.

(2) CREDIT FOR PRIOR SERVICE.—The amendments made by this section shall be deemed to have been enacted on April 19, 2010, 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 require-

ments for receipt of retired pay for non-regular service.

SEC. 664. MORTGAGE PROTECTION FOR MEMBERS OF THE ARMED FORCES, SURVIVING SPOUSES, AND CERTAIN VETERANS.

(a) MORTGAGE PROTECTION.—

(1) IN GENERAL.—Section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533) is amended to read as follows:

"SEC. 303. MORTGAGES AND TRUST DEEDS.

"(a) MORTGAGE AS SECURITY.—This section applies only to an obligation on real or personal property that is secured by a mortgage, trust deed, or other security in the nature of a mortgage and is owned by a covered individual as follows:

"(1) With respect to an obligation on real or personal property owned by a servicemember, such obligation that originated before the period of the servicemember's military service and for which the servicemember is still obligated.

"(2) With respect to an obligation on real property owned by a servicemember serving in support of a contingency operation (as defined in section 101(a)(13) of title 10, United States Code), such ob-

ligation that originated at any time and for which the servicemember is still obligated.

"(3) With respect to an obligation on real property owned by a veteran described in subsection (f)(1)(B), such obligation that originated at any time and for which the veteran is still obligated.

"(4) With respect to an obligation on real property owned by a surviving spouse described in subsection (f)(1)(C), such obligation that originated at any time and for which the spouse is still obligated.

"(b) STAY OF PROCEEDINGS AND ADJUSTMENT OF OBLIGATION.—(1) In an action filed during a covered time period to enforce an obligation described in subsection (a), the court may after a hearing and on its own motion and shall upon application by a covered individual when the individual's ability to comply with the obligation is materially affected by military service—

"(A) stay the proceedings for a period of time as justice and equity require, or

"(B) adjust the obligation to preserve the interests of all parties.

"(2) For purposes of applying paragraph (1) to a covered individual who is a surviving spouse of a servicemember described in subsection (f)(1)(C), the term 'military service' means the service of such servicemember.

1 "(c) SALE OR FORECLOSURE.— A sale, foreclosure,
2 or seizure of property for a breach of an obligation de-
3 scribed in subsection (a) shall not be valid during a cov-
4 ered time period except—
5 "(1) upon a court order granted before such
6 sale, foreclosure, or seizure with a return made and
7 approved by the court; or
8 "(2) if made pursuant to an agreement as pro-
9 vided in section 107.
10 "(d) MISDEMEANOR.—A person who knowingly
11 makes or causes to be made a sale, foreclosure, or seizure
12 of property that is prohibited by subsection (c), or who
13 knowingly attempts to do so, shall be fined as provided
14 in title 18, United States Code, or imprisoned for not more
15 than one year, or both.
16 "(e) PROOF OF SERVICE.—(1) A veteran described
17 in subsection (f)(1)(B) shall provide documentation de-
18 scribed in paragraph (2) to relevant persons to prove the
19 eligibility of the veteran to be covered under this section.
20 "(2) Documentation described in this paragraph is a
21 rating decision or a letter from the Department of Vet-
22 erans Affairs that confirms that the veteran is totally dis-
23 abled because of one or more service-connected injuries or
24 service-connected disability conditions.
25 "(f) DEFINITIONS.—In this section:

"(1) The term 'covered individual' means the following individuals:

"(A) A servicemember.

"(B) A veteran who was retired under chapter 61 of title 10, United States Code, and whom the Secretary of Veterans Affairs, at the time of such retirement, determines is a totally disabled veteran.

"(C) A surviving spouse of a servicemember who—

"(i) died while serving in support of a contingency operation if such spouse is the successor in interest to property covered under subsection (a); or

"(ii) died while in military service and whose death is service-connected if such spouse is the successor in interest to property covered under subsection (a).

"(2) The term 'covered time period' means the following time periods:

"(A) With respect to a servicemember, during the period beginning on the date on which such servicemember begins military service and ending on the date that is 12 months

after the date on which such servicemember is discharged from such service.

"(B) With respect to a servicemember serving in support of a contingency operation, during the period beginning on the date of the military orders for such service and ending on the date that is 12 months after the date on which such servicemember redeploys from such contingency operation.

"(C) With respect to a veteran described in subsection (f)(1)(B), during the 12-month period beginning on the date of the retirement of such veteran described in such subsection.

"(D) With respect to a surviving spouse of a servicemember described in subsection (f)(1)(C), during the 12-month period beginning on the date of the death of the servicemember.".

(2) CONFORMING AMENDMENT.—Section 107 of the Servicemembers Civil Relief Act (50 U.S.C. App. 517) is amended by adding at the end the following:

"(e) OTHER INDIVIDUALS.—For purposes of this section, the term 'servicemember' includes any covered individual under section 303(f)(1).".

(3) REPEAL OF SUNSET.—Subsection (c) of section 2203 of the Housing and Economic Recovery Act of 2008 (Public Law 110–289; 50 U.S.C. App. 533 note) is amended to read as follows:

"(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.".

(b) INCREASED CIVIL PENALTIES FOR MORTGAGE VIOLATIONS.—Paragraph (3) of section 801(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 597(b)(3)) is amended to read as follows:

"(3) to vindicate the public interest, assess a civil penalty—

"(A) with respect to a violation of section 303 regarding real property—

"(i) in an amount not exceeding $110,000 for a first violation; and

"(ii) in an amount not exceeding $220,000 for any subsequent violation; and

"(B) with respect to any other violation of this Act—

"(i) in an amount not exceeding $55,000 for a first violation; and

"(ii) in an amount not exceeding $110,000 for any subsequent violation.".

(c) CREDIT DISCRIMINATION.—Section 108 of such Act (50 U.S.C. App. 518) is amended—

(1) by striking ''Application by'' and inserting ''(a) Application by''; and

(2) by adding at the end the following new subsection:

''(b) In addition to the protections under subsection (a), an individual who is eligible, or who may likely become eligible, for any provision of this Act may not be denied or refused credit or be subject to any other action described under paragraphs (1) through (6) of subsection (a) solely by reason of such eligibility.''.

(d) REQUIREMENTS FOR LENDING INSTITUTIONS THAT ARE CREDITORS FOR OBLIGATIONS AND LIABILITIES COVERED BY THE SERVICEMEMBERS CIVIL RELIEF ACT.—Section 207 of the Servicemembers Civil Relief Act (50 U.S.C. App. 527) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

''(d) LENDING INSTITUTION REQUIREMENTS.—

''(1) COMPLIANCE OFFICERS.—Each lending institution subject to the requirements of this section shall designate an employee of the institution as a

compliance officer who is responsible for ensuring the institution's compliance with this section and for distributing information to servicemembers whose obligations and liabilities are covered by this section.

"(2) TOLL-FREE TELEPHONE NUMBER.—During any fiscal year, a lending institution subject to the requirements of this section that had annual assets for the preceding fiscal year of $10,000,000,000 or more shall maintain a toll-free telephone number and shall make such telephone number available on the primary Internet Web site of the institution.".

SEC. 665. STUDY ON ISSUING IDENTIFICATION CARDS TO CERTAIN MEMBERS UPON DISCHARGE.

(a) STUDY.—The Secretary of Defense shall conduct a study assessing the feasibility of issuing to a covered member an identification card that would—

(1) provide such member with a convenient method of summarizing the DD–214 form or other official document from the official military personnel file of the member; and

(2) not serve as proof of any benefits to which the member may be entitled to.

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

(1) The information to be included on the identification card.

(2) Whether the Secretary should issue such card—

(A) to each covered member; or

(B) to a covered member upon request.

(3) If the card were to be issued to each covered member, the estimated cost of such issuance.

(4) If the card were to be issued upon the request of a covered member, whether the Secretary should charge such member a fee for such card, including the amount of such fee.

(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 conducted under subsection (a).

(d) COVERED MEMBER.—In this section, the term ''covered member'' means a member of the Armed Forces who—

(1) is expected to be discharged—

(A) after the completion of the service obligation of the member; and

(B) under conditions other than dishonorable;

(2) is expected to be issued a DD Form 214 Certificate of Release or Discharge from Active Duty; and

(3) after such discharge, would not otherwise be issued an identification card by the Department of Defense or the Department of Veterans Affairs.

TITLE VII—HEALTH CARE PROVISIONS

Subtitle A—Improvements to Health Benefits

SEC. 701. SENSE OF CONGRESS ON NONMONETARY CONTRIBUTIONS TO HEALTH CARE BENEFITS MADE BY CAREER MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.

It is the sense of Congress that—

(1) career members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of a 20- to 30-year career in protecting freedom for all Americans; and

(2) those decades of sacrifice constitute a significant pre-paid premium for health care during a career member's retirement that is over and above what the member pays with money.

SEC. 702. 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 earlier of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013 or October 1, 2012, 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 earlier of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013 or October 1, 2012, 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. 703. MEDICAL AND DENTAL CARE CONTRACTS FOR CERTAIN MEMBERS OF THE NATIONAL GUARD.

(a) STANDARDS.—The Secretary of Defense shall ensure that each individual who receives medical or dental care under a covered contract meets the standards of medical and dental readiness of the Secretary upon the mobilization of the individual.

(b) COVERED CONTRACT DEFINED.—In this section, the term ''covered contract'' means a contract entered into by the National Guard of a State to provide medical or dental care to the members of such National Guard to ensure that the members meet applicable standards of medical and dental readiness.

SEC. 704. CERTAIN TREATMENT OF AUTISM UNDER TRICARE.

(a) IN GENERAL.—Section 1077 of title 10, United States Code, is amended by adding at the end the following new subsection:

1 "(g)(1) In providing health care under subsection (a)
2 to a covered beneficiary described in paragraph (3)(A), the
3 treatment of autism spectrum disorders shall include be-
4 havioral health treatment, including applied behavior anal-
5 ysis, when prescribed by a physician.

6 "(2) In carrying out this subsection, the Secretary
7 shall ensure that—

8 "(A) except as provided by subparagraph (B),
9 a person who is authorized to provide behavioral
10 health treatment is licensed or certified by a State
11 or accredited national certification board; and

12 "(B) if applied behavior analysis or other be-
13 havioral health treatment is provided by an employee
14 or contractor of a person described in subparagraph
15 (A), the employee or contractor shall meet minimum
16 qualifications, training, and supervision require-
17 ments as set forth by the Secretary.

18 "(3)(A) A covered beneficiary described in this sub-
19 paragraph is a covered beneficiary who is a beneficiary by
20 virtue of—

21 "(i) service in the armed forces (not including
22 the Coast Guard); or

23 "(ii) being a dependent of a member of the
24 armed forces (not including the Coast Guard).

1 "(B) Nothing in this subsection shall be construed
2 as limiting or otherwise affecting the benefits otherwise
3 provided under this chapter to a covered beneficiary who
4 is a beneficiary by virtue of—
5 "(i) service in the Coast Guard, the Commis-
6 sioned Corp of the National Oceanic and Atmos-
7 pheric Administration, or the Commissioned Corp of
8 the Public Health Service; or
9 "(ii) being a dependent of a member of a serv-
10 ice described in clause (i).
11 "(C) This subsection shall not apply to a medicare-
12 eligible beneficiary (as defined in section 1111(b) of this
13 title).
14 "(D) Except as provided in subparagraph (C), noth-
15 ing in this subsection shall be construed as limiting or oth-
16 erwise affecting the benefits provided to a medicare-eligi-
17 ble beneficiary under—
18 "(i) this chapter;
19 "(ii) part A of title XVIII of the Social Security
20 Act (42 U.S.C. 1395c et seq.); or
21 "(iii) any other law.".
22 (b) FUNDING.—
23 (1) INCREASE.—Notwithstanding the amounts
24 set forth in the funding tables in division D, the
25 amount authorized to be appropriated in section

1406 for the Defense Health Program, as specified in the corresponding funding table in section 4501, for Private Sector Care is hereby increased by $30,000,000.

(2) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 4201 for Research, Development, Test and Evaluation, Army, as specified in the corresponding funding table in division D, is hereby reduced by $30,000,000, to be derived as follows:

(A) $21,000,000 from the Aerostat Joint Project Office.

(B) $9,000,000 from Endurance UAVs.

SEC. 705. MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Section 1074m of title 10, United States Code, is amended—

(1) in subsection (a)(1)—

(A) by redesignating subparagraph (B) and (C) as subparagraph (C) and (D), respectively; and

(B) by inserting after subparagraph (A) the following:

"(B) Once during each 180-day period during which a member is deployed."; and

(2) in subsection (c)(1)(A)—

(A) in clause (i), by striking "; and" and inserting a semicolon;

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (i) the following:

"(ii) by personnel in deployed units whose responsibilities include providing unit health care services if such personnel are available and the use of such personnel for the assessments would not impair the capacity of such personnel to perform higher priority tasks; and".

(b) CONFORMING AMENDMENT.—Section 1074m(a)(2) of title 10, United States Code, is amended by striking "subparagraph (B) and (C)" and inserting "subparagraph (C) and (D)".

Subtitle B—Health Care Administration

SEC. 711. UNIFIED MEDICAL COMMAND.

(a) UNIFIED COMBATANT COMMAND.—

1 (1) IN GENERAL.—Chapter 6 of title 10, United
2 States Code, is amended by inserting after section
3 167a the following new section:

4 **"§ 167b. Unified combatant command for medical op-**
5 **erations**

6 ''(a) ESTABLISHMENT.—With the advice and assist-
7 ance of the Chairman of the Joint Chiefs of Staff, the
8 President, through the Secretary of Defense, shall estab-
9 lish under section 161 of this title a unified command for
10 medical operations (in this section referred to as the 'uni-
11 fied medical command'). The principal function of the
12 command is to provide medical services to the armed
13 forces and other health care beneficiaries of the Depart-
14 ment of Defense as defined in chapter 55 of this title.

15 ''(b) ASSIGNMENT OF FORCES.—In establishing the
16 unified medical command under subsection (a), all active
17 military medical treatment facilities, training organiza-
18 tions, and research entities of the armed forces shall be
19 assigned to such unified command, unless otherwise di-
20 rected by the Secretary of Defense.

21 ''(c) GRADE OF COMMANDER.—The commander of
22 the unified medical command shall hold the grade of gen-
23 eral or, in the case of an officer of the Navy, admiral while
24 serving in that position, without vacating his permanent
25 grade. The commander of such command shall be ap-

pointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such command shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37. During the five-year period beginning on the date on which the Secretary establishes the command under subsection (a), the commander of such command shall be exempt from the requirements of section 164(a)(1) of this title.

''(d) SUBORDINATE COMMANDS.—(1) The unified medical command shall have the following subordinate commands:

''(A) A command that includes all fixed military medical treatment facilities, including elements of the Department of Defense that are combined, operated jointly, or otherwise operated in such a manner that a medical facility of the Department of Defense is operating in or with a medical facility of another department or agency of the United States.

''(B) A command that includes all medical training, education, and research and development activities that have previously been unified or combined, including organizations that have been designated as a Department of Defense executive agent.

1 "(C) The Defense Health Agency established
2 under subsection (f).
3 "(2) The commander of a subordinate command of
4 the unified medical command shall hold the grade of lieu-
5 tenant general or, in the case of an officer of the Navy,
6 vice admiral while serving in that position, without
7 vacating his permanent grade. The commander of such a
8 subordinate command shall be appointed to that grade by
9 the President, by and with the advice and consent of the
10 Senate, for service in that position. The commander of
11 such a subordinate command shall also be required to be
12 a surgeon general of one of the military departments.
13 "(e) AUTHORITY OF COMBATANT COMMANDER.—(1)
14 In addition to the authority prescribed in section 164(c)
15 of this title, the commander of the unified medical com-
16 mand shall be responsible for, and shall have the authority
17 to conduct, all affairs of such command relating to medical
18 operations activities.
19 "(2) The commander of such command shall be re-
20 sponsible for, and shall have the authority to conduct, the
21 following functions relating to medical operations activities
22 (whether or not relating to the unified medical command):
23 "(A) Developing programs and doctrine.
24 "(B) Preparing and submitting to the Secretary
25 of Defense program recommendations and budget

proposals for the forces described in subsection (b) and for other forces assigned to the unified medical command.

"(C) Exercising authority, direction, and control over the expenditure of funds—

"(i) for forces assigned to the unified medical command;

"(ii) for the forces described in subsection (b) assigned to unified combatant commands other than the unified medical command to the extent directed by the Secretary of Defense; and

"(iii) for military construction funds of the Defense Health Program.

"(D) Training assigned forces.

"(E) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

"(F) Validating requirements.

"(G) Establishing priorities for requirements.

"(H) Ensuring the interoperability of equipment and forces.

"(I) Monitoring the promotions, assignments, retention, training, and professional military education of medical officers described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

1 "(3) The commander of such command shall be re-
2 sponsible for the Defense Health Program, including the
3 Defense Health Program Account established under sec-
4 tion 1100 of this title.

5 "(f) DEFENSE HEALTH AGENCY.—(1) In estab-
6 lishing the unified medical command under subsection (a),
7 the Secretary shall also establish under section 191 of this
8 title a defense agency for health care (in this section re-
9 ferred to as the 'Defense Health Agency'), and shall trans-
10 fer to such agency the organization of the Department of
11 Defense referred to as the TRICARE Management Activ-
12 ity and all functions of the TRICARE Program (as de-
13 fined in section 1072(7)).

14 "(2) The director of the Defense Health Agency shall
15 hold the rank of lieutenant general or, in the case of an
16 officer of the Navy, vice admiral while serving in that posi-
17 tion, without vacating his permanent grade. The director
18 of such agency shall be appointed to that grade by the
19 President, by and with the advice and consent of the Sen-
20 ate, for service in that position. The director of such agen-
21 cy shall be a member of a health profession described in
22 paragraph (1), (2), (3), (4), (5), or (6) of section 335(j)
23 of title 37.

24 "(g) REGULATIONS.—In establishing the unified
25 medical command under subsection (a), the Secretary of

1 Defense shall prescribe regulations for the activities of the
2 unified medical command.''.

3 (2) CLERICAL AMENDMENT.—The table of sec-
4 tions at the beginning of such chapter is amended
5 by inserting after the item relating to section 167a
6 the following new item:

''167b. Unified combatant command for medical operations.''.

7 (b) PLAN, NOTIFICATION, AND REPORT.—

8 (1) PLAN.—Not later than July 1, 2013, the
9 Secretary of Defense shall submit to the congres-
10 sional defense committees a comprehensive plan to
11 establish the unified medical command authorized
12 under section 167b of title 10, United States Code,
13 as added by subsection (a), including any legislative
14 actions the Secretary considers necessary to imple-
15 ment the plan.

16 (2) NOTIFICATION.—The Secretary shall sub-
17 mit to the congressional defense committees written
18 notification of the time line of the Secretary to es-
19 tablish the unified medical command under such sec-
20 tion 167b by not later than the date that is 30 days
21 before establishing such command.

22 (3) REPORT.—Not later than 180 days after
23 submitting the notification under paragraph (2), the
24 Secretary shall submit to the congressional defense
25 committees a report on—

(A) the establishment of the unified medical command; and

(B) the establishment of the Defense Health Agency under subsection (f) of such section 167b.

SEC. 712. 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 an 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. 713. COOPERATIVE HEALTH CARE AGREEMENTS BETWEEN THE MILITARY DEPARTMENTS AND NON-MILITARY HEALTH CARE ENTITIES.

(a) AUTHORITY.—In addition to the authority of the Secretary of Defense under section 713 of the National Defense Authorization Act of 2010 (10 U.S.C. 1073 note), the Secretary of each military department may establish cooperative health care agreements between military installations and local or regional health care entities.

(b) REQUIREMENTS.—In establishing an agreement under subsection (a), the Secretary concerned shall—

(1) consult with—

(A) representatives from the military installation selected for the agreement, including the TRICARE managed care support contractor with responsibility for such installation; and

(B) Federal, State, and local government officials;

(2) identify and analyze health care services available in the area in which the military installation is located, including such services available at a military medical treatment facility or in the private sector (or a combination thereof);

(3) determine the cost avoidance or savings resulting from innovative partnerships between the military department concerned and the private sector; and

(4) determine the opportunities for and barriers to coordinating and leveraging the use of existing health care resources, including such resources of Federal, State, local, and private entities.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as authorizing the provision of health care services at military medical treatment facilities or other facilities of the Department of Defense to individuals who are not otherwise entitled or eligible for such services under chapter 55 of title 10, United States Code.

(d) SECRETARY CONCERNED DEFINED.—In this section, the term ''Secretary concerned'' has the meaning given that term in section 101(a)(9) of title 10, United States Code.

SEC. 714. REQUIREMENT TO ENSURE THE EFFECTIVENESS AND EFFICIENCY OF HEALTH ENGAGEMENTS.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Assistant Secretary of Defense for Health Affairs and the Uniformed Services University of the Health Sciences, 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 and the Uniformed Services University of the Health Sciences 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) PILOT PROGRAMS.—The Secretary of Defense, in coordination with the Uniformed Services University of Health Sciences, may conduct pilot programs to assess the effectiveness of any process developed under subsection (a) to ensure the applicability of the process to health engagements conducted by the Department of Defense.

SEC. 715. CLARIFICATION OF APPLICABILITY OF FEDERAL TORT CLAIMS ACT TO SUBCONTRACTORS EMPLOYED TO PROVIDE HEALTH CARE SERVICES TO THE DEPARTMENT OF DEFENSE.

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''.

SEC. 716. PILOT PROGRAM ON INCREASED THIRD-PARTY COLLECTION REIMBURSEMENTS IN MILITARY MEDICAL TREATMENT FACILITIES.

(a) PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretaries of the military departments, shall carry out a pilot program to assess the feasibility of using processes described in paragraph (2) to increase the amounts collected under section 1095 of title 10, United States Code, from a third-party payer for charges for health care serv-

ices incurred by the United States at a military medical treatment facility.

(2) PROCESSES DESCRIBED.—The processes described in this paragraph are revenue-cycle improvement processes, including cash-flow management and accounts-receivable processes.

(b) REQUIREMENTS.—In carrying out the pilot program under subsection (a)(1), the Secretary shall—

(1) identify and analyze the best practice options with respect to the processes described in subsection (a)(2) that are used in nonmilitary health care facilities; and

(2) conduct a cost-benefit analysis to assess the pilot program, including an analysis of—

(A) the different processes used in the pilot program;

(B) the amount of third-party collections that resulted from such processes;

(C) the cost to implement and sustain such processes; and

(D) any other factors the Secretary determines appropriate to assess the pilot program.

(c) LOCATIONS.—The Secretary shall carry out the pilot program under subsection (a)(1) at not less than two

military installations of different military departments that meet the following criteria:

(1) There is a military medical treatment facility that has inpatient and outpatient capabilities at the installation.

(2) At least 40 percent of the military beneficiary population residing in the catchment area surrounding the installation is potentially covered by a third-party payer (as defined in section 1095(h)(1) of title 10, United States Code).

(d) DURATION.—The Secretary shall commence the pilot program under subsection (a)(1) by not later than 270 days after the date of the enactment of this Act and shall carry out such program for three years.

(e) REPORT.—Not later than 180 days after completing the pilot program under subsection (a)(1), the Secretary shall submit to the congressional defense committees a report describing the results of the program, including—

(1) a comparison of—

(A) the processes described in subsection (a)(2) that were used in the military medical treatment facilities participating in the program; and

(B) the third-party collection processes used by military medical treatment facilities not included in the program;

(2) a cost analysis of implementing the processes described in subsection (a)(2) for third-party collections at military medical treatment facilities; and

(3) an assessment of the program, including any recommendations to improve third-party collections.

SEC. 717. 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).

1 (2) SUPPLY.—In carrying out the pilot program
2 under subsection (a), the Secretary shall ensure that
3 the medications included in the program are—
4 (A) generally available to the TRICARE
5 for Life beneficiary through retail pharmacies
6 only for an initial filling of a 30-day or less
7 supply; and
8 (B) any refills of such medications are ob-
9 tained through the national mail-order phar-
10 macy program.
11 (3) EXEMPTION.— The Secretary may exempt
12 the following prescription maintenance medications
13 from the requirements in paragraph (2):
14 (A) Such medications that are for acute
15 care needs.
16 (B) Such other medications as the Sec-
17 retary determines appropriate.
18 (c) NONPARTICIPATION.—
19 (1) OPT OUT.—The Secretary shall give
20 TRICARE for Life beneficiaries who have been cov-
21 ered by the pilot program under subsection (a) for
22 a period of one year an opportunity to opt out of
23 continuing to participate in the program.
24 (2) WAIVER.—The Secretary may waive the re-
25 quirement of a TRICARE for Life beneficiary to

1 participate in the pilot program under subsection (a)
2 if the Secretary determines, on an individual basis,
3 that such waiver is appropriate.

4 (d) TRICARE FOR LIFE BENEFICIARY DEFINED.—
5 In this section, the term ''TRICARE for Life beneficiary''
6 means a TRICARE beneficiary enrolled in the Medicare
7 wraparound coverage option of the TRICARE program
8 made available to the beneficiary by reason of section
9 1086(d) of title 10, United States Code.

10 (e) REPORTS.—Not later than March 31 of each year
11 beginning in 2014 and ending in 2018, the Secretary shall
12 submit to the congressional defense committees a report
13 on the pilot program under subsection (a), including the
14 effects of offering incentives for the use of mail order
15 pharmacies by TRICARE beneficiaries and the effect on
16 retail pharmacies.

17 (f) SUNSET.—The Secretary may not carry out the
18 pilot program under subsection (a) after December 31,
19 2017.

20 **SEC. 718. COST-SHARING RATES FOR PHARMACY BENEFITS**
21 **PROGRAM OF THE TRICARE PROGRAM.**

22 (a) IN GENERAL.—Section 1074g(a)(6) of title 10,
23 United States Code, is amended—

24 (1) by amending subparagraph (A) to read as
25 follows:

1 "(A) The Secretary, in the regulations prescribed
2 under subsection (h), shall establish cost-sharing require-
3 ments under the pharmacy benefits program. In accord-
4 ance with subparagraph (C), such cost-sharing require-
5 ments shall consist of the following:
6 "(i) With respect to each supply of a prescrip-
7 tion covering not more than 30 days that is obtained
8 by a covered beneficiary under the TRICARE retail
9 pharmacy program—
10 "(I) in the case of generic agents, $5;
11 "(II) in the case of formulary agents, $17;
12 and
13 "(III) in the case of nonformulary agents,
14 $44.
15 "(ii) With respect to each supply of a prescrip-
16 tion covering not more than 90 days that is obtained
17 by a covered beneficiary under the national mail-
18 order pharmacy program—
19 "(I) in the case of generic agents, $0;
20 "(II) in the case of formulary agents, $13;
21 and
22 "(III) in the case of nonformulary agents,
23 $43."; and
24 (2) by adding at the end the following new sub-
25 paragraph:

"(C) Beginning October 1, 2013, the Secretary may only increase in any year the cost-sharing amount established under subparagraph (A) by an amount equal to the percentage by which retired pay is increased under section 1401a of this title.".

(b) EFFECTIVE DATE.—The cost-sharing requirements under section 1074g(a)(6)(A) 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 October 1, 2012.

SEC. 719. REVIEW OF THE ADMINISTRATION OF THE MILITARY HEALTH SYSTEM.

Section 716(a)(1) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1477) is amended by striking "until a 120-day period" and all that follows through the period and inserting the following: "until the Secretary implements and completes any recommendations included in the report submitted by the Comptroller General of the United States under subsection (b)(3) and notifies the congressional defense committees of such implementation and completion.".

Subtitle C—Reports and Other Matters

SEC. 721. 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. 722. 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. 723. ESTABLISHMENT OF TRICARE WORKING GROUP.

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

(1) children of members of the Armed Forces deserve health-care practices and policies that—

(A) are designed to meet their pediatric-specific needs;

(B) are developed and determined proactively and comprehensively; and

(C) ensure and maintain their access to pediatric-specific treatments, providers, and facilities.

(2) children's health-care needs and standards of care are different and distinct from those of adults, therefore the TRICARE program should undertake a proactive, comprehensive approach to review and analyze its policies and practices to meet the needs of children to ensure that children and their families receive appropriate care in proper settings and avoid unnecessary challenges in seeking or obtaining proper health care;

(3) a proactive and comprehensive review is necessary because the reimbursement structure of the TRICARE program is patterned upon Medicare and the resulting policies and practices of the TRICARE program do not always properly reflect appropriate standards for pediatric care;

(4) one distinct aspect of children's health care is the need for specialty care and services for children with special-health-care needs and chronic-health conditions;

(5) the requirement for specialized health care and developmental support is an ongoing and serious matter of day-to-day life for families with children with special or chronic-health-care needs;

(6) the Department of Defense and the TRICARE program, recognizing the special needs of certain children, have instituted special-needs programs, including the ECHO program, but there are collateral needs that are not being met, generally because the services are provided in the local community rather than by the Department of Defense, who may not always have the best tools or knowledge to access these State and local resources;

(7) despite wholehearted efforts by the Department of Defense, a gap exists between linking military families with children with special-health-care needs and chronic conditions with the resources and services available from local or regional highly specialized providers and the communities and States in which they reside;

(8) the gap is especially exacerbated by the mobility of military families, who often move from State to State, because special-needs health care, educational, and social services are very specific to

each local community and State and such services often have lengthy waiting lists; and

(9) the Department of Defense will be better able to assist military families with children with special-health-care needs fill the gap by collaborating with special-health-care needs providers and those knowledgeable about the opportunities for such children that are provided by States and local communities.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary of Defense shall establish a working group to carry out a review of the TRICARE program with respect to—

(A) pediatric health care needs under paragraph (2); and

(B) pediatric special and chronic health care needs under paragraph (3).

(2) PEDIATRIC HEALTH CARE NEEDS.—

(A) DUTIES.—The working group shall—

(i) comprehensively review the policy and practices of the TRICARE program with respect to providing pediatric health care;

(ii) recommend changes to such policies and practices to ensure that—

(I) children receive appropriate care in an appropriate manner, at the appropriate time, and in an appropriate setting; and

(II) access to care and treatment provided by pediatric providers and children's hospitals remains available for families with children; and

(iii) develop a plan to implement such changes.

(B) REVIEW.—In carrying out the duties under subparagraph (A), the working group shall—

(i) identify improvements in policies, practices, and administration of the TRICARE program with respect to pediatric-specific health care and pediatric-specific healthcare settings;

(ii) analyze the direct and indirect effects of the reimbursement policies and practices of the TRICARE program with respect to pediatric care and care provided in pediatric settings;

(iii) consider case management programs with respect to pediatric complex

and chronic care, including whether pediatric specific programs are necessary;

(iv) develop a plan to ensure that the TRICARE program addresses pediatric-specific health care needs on an on-going basis beyond the life of the working group;

(v) consider how the TRICARE program can work with the pediatric provider community to ensure access, promote communication and collaboration, and optimize experiences of military families seeking and receiving health care services for children; and

(vi) review matters that further the mission of the working group.

(3) PEDIATRIC SPECIAL AND CHRONIC HEALTH CARE NEEDS.—

(A) DUTIES.—The working group shall—

(i) review the methods in which families in the TRICARE program who have children with special-health-care needs access community resources and health-care resources;

(ii) review how having access to, and a better understanding of, community re-

1 sources may improve access to health care
2 and support services;
3 (iii) recommend methods to accom-
4 plish improved access by such children and
5 families to community resources and
6 health-care resources, including through
7 collaboration with children's hospitals and
8 other providers of pediatric specialty care,
9 local agencies, local communities, and
10 States;
11 (iv) consider approaches and make
12 recommendations for the improved integra-
13 tion of individualized or compartmentalized
14 medical and family support resources for
15 military families;
16 (v) work closely with the Office of
17 Community Support for Military Families
18 with Special Needs of the Department of
19 Defense and other relevant offices to avoid
20 redundancies and target shared areas of
21 concern for children with special or chron-
22 ic-health-care needs; and
23 (vi) review any relevant information
24 learned and findings made by the working
25 group under this paragraph that may be

1 considered or adopted in a consistent man-
2 ner with respect to improving access, re-
3 sources, and services for adults with spe-
4 cial needs.
5 (B) REVIEW.—In carrying out the duties
6 under subparagraph (A), the working group
7 shall—
8 (i) discuss improvements to special
9 needs health care policies and practices;
10 (ii) determine how to support and pro-
11 tect families of members of the National
12 Guard or Reserve Components as the
13 members transition into and out of the rel-
14 evant Exceptional Family Member Pro-
15 gram or the ECHO program;
16 (iii) analyze case management services
17 to improve consistency, communication,
18 knowledge, and understanding of resources
19 and community contacts;
20 (iv) identify areas in which a State
21 may offer services that are not covered by
22 the TRICARE program or the ECHO pro-
23 gram and how to coordinate such services;
24 (v) identify steps that States and
25 communities can take to improve support

for military families of children with special health care needs;

(vi) consider how the TRICARE program and other programs of the Department of Defense can work with specialty pediatric providers and resource communities to ensure access, promote communication and collaboration, and optimize experiences of military families seeking and receiving health care services for their children with special or chronic health care needs;

(vii) consider special and chronic health care in a comprehensive manner without focus on one or more conditions or diagnoses to the exclusion of others;

(viii) focus on ways to create innovative partnerships, linkages, and access to information and resources for military families across the spectrum of the special-needs community and between the medical community and the family support community; and

(ix) review matters that further the mission of the working group.

1 (c) MEMBERSHIP.—

2 (1) APPOINTMENTS.—The working group shall
3 be composed of not less than 14 members as follows:

4 (A) The Chief Medical Officer of the
5 TRICARE program, who shall serve as chair-
6 person.

7 (B) The Chief Medical Officers of the
8 North, South, and West regional offices of the
9 TRICARE program.

10 (C) One individual representing the Army
11 appointed by the Surgeon General of the Army.

12 (D) One individual representing the Navy
13 appointed by the Surgeon General of the Navy.

14 (E) One individual representing the Air
15 Force appointed by the Surgeon General of the
16 Air Force.

17 (F) One individual representing the re-
18 gional managed care support contractor of the
19 North region of the TRICARE program ap-
20 pointed by such contractor.

21 (G) One individual representing the re-
22 gional managed care support contractor of the
23 South region of the TRICARE program ap-
24 pointed by such contractor.

(H) One individual representing the regional managed care support contractor of the West region of the TRICARE program appointed by such contractor.

(I) Not more than three individuals representing the non-profit organization the Military Coalition appointed by such organization.

(J) One individual representing the American Academy of Pediatrics appointed by such organization.

(K) One individual representing the National Association of Children's Hospitals appointed by such organization.

(L) One individual representing military families who is not an employee of an organization representing such families.

(M) Any other individual as determined by the Chief Medical Officer of the TRICARE program.

(2) TERMS.—Each member shall be appointed for the life of the working group. A vacancy in the working group shall be filled in the manner in which the original appointment was made.

(3) TRAVEL EXPENSES.—Each member shall receive travel expenses, including per diem in lieu of

subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(4) STAFF.—The Secretary of Defense shall ensure that employees of the TRICARE program provide the working group with the necessary support to carry out this section.

(d) MEETINGS.—

(1) SCHEDULE.—The working group shall—

(A) convene its first meeting not later than 60 days after the date of the enactment of this Act; and

(B) convene not less than four other times.

(2) FORM.—Any meeting of the working group may be conducted in-person or through the use of video conferencing.

(3) QUORUM.—Seven members of the working group shall constitute a quorum but a lesser number may hold hearings.

(e) ADVICE.—With respect to carrying out the review of the TRICARE program and pediatric special and chronic health care needs under subsection (b)(3), the working group shall seek counsel from the following individuals acting as an expert advisory group:

(1) One individual representing the Exceptional Family Member Program of the Army.

(2) One individual representing the Exceptional Family Member Program of the Navy.

(3) One individual representing the Exceptional Family Member Program of the Air Force.

(4) One individual representing the Exceptional Family Member Program of the Marine Corps.

(5) One individual representing the Office of Community Support for Military Families with Special Needs.

(6) One individual who is not an employee of an organization representing military families shall represent a military family with a child with special health care needs.

(7) Not more than three individuals representing organizations that—

(A) are not otherwise represented in this paragraph or in the working group; and

(B) possess expertise needed to carry out the goals of the working group.

(f) REPORTS REQUIRED.—

(1) REPORT.—Not later than 12 months after the date on which the working group convenes its first meeting, the working group shall submit to the

1 congressional defense committees a report includ-
2 ing—
3 (A) any changes described in subsection
4 (b)(2)(A)(ii) identified by the working group
5 that—
6 (i) require legislation to carry out, in-
7 cluding proposed legislative language for
8 such changes;
9 (ii) require regulations to carry out,
10 including proposed regulatory language for
11 such changes; and
12 (iii) may be carried out without legis-
13 lation or regulations, including a time line
14 for such changes; and
15 (B) steps that States and local commu-
16 nities may take to improve the experiences of
17 military families with special-needs children in
18 interacting with and accessing State and local
19 community resources.
20 (2) FINAL REPORT.—Not later than 18 months
21 after the date on which the report is submitted
22 under paragraph (1), the working group shall sub-
23 mit to the congressional defense committees a final
24 report including—

(A) any additional information and updates to the report submitted under paragraph (1);

(B) information with respect to how the Secretary of Defense is implementing the changes identified in the report submitted under paragraph (1); and

(C) information with respect to any steps described in subparagraph (B) of such paragraph that were taken by States and local communities after the date on which such report was submitted.

(g) TERMINATION.—The working group shall terminate on the date that is 30 days after the date on which the working group submits the final report pursuant to subsection (f)(2).

(h) DEFINITIONS.—In this Act:

(1) The term ''children'' means dependents of a member of the Armed Forces who are—

(A) individuals who have not yet attained the age of 21; or

(B) individuals who have not yet attained the age of 27 if the inclusion of such dependents is applicable and relevant to a program or policy being reviewed under this Act.

(2) The term ''congressional defense committees'' has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(3) The term ''ECHO program'' means the program established pursuant to subsections (d) through (e) of section 1079 of title 10, United States Code (commonly referred to as the ''Extended Care Health Option program'').

(4) The term ''TRICARE program'' means the managed health care program that is established by the Department of Defense under chapter 55 of title 10, United States Code.

SEC. 724. 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 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 by October 1, 2017.

(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 by October 1, 2015.

(B) Phased sustainment and readiness costs to refine, reduce, and, when appropriate, replace the use of live animals in medical education and training by October 1, 2017.

(C) Any risks associated with transitioning to human-based training methods, including resource availability, anticipated technological development time lines, 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) UPDATED ANNUAL REPORTS.—Not later than March 1, 2014, and each year thereafter, the Secretary shall submit to the congressional defense committees a report on the development and implementation of human-based training methods for the purposes of training members of the Armed Forces in the treatment of combat trauma injuries under this section.

(c) 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. 725. 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) COMMUNITY PARTNERS.—The Secretary of Defense may award grants to community partners described in subsection (c) using a competitive and merit-based award process whereby the awardee agrees to make contributions toward the costs of activities carried out with the grant, from non-Federal sources, an amount equal to not less than $3 for each $1 of funds provided under the grant.

(c) COMMUNITY PARTNER DESCRIBED.—A community partner described in this subsection is a private non-

profit organization or institution that 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) Providing treatment to such members and their families for such mental health and substance use disorders and traumatic brain injury.

(3) Identifying and disseminating evidence-based treatments of mental health and substance use disorders and traumatic brain injury described in paragraph (1).

(4) 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 Congress a report on the results of the pilot program, including the amount of grants so awarded and activities carried

out, 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. 726. STUDY ON BREAST CANCER AMONG MEMBERS OF THE ARMED FORCES AND VETERANS.

(a) STUDY.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly conduct a study on the incidence of breast cancer among members of the Armed Forces (including members of the National Guard and reserve components) and veterans. Such study shall include the following:

(1) A determination of the number of members and veterans diagnosed with breast cancer.

(2) A determination of demographic information regarding such members and veterans, including—

(A) race;

(B) ethnicity;

(C) sex;

(D) age;

(E) possible exposure to hazardous elements or chemical or biological agents (including any vaccines) and where such exposure occurred;

(F) the locations of duty stations that such member or veteran was assigned;

(G) the locations in which such member or veteran was deployed; and

(H) the geographic area of residence prior to deployment.

(3) An analysis of breast cancer treatments received by such members and veterans.

(4) Other information the Secretaries consider necessary.

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report containing the results of the study required under subsection (a).

(c) FUNDING INCREASE AND OFFSETTING REDUCTION.—Notwithstanding the amounts set forth in the funding tables in division D—

(1) the amount authorized to be appropriated in section 1406 for the Defense Health Program, as specified in the corresponding funding table in divi-

sion D, is hereby increased by $10,000,000, with the amount of the increase allocated to the Defense Health Program, as set forth in the table under section 4501, to carry out this section; and

(2) the amount authorized to be appropriated in section 101 for Weapons Procurement, Navy, as specified in the corresponding funding table in section 4101 of division D, is hereby reduced by a total $10,000,000, with the amount of the reduction to be derived from—

(A) Line 004 (AMRAAM) in the amount of $2,700,000;

(B) Line 006 (JSOW) in the amount of $2,700,000; and

(C) Line 009 (Hellfire) in the amount of $4,600,000.

SEC. 727. INCREASED COLLABORATION WITH NIH TO COMBAT TRIPLE NEGATIVE BREAST CANCER.

The Office of Health of the Department of Defense shall work in collaboration with the National Institutes of Health to—

(1) identify specific genetic and molecular targets and biomarkers for triple negative breast cancer; and

(2) provide information useful in biomarker selection, drug discovery, and clinical trials design that will enable both—

(A) triple negative breast cancer patients to be identified earlier in the progression of their disease; and

(B) the development of multiple targeted therapies for the disease.

SEC. 728. PILOT PROGRAM ON PAYMENT FOR TREATMENT OF MEMBERS OF THE ARMED FORCES AND VETERANS FOR TRAUMATIC BRAIN INJURY AND POST-TRAUMATIC STRESS DISORDER.

(a) PAYMENT PROCESS.—The Secretary of Defense and the Secretary of Veterans Affairs shall carry out a five-year pilot program under which each such Secretary shall establish a process through which each Secretary shall provide payment for treatments (including diagnostic testing) of traumatic brain injury or post-traumatic stress disorder received by members of the Armed Forces and veterans in health care facilities other than military treatment facilities or Department of Veterans Affairs medical facilities. Such process shall provide that payment be made directly to the health care facility furnishing the treatment.

1 (b) CONDITIONS FOR PAYMENT.—The approval by a
2 Secretary for payment for a treatment pursuant to sub-
3 section (a) shall be subject to the following conditions:
4 (1) Any drug or device used in the treatment
5 must be approved or cleared by the Food and Drug
6 Administration for any purpose.
7 (2) The treatment must have been approved by
8 an institutional review board operating in accordance
9 with regulations issued by the Secretary of Health
10 and Human Services.
11 (3) The treatment (including any patient disclo-
12 sure requirements) must be used by the health care
13 provider delivering the treatment.
14 (4) The patient receiving the treatment must
15 demonstrate an improvement as a result of the
16 treatment on one or more of the following:
17 (A) Standardized independent pre-treat-
18 ment and post-treatment neuropsychological
19 testing.
20 (B) Accepted survey instruments.
21 (C) Neurological imaging.
22 (D) Clinical examination.
23 (5) The patient receiving the treatment must be
24 receiving the treatment voluntarily.

(6) The patient receiving the treatment may not be a retired member of the uniformed services or of the Armed Forces who is entitled to benefits under part A, or eligible to enroll under part B, of title XVIII of the Social Security Act.

(c) ADDITIONAL RESTRICTIONS PROHIBITED.—Except as provided in this subsection (b), no restriction or condition for reimbursement may be placed on any health care provider that is operating lawfully under the laws of the State in which the provider is located with respect to the receipt of payment under this section.

(d) PAYMENT DEADLINE.—The Secretary of Defense and the Secretary of Veterans Affairs shall make a payment for a treatment pursuant to subsection (a) not later than 30 days after a member of the Armed Forces or veteran (or health care provider on behalf of such member or veteran) submits to the Secretary documentation regarding the treatment. The Secretary of Defense and the Secretary of Veterans Affairs shall ensure that the documentation required under this subsection may not be an undue burden on the member of the Armed Forces or veteran or on the health care provider.

(e) PAYMENT AUTHORITY.—

(1) DEPARTMENT OF DEFENSE.—The Secretary of Defense shall make payments under this

1 section for treatments received by members of the
2 Armed Forces using the authority in subsection
3 (c)(1) of section 1074 of title 10, United States
4 Code.

5 (2) DEPARTMENT OF VETERANS AFFAIRS.—
6 The Secretary of Veterans Affairs shall make pay-
7 ments under this section for treatments received by
8 veterans using the authority in section 1728 of title
9 38, United States Code.

10 (f) PAYMENT AMOUNT.—A payment under this sec-
11 tion shall be made at the equivalent Centers for Medicare
12 and Medicaid Services reimbursement rate in effect for ap-
13 propriate treatment codes for the State or territory in
14 which the treatment is received. If no such rate is in effect,
15 payment shall be made at a fair market rate, as deter-
16 mined by the Secretary of Defense, in consultation with
17 the Secretary of Health and Human Services, with respect
18 to a patient who is a member of the Armed Forces or
19 the Secretary of Veterans Affairs with respect to a patient
20 who is a veteran.

21 (g) DATA COLLECTION AND AVAILABILITY.—

22 (1) IN GENERAL.—The Secretary of Defense
23 and the Secretary of Veterans Affairs shall jointly
24 develop and maintain a database containing data
25 from each patient case involving the use of a treat-

1 ment under this section. The Secretaries shall en-
2 sure that the database preserves confidentiality and
3 be made available only—
4 (A) for third-party payer examination;
5 (B) to the appropriate congressional com-
6 mittees and employees of the Department of
7 Defense, the Department of Veterans Affairs,
8 the Department of Health and Human Services,
9 and appropriate State agencies; and
10 (C) to the primary investigator of the insti-
11 tutional review board that approved the treat-
12 ment, in the case of data relating to a patient
13 case involving the use of such treatment.
14 (2) ENROLLMENT IN INSTITUTIONAL REVIEW
15 BOARD STUDY.—In the case of a patient enrolled in
16 a registered institutional review board study, results
17 may be publically distributable in accordance with
18 the regulations prescribed pursuant to the Health
19 Insurance Portability and Accountability Act of
20 1996 (Public Law 104–191) and other regulations
21 and practices in effect as of the date of the enact-
22 ment of this Act.
23 (3) QUALIFIED INSTITUTIONAL REVIEW
24 BOARDS.—The Secretary of Defense and the Sec-
25 retary of Veterans Affairs shall each ensure that the

Internet Web site of their respective departments includes a list of all civilian institutional review board studies that have received a payment under this section.

(h) ASSISTANCE FOR MEMBERS TO OBTAIN TREATMENT.—

(1) ASSIGNMENT TO TEMPORARY DUTY.—The Secretary of a military department may assign a member of the Armed Forces under the jurisdiction of the Secretary to temporary duty or allow the member a permissive temporary duty in order to permit the member to receive treatment for traumatic brain injury or post-traumatic stress disorder, for which payments shall be made under subsection (a), at a location beyond reasonable commuting distance of the member's permanent duty station.

(2) PAYMENT OF PER DIEM.—A member who is away from the member's permanent station may be paid a per diem in lieu of subsistence in an amount not more than the amount to which the member would be entitled if the member were performing travel in connection with a temporary duty assignment.

(3) GIFT RULE WAIVER.—Notwithstanding any rule of any department or agency with respect to

ethics or the receipt of gifts, any assistance provided to a member of the Armed Forces with a service-connected injury or disability for travel, meals, or entertainment incidental to receiving treatment under this section, or for the provision of such treatment, shall not be subject to or covered by any such rule.

(i) RETALIATION PROHIBITED.—No retaliation may be made against any member of the Armed Forces or veteran who receives treatment as part of registered institutional review board study carried out by a civilian health care practitioner.

(j) TREATMENT OF UNIVERSITY AND NATIONALLY ACCREDITED INSTITUTIONAL REVIEW BOARDS.—For purposes of this section, a university-affiliated or nationally accredited institutional review board shall be treated in the same manner as a Government institutional review board.

(k) MEMORANDA OF UNDERSTANDING.—The Secretary of Defense and the Secretary of Veterans Affairs shall seek to expeditiously enter into memoranda of understandings with civilian institutional review boards described in subsection (j) for the purpose of providing for members of the Armed Forces and veterans to receive treatment carried out by civilian health care practitioners

1 under a treatment approved by and under the oversight
2 of civilian institutional review boards that would qualify
3 for payment under this section.

4 (l) OUTREACH REQUIRED.—

5 (1) OUTREACH TO VETERANS.—The Secretary
6 of Veterans Affairs shall notify each veteran with a
7 service-connected injury or disability of the oppor-
8 tunity to receive treatment pursuant to this section.

9 (2) OUTREACH TO MEMBERS OF THE ARMED
10 FORCES.—The Secretary of Defense shall notify
11 each member of the Armed Forces with a service-
12 connected injury or disability of the opportunity to
13 receive treatment pursuant to this section.

14 (m) REPORT TO CONGRESS.—Not later than 30 days
15 after the last day of each fiscal year during which the Sec-
16 retary of Defense and the Secretary of Veterans Affairs
17 are authorized to make payments under this section, the
18 Secretaries shall jointly submit to Congress an annual re-
19 port on the implementation of this section. Such report
20 shall include each of the following for that fiscal year:

21 (1) The number of individuals for whom the
22 Secretary has provided payments under this section.

23 (2) The condition for which each such indi-
24 vidual receives treatment for which payment is pro-

vided under this section and the success rate of each such treatment.

(3) Treatment methods that are used by entities receiving payment provided under this section and the respective rate of success of each such method.

(4) The recommendations of the Secretaries with respect to the integration of treatment methods for which payment is provided under this section into facilities of the Department of Defense and Department of Veterans Affairs.

(n) TERMINATION.—The authority to make a payment under this section shall terminate on the date that is five years after the date of the enactment of this Act.

(o) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each fiscal year during which the Secretary of Veterans Affairs and the Secretary of Defense are authorized to make payments under this section.

(p) FUNDING INCREASE AND OFFSETTING REDUCTION.—

(1) IN GENERAL.—Notwithstanding the amounts set forth in the funding tables in division D, to carry out this section during fiscal year 2013—

(A) the amount authorized to be appropriated in section 1406 for the Defense Health Program, as specified in the corresponding funding table in division D, is hereby increased by $10,000,000, with the amount of the increase allocated to the Defense Health Program, as set forth in the table under section 4501, to carry out this section; and

(B) the amount authorized to be appropriated in section 301 for Operation and Maintenance, Defense-wide, as specified in the corresponding funding table in division D, is hereby reduced by $10,000,000, with the amount of the reduction to be derived from Line 260, Office of the Secretary of Defense as set forth in the table under section 4301.

(2) MERIT-BASED OR COMPETITIVE DECISIONS.—A decision to commit, obligate, or expend funds referred to in paragraph (1)(A) with or to a specific entity shall—

(A) 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

(B) comply with other applicable provisions of law.

SEC. 729. CONGRESSIONAL SUPPORT FOR GREATER AWARENESS OF POST-TRAUMATIC STRESS DISORDER.

(a) FINDINGS.—Congress makes the following findings:

(1) The brave men and women of the United States Armed Forces, who proudly serve the United States, risk their lives to protect the freedom of the United States and deserve the investment of every possible resource to ensure their lasting physical, mental, and emotional well-being.

(2) More than 2,400,000 members of the Armed Forces have deployed overseas as part of overseas contingency operations since the events of September 11, 2001.

(3) One in five members who have returned from deployment reported symptoms of post-traumatic stress disorder (PTSD).

(4) Just over ½ of the members have sought treatment for PTSD symptoms.

(5) More than 90,000 members returning from deployment to Operation Enduring Freedom or Op-

eration Iraqi Freedom are clinically diagnosed with PTSD.

(6) The Armed Forces have sustained an operational tempo for a period of time unprecedented in the history of the United States, with many members deploying multiple times, placing them at high risk of PTSD.

(7) Up to 10 percent of Operation Desert Storm veterans, 30 percent of Vietnam veterans, and 8 percent of the general population of the United States suffer or have suffered from PTSD.

(8) Many cases of PTSD remain unreported, undiagnosed, and untreated due to a lack of awareness about PTSD and the persistent stigma associated with mental health issues.

(9) PTSD significantly increases the risk of depression, suicide, and drug- and alcohol-related disorders and deaths, especially if left untreated.

(10) The Departments of Defense and Veterans Affairs have made significant advances in the prevention, diagnosis, and treatment of PTSD and the symptoms of PTSD, but many challenges remain.

(11) About ½ of members and their spouses report they are somewhat or not at all knowledgeable about the signs and symptoms of PTSD.

(b) CONGRESSIONAL EXPRESSION OF SUPPORT.—In light of the findings made in subsection (a), Congress—

(1) supports the efforts of the Secretary of Veterans Affairs and the Secretary of Defense to educate service members, veterans, the families of service members and veterans, and the public about the causes, symptoms, and treatment of post-traumatic stress disorder (PTSD); and

(2) supports the creation of an advisory commission on PTSD to coordinate the efforts of the Department of Defense, Department of Veterans Affairs, and other executive departments and agencies for the prevention, diagnosis, and treatment of PTSD.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Acquisition Policy and Management

SEC. 801. PILOT EXEMPTION REGARDING TREATMENT OF PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE IN ACCORDANCE WITH THE DEPARTMENT OF ENERGY'S WORK FOR OTHERS PROGRAM.

(a) EXEMPTION FROM INSPECTOR GENERAL REVIEWS AND DETERMINATIONS.—Subsection (a) of section 801 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 2304 note) is amended by adding at the end the following new paragraph:

"(7) TREATMENT OF PROCUREMENTS THROUGH DEPARTMENT OF ENERGY.—For purposes of this subsection, effective during the 24-month period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the procurement of property or services on behalf of the Department of Defense pursuant to an interagency agreement between the Department of

Defense and the Department of Energy in accordance with the Department of Energy's Work For Others Program, under which the property or services are provided by a management and operating contractor of the Department of Energy and are procured on behalf of the Department of Defense, shall not be considered a procurement of property or services on behalf of the Department of Defense by a covered non-defense agency.''.

(b) EXEMPTION FROM CERTAIN CERTIFICATION REQUIREMENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking ''paragraph (2)'' and inserting ''paragraphs (2) and (4)''; and

(2) by adding at the end the following new paragraph:

''(4) EXCEPTION FOR PROCUREMENTS IN ACCORDANCE WITH THE DEPARTMENT OF ENERGY'S WORK FOR OTHERS PROGRAM.—Effective during the 24-month period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the limitation in paragraph (1) shall not apply to the procurement of property or services on behalf of the Department of Defense pursuant to an interagency agreement between the

Department of Defense and the Department of Energy in accordance with the Department of Energy's Work for Others Program, under which the property or services are provided by a management and operating contractor of the Department of Energy and procured on behalf of the Department of Defense.''.

(c) CERTIFICATION.—Not later than 20 months 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 the following:

(1) A statement certifying whether the procurement policies, procedures, and internal controls of the Department of Energy provide sufficient protection and oversight for Department of Defense funds expended through the Department of Energy Work for Others Program.

(2) A recommendation regarding whether the pilot exemption granted by the amendments made by this section should be extended.

SEC. 802. REQUIREMENTS RELATING TO CONTRACTS FOR PURCHASE OF HELICOPTERS FOR AFGHAN SECURITY FORCES.

(a) REQUIREMENT FOR COMPETITIVELY BID CONTRACTS.—Subject to subsection (b), the Secretary of De-

fense shall award any contract that will use United States funds for the procurement of helicopters for the Afghan Security Forces using competitive procedures.

(b) PROHIBITION ON CONTRACTING WITH CERTAIN ENTITIES.—Notwithstanding subsection (a), the Secretary of Defense may not award a contract, directly or indirectly, to any entity controlled, directed, or influenced by—

(1) a country that has provided weapons to Syria at any time after the date of the enactment of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Public Law 108–175); or

(2) any country that is currently a state sponsor of terrorism.

(c) STATE SPONSOR OF TERRORISM DEFINED.—In subsection (b), the term ''state sponsor of terrorism'' means any country the government of which the Secretary of State has determined has repeatedly provided support for acts of international terrorism pursuant to section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, or section 40 of the Arms Export Control Act.

(d) EFFECTIVE DATE.—The requirement in subsection (a) shall apply to contracts awarded after the date of the enactment of this Act.

(e) NATIONAL SECURITY WAIVER AUTHORITY.—The Secretary of Defense may waive the applicability of this section if the Secretary determines such a waiver is necessary in the national security interests of the United States.

SEC. 803. PROHIBITION ON CONTRACTING WITH PERSONS THAT HAVE BUSINESS OPERATIONS WITH STATE SPONSORS OF TERRORISM.

(a) PROHIBITION.—The Department of Defense may not enter into a contract for the procurement of goods or services with any person that has business operations with a state sponsor of terrorism.

(b) DEFINITIONS.—In this section:

(1) 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 acts of international terrorism pursuant to—

(A) section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act);

(B) section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371); or

(C) section 40 of the Arms Export Control Act (22 U.S.C. 2780).

(2) BUSINESS OPERATIONS.—The term ''business operations'' means engaging in commerce in any form, including acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

(3) PERSON.—The term ''person'' means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent entity, or subsidiary of, or any entity under common ownership or control with, any entity described in subparagraph (A) or (B).

Subtitle B—Amendments to General Contracting Authorities, Procedures, and Limitations

SEC. 811. 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. 812. 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. 813. 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, is amended by adding at the end the following new section:

''§ 2335. 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 advanced predictive analysis to the extent practicable to 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 nec-

essary 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 and apply the requirements of section 15(g) of the Small Business Act (15 U.S.C. 644(g)) in a manner that ensures that small business concerns are not inappropriately selected for performance as a prime contractor.

"(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, sub-

systems, 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' has the meaning given that term in section 2302d of this title.

"(6) ADVANCED PREDICTIVE ANALYSIS.—The term 'advanced predictive analysis' means a type of analysis that applies advanced predictive modeling methodology to life-cycle management and product support by using event simulation to account for variations in asset demand over time, including events such as current equipment condition, planned usage, aging of parts, maintenance capacity and quality, and logistics response.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of such title is amended by adding at the end the following new item:

"2335. 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) is repealed.

SEC. 814. 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 manager.

"(2) Deputy program manager.

"(3) Product support manager.

"(4) Chief engineer.

"(5) Systems engineer.

"(6) Chief developmental tester.

"(7) Cost estimator.

"(b) PLAN OF ACTION.—The Secretary of Defense shall develop and implement a plan of action for recruiting, training, and ensuring appropriate career develop-

ment 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. 815. LIMITATION ON FUNDING PENDING CERTIFICATION OF IMPLEMENTATION OF REQUIREMENTS FOR COMPETITION.

(a) LIMITATION ON FUNDING FOR CERTAIN OFFICES.—Of the funds authorized to be appropriated for fiscal year 2013 as specified in the funding table in section 4301, not more than 80 percent of the funds authorized for the Office of the Secretary of Defense may be obligated

or expended until the certification described in subsection (b) is submitted.

(b) CERTIFICATION REQUIRED.—The Secretary of Defense shall certify to the congressional defense committees that the Department of Defense is implementing the requirements of section 202(d) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 10 U.S.C. 2430 note). Such a certification shall be accompanied by—

(1) a briefing to the congressional defense committees on processes and procedures that have been implemented across the military departments and Defense Agencies to maximize competition throughout the life-cycle of major defense acquisition programs, including actions to award contracts for performance of maintenance and sustainment of major weapon systems or subsystems and components of such systems; and

(2) a representative sample of solicitations issued since May 22, 2009, intended to fulfill the objectives of such section 202(d).

SEC. 816. 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—

"(I) procured from a trusted supplier in accordance with regulations described in paragraph (3); or

"(II) 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).".

SEC. 817. ADDITIONAL DEFINITION RELATING TO PRODUCTION OF SPECIALTY METALS WITHIN THE UNITED STATES.

Section 2533b(m) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(11) The term 'produced', as used in subsections (a) and (b), means melted, or processed in a manner that results in physical or chemical property changes that are the equivalent of melting. The term does not include finishing processes such as rolling, heat treatment, quenching, tempering, grinding, or shaving.".

SEC. 818. ASSESSMENT AND REPORT RELATING TO INFRARED TECHNOLOGY SECTORS.

(a) ASSESSMENT.—The Secretary of Defense, in conjunction with the sector-by-sector, tier-by-tier review conducted by the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy, shall conduct an assessment of the health and status of various national

defense infrared technology sectors, including technology such as focal plane arrays sensitive to infrared wavelengths, read-out integrate circuits, cryogenic coolers, Dewar technology, infrared sensor engine assemblies, and infrared imaging systems.

(b) REPORT.—The Secretary of Defense shall submit to the congressional defense committees a report on the findings of the assessment within 90 days after the date of the enactment of this Act.

SEC. 819. 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.

Subtitle C—Provisions Relating to Contracts in Support of Contingency Operations in Iraq or Afghanistan

SEC. 821. 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) LIMITATION.—Such section is amended—

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

(2) by inserting after subsection (c) the following:

''(d) LIMITATION.—The Secretary may not use the authority provided in subsection (a) to procure goods or services from Pakistan until such time as the Government of Pakistan agrees to re-open the Ground Lines of Communication for the movement of United States equipment and supplies through Pakistan.''.

(d) REPEAL OF EXPIRED REPORT REQUIREMENT.—Subsection (h) of such section, as redesignated by subsection (c) of this section, is repealed.

(e) CLERICAL AMENDMENT.—The heading of such section is amended by striking ''**; REPORT**''.

SEC. 822. 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 AND**";

(2) by striking "Iraq or" each place it appears; and

(3) in subsection (b)—

(A) by inserting "(A)" after "(1)";

(B) in paragraph (2)—

(i) by redesignating clauses (i) and (ii) of subparagraph (B) as subclauses (I) and (II), respectively, and in subclause (II), as so redesignated, by striking the period at the end and inserting "; and";

(ii) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively; and

(iii) by striking "(2)" and inserting "(B)"; and

(C) by adding at the end the following new paragraph (2):

"(2) the Government of Afghanistan is not taxing assistance provided by the United States to Afghanistan in violation of any bilateral or other agreement with the United States.".

Subtitle D—Other Matters

SEC. 831. ENHANCEMENT OF REVIEW OF ACQUISITION PROCESS FOR RAPID FIELDING OF CAPABILITIES IN RESPONSE TO URGENT OPERATIONAL NEEDS.

Section 804(b)(3) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4256; 10 U.S.C. 2302 note) is amended—

(1) by inserting ''and'' at the end of subparagraph (B);

(2) by striking ''; and'' at the end of subparagraph (C) and inserting a period; and

(3) by striking subparagraph (D).

SEC. 832. LOCATION OF CONTRACTOR-OPERATED CALL CENTERS IN THE UNITED STATES.

The Secretary of Defense shall ensure that any call center operated pursuant to a contract entered into by the Secretary or by the head of any of the military departments is located in the United States.

SEC. 833. CONSIDERATION AND VERIFICATION OF INFORMATION RELATING TO EFFECT ON DOMESTIC EMPLOYMENT OF AWARD OF DEFENSE CONTRACTS.

(a) IN GENERAL.—Section 2305(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

"(6)(A) The head of an agency, in issuing a solicitation for competitive proposals, shall state in the solicitation that the agency may consider information (in this paragraph referred to as a 'jobs impact statement') that the offeror may include in its offer related to the effects on employment within the United States of the contract if it is awarded to the offeror.

"(B) The information that may be included in a jobs impact statement may include the following:

"(i) The number of jobs expected to be created in the United States, or the number of jobs retained that otherwise would be lost, if the contract is awarded to the offeror.

"(ii) The number of jobs created or retained in the United States by the subcontractors expected to be used by the offeror in the performance of the contract.

"(iii) A guarantee from the offeror that jobs created or retained in the United States will not be moved outside the United States after award of the contract.

"(C) The contracting officer may consider the information in the jobs impact statement in the evaluation of the offer.

"(D) The agency may request further information from the offeror in order to verify the accuracy of the information in the jobs impact statement.

"(E) In the case of a contract awarded to an offeror that submitted a jobs impact statement with the offer for the contract, the agency shall, not later than six months after the award of the contract and annually thereafter for the duration of the contract or contract extension, assess the accuracy of the jobs impact statement.

"(F) The Secretary of Defense shall submit to Congress an annual report on the frequency of use within the Department of Defense of jobs impact statements in the evaluation of competitive proposals.".

(b) REVISION OF FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulation shall be revised to implement the amendment made by this section.

SEC. 834. ENERGY SAVINGS PERFORMANCE CONTRACT REPORT.

Not later than June 30, 2013, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall each submit to the congressional defense committees a report on the use of energy savings performance contracts by the Department of the Army, the Department of the Navy, and the Department of the Air Force, respectively, including each of the following:

(1) The amount of appropriated funds that have been obligated or expended and that are expected to be obligated or expended for 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.

SEC. 835. REQUIREMENT TO INCLUDE TRAFFICKING IN PERSONS IN PERFORMANCE ASSESSMENTS OF DEFENSE CONTRACTORS.

(a) PERFORMANCE ASSESSMENTS TO INCLUDE EVALUATION OF TRAFFICKING IN PERSONS.—With respect to any performance assessment of a defense contractor or subcontractor of such a contractor, or any labor recruiter, broker, or other agent used by the contractor

or subcontractor, the Secretary of Defense shall include an evaluation of trafficking in persons.

(b) TRAFFICKING IN PERSONS DEFINED.—In this section, the term ''trafficking in persons'' has the meaning provided the term ''severe form of trafficking in persons'' in section 103 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102).

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.

(a) FINDINGS.—Congress finds the following:

(1) The Defense Logistics Agency has made little progress in addressing the findings and recommendations from the April 2009 report of the Department of Defense report titled ''Reconfiguration of the National Defense Stockpile Report to Congress''.

(2) The office of the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy has historically analyzed the United States defense industrial base from the point of view of prime contractors and original equipment manufacturers and has provided insufficient attention to producers of materials critical to national security, including raw materials producers.

(3) Responsibility for the secure supply of materials critical to national security, which supports the defense industrial base, is decentralized throughout the Department of Defense.

(4) The office of the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy should expand its focus to consider both a top-down view of the supply chain, beginning with prime contractors, and a bottom-up view that begins with raw materials suppliers.

(5) To enable this focus and 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 develop policy, conduct oversight, and monitor resource allocation for agencies of the Department of Defense,

including the Defense Logistics Agency, for all activities that pertain to ensuring a secure supply of materials critical to national security.

(6) The Strategic Materials Protection Board should be reconfigured so as to be chaired by the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy and should fully execute its duties and responsibilities.

(b) APPOINTMENT OF DEPUTY ASSISTANT SECRETARY.—Section 139c(a) of title 10, United States Code, is amended by striking ''appointed by'' and all that follows through the end of the subsection and inserting ''appointed by the Secretary of Defense.''.

(c) RESPONSIBILITIES OF DEPUTY ASSISTANT SECRETARY.—Section 139c(b) of such title 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 to the Under Secretary 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 to the Under Secretary 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 domestic sources and allied nations for the industrial base of the United States.''.

(d) 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.''.

(e) 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) 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. The Secretary of each military department shall review and comment on the report.

"(2) Each such report shall be published in the Federal Register and subsequently submitted to the congressional defense committees, together with public comments and comments and recommendations from the Secretary of Defense, not later than 90 days after the meeting covered by the report.".

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 nec-

essary 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 De-

fense, 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) SUPERVISION.—Section 139b(a)(3) of title 10, United States Code, is amended by striking ''to the Under Secretary'' before the period and inserting ''directly to the

Under Secretary, without the interposition of any other supervising official''.

(b) CONCURRENT SERVICE.—Section 139b(a)(7) of such title is amended by striking ''may'' and inserting ''shall''.

(c) 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. The resources

for the Deputy Assistant Secretary shall be comparable to the resources, including Senior Executive Service positions, other civilian positions, and military positions, available to the Director of Operational Test and Evaluation.''.

(d) 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;

(3) by inserting ''(1)'' before ''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) With respect to the report required under paragraph (1) by the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation—

''(A) the report shall include a separate section that covers the activities of the Department of Defense Test Resource Management Center (estab-

lished under section 196 of this title) during the preceding year; and

"(B) the report shall be transmitted to the Under Secretary of Defense for Acquisition, Technology, and Logistics at the same time it is submitted to the congressional defense committees.".

SEC. 905. REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.

(a) REDESIGNATION OF THE DEPARTMENT OF THE NAVY AS THE DEPARTMENT OF THE NAVY AND MARINE CORPS.—

(1) REDESIGNATION OF MILITARY DEPARTMENT.—The military department designated as the Department of the Navy is redesignated as the Department of the Navy and Marine Corps.

(2) REDESIGNATION OF SECRETARY AND OTHER STATUTORY OFFICES.—

(A) SECRETARY.—The position of the Secretary of the Navy is redesignated as the Secretary of the Navy and Marine Corps.

(B) OTHER STATUTORY OFFICES.—The positions of the Under Secretary of the Navy, the four Assistant Secretaries of the Navy, and the General Counsel of the Department of the

Navy are redesignated as the Under Secretary of the Navy and Marine Corps, the Assistant Secretaries of the Navy and Marine Corps, and the General Counsel of the Department of the Navy and Marine Corps, respectively.

(b) CONFORMING AMENDMENTS TO TITLE 10, UNITED STATES CODE.—

(1) DEFINITION OF ''MILITARY DEPARTMENT''.—Paragraph (8) of section 101(a) of title 10, United States Code, is amended to read as follows:

''(8) The term 'military department' means the Department of the Army, the Department of the Navy and Marine Corps, and the Department of the Air Force.''.

(2) ORGANIZATION OF DEPARTMENT.—The text of section 5011 of such title is amended to read as follows: ''The Department of the Navy and Marine Corps is separately organized under the Secretary of the Navy and Marine Corps.''.

(3) POSITION OF SECRETARY.—Section 5013(a)(1) of such title is amended by striking ''There is a Secretary of the Navy'' and inserting ''There is a Secretary of the Navy and Marine Corps''.

(4) CHAPTER HEADINGS.—

(A) The heading of chapter 503 of such title is amended to read as follows:

"CHAPTER 503—DEPARTMENT OF THE NAVY AND MARINE CORPS".

(B) The heading of chapter 507 of such title is amended to read as follows:

"CHAPTER 507—COMPOSITION OF THE DEPARTMENT OF THE NAVY AND MARINE CORPS".

(5) OTHER AMENDMENTS.—

(A) Title 10, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear other than as specified in paragraphs (1), (2), (3), and (4) (including in section headings, subsection captions, tables of chapters, and tables of sections) and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively, in each case with the matter inserted to be in the same typeface and typestyle as the matter stricken.

(B)(i) Sections 5013(f), 5014(b)(2), 5016(a), 5017(2), 5032(a), and 5042(a) of

such title are amended by striking ''Assistant Secretaries of the Navy'' and inserting ''Assistant Secretaries of the Navy and Marine Corps''.

(ii) The heading of section 5016 of such title, and the item relating to such section in the table of sections at the beginning of chapter 503 of such title, are each amended by inserting ''and Marine Corps'' after ''of the Navy'', with the matter inserted in each case to be in the same typeface and typestyle as the matter amended.

(c) OTHER PROVISIONS OF LAW AND OTHER REFERENCES.—

(1) TITLE 37, UNITED STATES CODE.—Title 37, United States Code, is amended by striking ''Department of the Navy'' and ''Secretary of the Navy'' each place they appear and inserting ''Department of the Navy and Marine Corps'' and ''Secretary of the Navy and Marine Corps'', respectively.

(2) OTHER REFERENCES.—Any reference in any law other than in title 10 or title 37, United States Code, or in any regulation, document, record, or other paper of the United States, to the Department of the Navy shall be considered to be a reference to the Department of the Navy and Marine

Corps. Any such reference to an office specified in subsection (a)(2) shall be considered to be a reference to that office as redesignated by that section.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the first day of the first month beginning more than 60 days after the date of the enactment of this Act.

Subtitle B—Space Activities

SEC. 911. ANNUAL ASSESSMENT OF THE SYNCHRONIZATION OF SEGMENTS IN SPACE PROGRAMS THAT ARE MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) ANNUAL ASSESSMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter for five years, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall annually submit to the congressional defense committees an assessment of the synchronization of the operability of the program segments of each space program that is a major defense acquisition program.

(b) CONTENTS.—Each assessment required under subsection (a) shall include—

(1) a description of the intended primary capabilities of each space program that is a major defense acquisition program and the level of operability

of each program segment of such space program at the time of such assessment;

(2) a schedule for the deployment of such intended primary capabilities of such space program in each such program segment and in such space program as a whole;

(3) for each such space program for which a primary capability of such program will be operable by one program segment at least one year after the date on which such capability is operable by another program segment—

(A) an explanation of the reasons that such primary capability will be operable by one program segment at least one year after the date such capability is operable by another program segment; and

(B) an identification of the steps the Department is taking to improve the alignment of when the program segments become operable and the related challenges, costs, and risks; and

(4) a description of the impact on the mission of such space program caused by such primary capability being operable by one program segment at least one year after the date such capability is operable by another program segment.

(c) DEFINITIONS.—In this section:

(1) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—The term ''major defense acquisition program'' has the meaning given the term in section 2430 of title 10, United States Code.

(2) PROGRAM SEGMENT.—The term ''program segment'' means, with respect to a space program that is a major defense acquisition program, the following segments:

(A) The portion of such program that is satellite-based.

(B) The portion of such program that is ground-based.

(C) The portion of such program that is operated by the end-user.

SEC. 912. REPORT ON OVERHEAD PERSISTENT INFRARED TECHNOLOGY.

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

(1) there are significant investments in overhead persistent infrared technology that span multiple agencies and support a variety of missions, including missile warning, missile defense, battle space awareness, and technical intelligence; and

(2) further efforts should be made to fully exploit overhead persistent infrared sensor data.

(b) REPORT.—Not later than 270 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 assessment of whether there are further opportunities for the Department of Defense and the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) to capitalize on increased data sharing, fusion, interoperability, and exploitation; and

(2) recommendations on how to better coordinate the efforts by the Department and the intelligence community to exploit overhead persistent infrared sensor data.

(c) COMPTROLLER GENERAL ASSESSMENT.—Not later than 90 days after the date on which the Secretary of Defense submits the report required under subsection (b), the Comptroller General of the United States shall submit to the congressional defense committees an assess-

ment of the report required under subsection (b), 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 (b).

SEC. 913. PROHIBITION ON USE OF FUNDS TO IMPLEMENT INTERNATIONAL AGREEMENT ON SPACE ACTIVITIES THAT HAS NOT BEEN RATIFIED BY THE SENATE OR AUTHORIZED BY STATUTE.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or any other Act may be used by the Secretary of Defense or the Director of National Intelligence to limit the activities of the Department of Defense or the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))) 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.

(b) REPORT ON INTERNATIONAL AGREEMENT NEGOTIATIONS.—

(1) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of State and the Secretary of Defense shall submit to the appropriate congressional committees a report on the progress of negotiations on an international agreement concerning outer space activities. Such report shall include a description of which foreign countries have agreed to sign such an international agreement and any implications that the draft of the agreement being negotiated may have on both classified and unclassified military and intelligence activities of the United States in outer space.

(2) FORM.—

(A) UNCLASSIFIED.—Except as provided in subparagraph (B), each report required under paragraph (1) shall be submitted in unclassified form.

(B) CLASSIFIED ANNEX.—The Secretary of Defense may submit to 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 a classified annex to a report re-

quired under paragraph (1) containing any classified information required to be submitted for such report.

(3) TERMINATION DATE.—The requirement to submit a report under paragraph (1) shall cease to apply on the date on which the President submits to the appropriate congressional committees a certification that the United States is no longer involved in negotiations on an international agreement concerning outer space activities.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Foreign Affairs, and the Committee on Science, Space, and Technology of the House of Representatives; and

(B) the Committee on Armed Services, the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Commerce, Science, and Transportation of the Senate.

(c) REPORT ON FOREIGN COUNTER-SPACE PROGRAMS.—

(1) REPORT REQUIRED.—Chapter 135 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2275. Report on foreign counter-space programs

''(a) REPORT REQUIRED.—Not later than January 1 of each year, the Secretary of Defense shall 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 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 may waive the requirement under subparagraph (A) if the Secretary determines it is in the interests of national security to waive such requirement and submits to Congress an explanation of why the Secretary waived such requirement.

"(d) PROHIBITION ON USE OF FUNDS FOR NONCOMPLIANCE.—If in any fiscal year the Secretary of Defense does not submit a report required under subsection (a) on or before the date on which such report is required to be submitted, none of the funds authorized to be appropriated by any Act for such fiscal year for activities of the Department of Defense may be used for travel related to the negotiation of an international agreement concerning outer space activities until such report is submitted.

"(e) COVERED CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term 'covered congressional

1 committees' means the Committee on Armed Services and
2 the Permanent Select Committee on Intelligence of the
3 House of Representatives and the Committee on Armed
4 Services and the Select Committee on Intelligence of the
5 Senate.''.

6 (2) CLERICAL AMENDMENT.—The table of sec-
7 tions at the beginning of chapter 135 of title 10,
8 United States Code, is amended by adding at the
9 end the following new item:

''2275. Report on foreign counter-space programs.''.

10 **SEC. 914. ASSESSMENT OF FOREIGN COMPONENTS AND**
11 **THE SPACE LAUNCH CAPABILITY OF THE**
12 **UNITED STATES.**

13 (a) ASSESSMENT.—The Secretary of the Air Force
14 shall enter into an agreement with a federally funded re-
15 search and development center to conduct an independent
16 assessment of the national security implications of con-
17 tinuing to use foreign component and propulsion systems
18 for the launch vehicles under the evolved expendable
19 launch vehicle program.

20 (b) REPORT.—Not later than 180 days after the date
21 of the enactment of this Act, the federally funded research
22 and development center shall submit to the congressional
23 defense committees a report on the assessment conducted
24 under subsection (a).

SEC. 915. 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 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.

SEC. 916. COMMERCIAL SPACE LAUNCH COOPERATION.

(a) IN GENERAL.—Chapter 135 of title 10, United States Code, is 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 Depart-

ment 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 is amended by adding at the end the following new item:

"2276. Commercial space launch cooperation.".

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—

(1) by striking ''The Director'' and inserting ''(1) Subject to paragraph (2), the Director'';

(2) 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''; and

(3) by adding at the end the following new paragraph:

''(2) In each case in which the Director of the National Geospatial-Intelligence Agency provides imagery intelligence or geospatial information support to a regional organization or security alliance under paragraph (1), the Director shall—

''(A) ensure that such intelligence and such support are not provided by such regional organization or such security alliance to any other person or entity;

"(B) notify the congressional defense committees, the Permanent Select Committee on Intelligence of the House of Representatives, and the Select Committee on Intelligence of the Senate, that the Director has provided such intelligence or such support; and

"(C) coordinate the provision of such intelligence and such support with the commander of the appropriate combatant command.".

(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.".

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.''.

Subtitle D—Total Force Management

SEC. 931. LIMITATION ON CERTAIN FUNDING UNTIL CERTIFICATION THAT INVENTORY OF CONTRACTS FOR SERVICES HAS BEGUN.

(a) LIMITATION ON FUNDING FOR CERTAIN OFFICES.—Of the funds authorized to be appropriated for

fiscal year 2013 as specified in the funding table in section 4301, not more than 80 percent of the funds authorized for the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics; the Office of the Assistant Secretary of the Navy for Research, Development, and Acquisition; and the Office of the Assistant Secretary of the Air Force for Acquisition may be obligated or expended until the certification described in subsection (c) is submitted.

(b) LIMITATION ON FUNDING FOR OTHER CONTRACTS.—Of the funds authorized for other contracts or other services to be appropriated for fiscal year 2013 as specified in the funding table in section 4301, not more than 80 percent of the funds authorized for the Office of the Secretary of Defense, the Department of the Navy, and the Department of the Air Force may be obligated or expended until the certification described in subsection (c) is submitted.

(c) CERTIFICATION.—The certification described in this subsection is a certification in writing submitted to the congressional defense committees and made by the Secretary of Defense that the collection of data for purposes of meeting the requirements of section 2330a of title 10, United States Code, has begun.

(d) DEFINITION.—In this section, the term ''other contracts or other services'' means funding described in line 0989 within Exhibit OP–32 of the justification materials accompanying the President's budget request for fiscal year 2013.

SEC. 932. REQUIREMENT TO ENSURE SUFFICIENT LEVELS OF GOVERNMENT MANAGEMENT, CONTROL, AND OVERSIGHT OF FUNCTIONS CLOSELY ASSOCIATED WITH INHERENTLY GOVERNMENTAL FUNCTIONS.

Section 129a of title 10, United States Code, is amended—

(1) in subparagraph (B) of subsection (f)(3), by inserting after ''Government'' the following: ''management, control, and''; and

(2) by adding at the end the following new subsection:

''(g) REQUIREMENT FOR MANAGEMENT, CONTROL, AND OVERSIGHT OR APPROPRIATE CORRECTIVE ACTIONS.—For purposes of subsection (f)(3)(B), if insufficient levels of Government management, control, and oversight are found, the Secretary of the military department or head of the Defense agency responsible shall provide such management, control, and oversight or take appropriate corrective actions, including potential conversion to

Government performance, consistent with this section and sections 129 and 2463 of this title.''.

SEC. 933. SPECIAL MANAGEMENT ATTENTION REQUIRED FOR CERTAIN FUNCTIONS IDENTIFIED IN INVENTORY OF CONTRACTS FOR SERVICES.

Subparagraph (C) of section 2330a(e)(2) of title 10, United States Code, is amended to read as follows:

''(C) special management attention is being given to functions identified in the inventory as being closely associated with inherently governmental functions; and''.

Subtitle E—Cyberspace-Related Matters

SEC. 941. MILITARY ACTIVITIES IN CYBERSPACE.

Section 954 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1551) is amended to read as follows:

''SEC. 954. MILITARY ACTIVITIES IN CYBERSPACE.

''(a) AFFIRMATION.—Congress affirms that the Secretary of Defense is authorized to conduct military activities in cyberspace.

''(b) AUTHORITY DESCRIBED.—The authority referred to in subsection (a) includes the authority to carry out a clandestine operation in cyberspace—

"(1) in support of a military operation pursuant to the Authorization for Use of Military Force (50 U.S.C. 1541 note; Public Law 107–40) against a target located outside of the United States; or

"(2) to defend against a cyber attack against an asset of the Department of Defense.

"(c) RULE OF CONSTRUCTION REGARDING AUTHORITY IN CYBERSPACE.—Nothing in this section shall be construed to limit the authority of the Secretary of Defense to conduct military activities in cyberspace.

"(d) RULE OF CONSTRUCTION REGARDING COVERT ACTIONS.—Nothing in this section shall be construed to authorize a covert action (as defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e))) or modify the requirements of section 503 of such Act (50 U.S.C. 413b).

"(e) CONGRESSIONAL NOTIFICATION.—Consistent with, and in addition to, any other reporting requirements under law, the Secretary of Defense shall ensure that the congressional intelligence committees (as defined in section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7))) are kept fully and currently informed of any intelligence or intelligence-related activities undertaken in support of military activities in cyberspace.".

SEC. 942. 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.''.

Subtitle F—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 to ensure that such trade-offs are made in the acquisition of materiel and equipment to meet military requirements in a manner that best supports the strategic and contingency plans required by subsection (a).".

(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 in the acquisition of materiel and equipment to meet military requirements"; and

(2) in paragraph (3), by striking ''such resource level'' and inserting ''the total cost of such resources''.

(c) AMENDMENTS RELATED 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 ''and certification 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 to ensure acquisition programs to equip the armed force concerned deliver best value.

''(4) Termination of development or procurement programs that fail to meet life-cycle cost, schedule, and performance objectives.''.

SEC. 952. 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 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 serv-

ice 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)(B) 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 towards 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; and

"(B) 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.''.

SEC. 953. ANNUAL BRIEFING TO CONGRESSIONAL DEFENSE COMMITTEES ON CERTAIN WRITTEN POLICY GUIDANCE.

Section 113(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

''(3) The Secretary of Defense shall provide an annual briefing to the congressional defense committees on the written policy guidance provided under paragraphs (1) and (2).''.

SEC. 954. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE REIMBURSEMENT OF COSTS OF ACTIVITIES FOR NONGOVERNMENTAL PERSONNEL AT DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) EXTENSION.—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''.

(b) ASSESSMENT REQUIRED.—The Comptroller General of the United States shall 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 or the extent to which there are similar or duplicative efforts within the Department of Defense or the Department of State;

(3) the measures of effectiveness and impact indicators each Regional Center uses to internally evaluate its programs;

(4) the oversight mechanisms within the Department of Defense with respect to the Regional Centers; and

(5) the costs and benefits to the Department of Defense of waiving reimbursement costs for personnel of nongovernmental organizations and international organizations to participate in activities of the Centers on an ongoing basis.

(c) REPORT.—Not later than March 1, 2013, the Comptroller General shall submit to the Committees on Armed Services and on Foreign Relations of the Senate

and the Committees on Armed Services and on Foreign Affairs of the House of Representatives a report on the assessment required by subsection (b).

SEC. 955. 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 shall 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 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.—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 deter-

1 mined by the Secretary under paragraph (9) of section
2 803(d).

3 "(c) MEMBERSHIP.—To be eligible for membership
4 in the Corps, a person must be a citizen of the United
5 States authorized by law to be employed in the United
6 States, have attained the age of 18 years, and possess
7 such foreign language skills as the Secretary considers ap-
8 propriate for membership in the Corps. Members of the
9 Corps may include employees of the Federal Government
10 and of State and local governments.

11 "(d) TRAINING.—The Secretary may provide mem-
12 bers of the Corps such training as the Secretary prescribes
13 for purposes of this section.

14 "(e) SERVICE.—Upon a determination that it is in
15 the national interests of the United States, the Secretary
16 shall call upon members of the Corps to provide foreign
17 language services to the Department of Defense or an-
18 other department or agency of the United States.

19 "(f) FUNDING.—The Secretary may impose fees, in
20 amounts up to full-cost recovery, for language services and
21 technical assistance rendered by members of the Corps.
22 Amounts of fees received under this section shall be cred-
23 ited to the account of the Department providing funds for
24 any costs incurred by the Department in connection with
25 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.

"(g) USERRA APPLICABILITY.—For purposes of the applicability of chapter 43 of title 38, United States Code, to a member of the Corps—

"(1) a period of active service in the Corps shall be deemed to be service in the uniformed services; and

"(2) the Corps shall be deemed to be a uniformed service.".

(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) identifying and assessing on a periodic basis the needs of the departments and agencies of the Federal Government for personnel with skills in various foreign languages;

"(B) establishing plans 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;

"(D) coordinating activities with Executive agencies and State and Local governments to develop 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; and

"(E) proposing to the Secretary regulations to carry out section 813.".

TITLE X—GENERAL PROVISIONS

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 $3,500,000,000.

(3) EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.—A transfer of funds between military personnel authoriza-

tions 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 purpose 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, submitted for printing in the Congressional Record

by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this Act.

SEC. 1003. ANNUAL REPORT ON ARMED FORCES UNFUNDED PRIORITIES.

(a) REPORT REQUIRED.—Not later than 30 days after the date on which the budget for a fiscal year is submitted to Congress pursuant to section 1105 of title 31, United States Code, each member of the Joint Chiefs of Staff specified in subsection (b) and the Commander of the United States Special Operations Command shall submit to the congressional defense committees a report containing a list of the unfunded priorities for the Armed Force under the jurisdiction of that member or commander.

(b) COVERED MILITARY SERVICE CHIEFS.—The reports required by subsection (a) shall be submitted by the Chief of Staff of the Army, the Chief of Naval Operations, the Chief of Staff of the Air Force, the Commandant of the Marine Corps, and the Chief of the National Guard Bureau.

(c) UNFUNDED PRIORITIES DEFINED.—In this section, the term ''unfunded priorities'', with respect to a report required by subsection (a) for a fiscal year, means a program or mission requirement that—

(1) has not been selected for funding in the proposed budget for the fiscal year;

(2) is necessary to fulfill a requirement associated with a combatant commander operational or contingency plan or other validated global force requirement; and

(3) the officer submitting the report would have recommended for inclusion in the proposed budget for the fiscal year had additional resources been available or had the requirement emerged before the budget was submitted.

Subtitle B—Counter-Drug Activities

SEC. 1011. EXTENSION OF THE AUTHORITY OF THE CHIEF OF THE NATIONAL GUARD BUREAU 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 redesignating subsection (g) as subsection (f); and

(3) in subsection (f)(1), as so redesignated, by striking ''fiscal years 2006 through 2010'' and inserting ''fiscal years 2013 through 2017''.

SEC. 1012. REPORTING REQUIREMENT ON EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.

Section 1022(a) 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–255), as most recently amended by the section 1008 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1558), is further amended by striking ''February 15, 2012'' and inserting ''February 15, 2013''.

SEC. 1013. 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. 1014. 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. 1015. SENSE OF CONGRESS REGARDING THE COUNTERDRUG TETHERED AEROSTAT RADAR SYSTEM PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Since 1992, the Air Force has administered the Counterdrug Tethered Aerostat Radar System (TARS) program, which contributes to deterring and detecting smugglers moving illicit drugs into the United States.

(2) There are eight current tethered aerostat systems, located at Yuma, Arizona, Fort Huachuca, Arizona, Deming, New Mexico, Marfa, Texas, Eagle Pass, Texas, Rio Grande City, Texas, Cudjoe Key, Florida, and Lajas, Puerto Rico.

(3) Primary customers of the surveillance data from the TARS program are the Department of Homeland Security, the United States Northern Command, the United States Southern Command, and the North American Aerospace Defense Command.

(4) In the past two years, the radars in two of the eight tethered aerostat systems have been destroyed in strong weather conditions, namely the radar at Lajas, Puerto Rico, which was destroyed in April 2011, and the radar at Marfa, Texas, which was destroyed in February 2012.

(5) The Air Force has indicated that it does not have sufficient spare parts in its inventory to replace either of these two radars or the funding necessary to purchase any new radars. As a result, there are no current plans to resume operations at Lajas, Puerto Rico or Marfa, Texas.

(6) The loss of these two tethered aerostats systems substantially degrades counterdrug capabilities

in the Caribbean corridor and along the Southwest border.

(7) The loss of the tethered aerostat system in Lajas, Puerto Rico, is particularly detrimental to the national counterdrug mission. In Section 1023 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163), Congress found that—

(A) ''Drug traffickers use the Caribbean corridor to smuggle narcotics to the United States via Puerto Rico and the Dominican Republic. This route is ideal for drug trafficking because of its geographic expanse, numerous law enforcement jurisdictions, and fragmented investigative efforts.''; and

(B) ''The tethered aerostat system in Lajas, Puerto Rico, contributes to deterring and detecting smugglers moving illicit drugs into Puerto Rico. The aerostat's range and operational capabilities allow it to provide surveillance coverage of the eastern Caribbean corridor and the strategic waterway between Puerto Rico and the Dominican Republic, known as the Mona Passage.''.

(8) In such section 1023, Congress expressed that ''Congress and the Department of Defense

should fund the Counter-Drug Tethered Aerostat program.''.

(9) In recent years, Puerto Rico and the United States Virgin Islands have been increasingly impacted by the drug trade and related violence. Both jurisdictions have homicide rates that are roughly six times the national average and about three times higher than any State, and many of these homicides are linked to the drug trade.

(10) The Department of Defense has raised questions as to whether it should continue to administer the TARS program or, alternatively, whether responsibility for this program should be vested in the Department of Homeland Security.

(b) SENSE OF CONGRESS.—In light of the findings under subsection (a), it is the sense of Congress that—

(1) irrespective of whether the Department of Defense continues to be responsible for the Counterdrug Tethered Aerostat Radar System (TARS) program or such responsibility is assigned to another agency, Congress and the responsible agency should fund the TARS program; and

(2) Congress and the responsible agency should take all appropriate steps to ensure that the eight current tethered aerostat systems are fully func-

tional and, in particular, to ensure that the TARS program is providing coverage to protect jurisdictions of the United States in the Caribbean region, as well as jurisdictions of the United States along the United States-Mexico border and in the Florida Straits.

Subtitle C—Naval Vessels and Shipyards

SEC. 1021. POLICY RELATING TO MAJOR COMBATANT VESSELS OF THE STRIKE FORCES OF THE UNITED STATES NAVY.

Section 1012 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 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. 1022. 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)(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 ''231(e)(2)'' and inserting ''section 231(f)(2)''.

Subtitle D—Counterterrorism

SEC. 1031. FINDINGS ON DETENTION PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE ENACTED IN 2001.

Congress finds the following:

(1) In 2001, Congress passed, and the President signed, the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) (hereinafter referred to as the ''AUMF''), which authorized the President to ''use all necessary and appropriate force'' against those responsible for the attacks of September 11, 2001, and those who harbored them ''in order to prevent any future acts of international terrorism against the United States''.

(2) In 2004, the Supreme Court held in Hamdi v. Rumsfeld that the AUMF authorized the President to detain individuals, including a United States citizen captured in Afghanistan and later detained in the United States, legitimately determined to be ''engaged in armed conflict against the United States'' until the end of hostilities, noting that ''[W]e understand Congress' grant of authority for the use of 'necessary and appropriate force' to include the authority to detain for the duration of the

relevant conflict, and our understanding is based on longstanding law-of-war principles''.

(3) The Court reaffirmed the long-standing principle of American law that a United States citizen may not be detained in the United States pursuant to the AUMF without due process of law, stating the following:

(A) ''Striking the proper constitutional balance here is of great importance to the Nation during this period of ongoing combat. But it is equally vital that our calculus not give short shrift to the values that this country holds dear or to the privilege that is American citizenship.''.

(B) ''It is during our most challenging and uncertain moments that our Nation's commitment to due process is most severely tested; and it is in those times that we must preserve our commitment at home to the principles for which we fight abroad.''.

(C) ''[A] state of war is not a blank check for the President when it comes to the rights of the Nation's citizens.''.

(D) ''[A]bsent suspension, the writ of habeas corpus remains available to every individual detained within the United States.''.

(E) ''All agree suspension of the writ has not occurred here.''.

(F) ''[A]n enemy combatant must receive notice of the factual basis for his classification, and a fair opportunity to rebut the Government's factual assertions before a neutral decisionmaker.''.

(G) ''Whatever power the United States Constitution envisions for the Executive in its exchanges with other nations or with enemy organizations in times of conflict, it most assuredly envisions a role for all three branches when individual liberties are at stake.''.

(H) ''[U]nless Congress acts to suspend it, the Great Writ of habeas corpus allows the Judicial Branch to play a necessary role in maintaining this delicate balance of governance, serving as an important judicial check on the Executive's discretion in the realm of detentions.''.

(I) ''We reaffirm today the fundamental nature of a citizen's right to be free from invol-

untary confinement by his own government without due process of law, and we weigh the opposing governmental interests against the curtailment of liberty that such confinement entails.''.

(4) In 2008, in Boumediene v. Bush, the Supreme Court also extended the constitutional right to habeas corpus to the foreign detainees held pursuant to the AUMF at the United States Naval Station, Guantanamo Bay, Cuba.

(5) Chapter 47A of title 10, United States Code, as originally enacted by the Military Commissions Act of 2006 (Public Law 109–366), only allows for prosecution of foreign terrorists by military commission.

(6) In 2011, with the enactment of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81), Congress and the President affirmed the authority of the Armed Forces of the United States to detain pursuant to the AUMF a person who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored those responsible for those attacks, or a person who was a part of or substantially supported al-Qaeda, the Taliban, or associ-

ated forces that are engaged in hostilities against the United States or its coalition partners, including any person who has committed a belligerent act or has directly supported such hostilities in aid of such enemy forces.

(7) The interpretation of the detention authority provided by the AUMF under the National Defense Authorization Act for Fiscal Year 2012 is the same as the interpretation used by the Obama administration in its legal filings in Federal court and is nearly identical to the interpretation used by the Bush administration. This interpretation has also been upheld by the United States Court of Appeals for the District of Columbia Circuit.

(8) Such Act also requires the Secretary of Defense to regularly brief Congress regarding the application of the detention authority provided by the AUMF.

(9) Section 1021 of such Act states that ''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.''.

SEC. 1032. FINDINGS REGARDING HABEAS CORPUS RIGHTS.

Congress finds the following:

(1) Article 1, section 9 of the Constitution states ''The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.''.

(2) Regarding the Great Writ, the Supreme Court has noted ''The writ of habeas corpus is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action.''.

SEC. 1033. RIGHTS UNAFFECTED.

(a) RULE OF CONSTRUCTION.—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 for any person who is lawfully in the United States when detained pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) and who is otherwise entitled to the availability of such writ or such rights.

(b) NOTIFICATION OF DETENTION OF PERSONS UNDER AUTHORIZATION FOR USE OF MILITARY

FORCE.—Not later than 48 hours after the date on which a person who is lawfully in the United States is detained pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note), the President shall notify Congress of the detention of such person.

(c) HABEAS APPLICATIONS.—A person who is lawfully in the United States when detained pursuant to the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note) shall be allowed to file an application for habeas corpus relief in an appropriate district court not later than 30 days after the date on which such person is placed in military custody.

SEC. 1034. 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. 1035. 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.

(a) PROHIBITION ON TRAVEL TO THE UNITED STATES.—Notwithstanding any provision of the applicable Compact of Free Association described in subsection (c), an individual described in subsection (b) who has been repatriated to the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau may not be afforded the rights and benefits put forth in section 141 of such applicable Compact of Free Association.

(b) INDIVIDUAL DESCRIBED.—An individual described in this subsection is an individual who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is or was located at United States Naval Station, Guantanamo Bay, Cuba, on or after September 11, 2001, while—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

(c) APPLICABLE COMPACT OF FREE ASSOCIATION.—The applicable Compact of Free Association described in this subsection is—

(1) with respect to an individual repatriated to the Federal States of Micronesia, the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Federated States of Micronesia as set forth in section 201(a) of the Compact of Free Association Amendments Act of 2003 (Public Law 108–188; 48 U.S.C. 1921 note);

(2) with respect to an individual repatriated to the Republic of the Marshall Islands, the Compact of Free Association, as amended, between the Government of the United States of America and the Government of the Republic of the Marshall Islands as set forth in section 201(b) of the Compact of

Free Association Amendments Act of 2003 (Public Law 108–188; 48 U.S.C. 1921 note); and

(3) with respect to an individual repatriated to the Republic of Palau, the Compact of Free Association between the Government of the United States of America and the Government of Palau as set forth in section 201 of the joint resolution entitled ''A Joint Resolution to approve the 'Compact of Free Association' between the United States and the Government of Palau, and for other purposes'', approved November 14, 1986 (Public Law 99–658; 48 U.S.C. 1931 note).

SEC. 1036. 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. 1037. 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 indi-

vidual 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 De-

partment 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 subsection (c) and, with the concur-

rence 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; and

(ii) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), an explanation why it is not possible to certify that the risks addressed in the subparagraph to be waived have been completely eliminated.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the subparagraph or subsection to be waived.

(D) The assessment required by subsection (b)(2).

(e) 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 Sec-

retary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 1038. 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 1037(e)(2).

SEC. 1039. REPORTS ON RECIDIVISM OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, THAT HAVE BEEN TRANSFERRED TO FOREIGN COUNTRIES.

(a) REPORT ON FACTORS CAUSING OR CONTRIBUTING TO RECIDIVISM.—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 that are transferred or released to a foreign country, including a discussion of trends, by country and region, where recidivism has occurred.

(b) REPORT ON EFFECTIVENESS OF INTERNATIONAL AGREEMENTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, with the concurrence of the Secretary of Defense, shall submit to the covered congressional committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate a report assessing the effectiveness of international agreements relating to the transfer or release of individuals detained at Guantanamo between the United States and

each foreign country to which an individual detained at Guantanamo has been transferred or released.

(c) FORM.—The reports required under subsections (a) and (b) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) COVERED CONGRESSIONAL COMMITTEES.—The term ''covered congressional committees'' means—

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

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

(2) INDIVIDUAL DETAINED AT GUANTANAMO.—The term ''individual detained at Guantanamo'' means any individual that 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) is or 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. 1040. 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 5 days after first detaining an individual who is captured pursuant to the Authorization for Use of Military Force 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.

(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 captured 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 the naval vessel; 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) shall be submitted in unclassified form but may contain a classified annex.

SEC. 1041. 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) ADDITIONAL ASSESSMENTS AND CERTIFICATIONS.—As part of the notice required under subsection (a), the Secretary shall include the following:

(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, a certification that an assessment has been conducted regarding the capacity, willingness, and historical track record of the country with respect to prosecuting similar cases, including a description of the evidence against the individual that is likely to be admissible as part of the prosecution.

(3) In the case of the proposed transfer of such an individual for reintegration or rehabilitation in a

country other than Afghanistan, a certification that an assessment has been conducted 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, a certification that an assessment has been conducted 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. 1042. REPORT ON RECIDIVISM OF INDIVIDUALS FORMERLY DETAINED AT THE DETENTION FACILITY AT PARWAN, AFGHANISTAN.

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the relevant congressional committees a report that—

(1) assesses recidivism rates and the factors that cause or contribute to the recidivism of individuals formerly detained at the Detention Facility at Parwan, Afghanistan, who are transferred or released, with particular emphasis on individuals transferred or released in connection with reconciliation efforts or peace negotiations; and

(2) includes a general rationale of the Commander, International Security Assistance Force, as to why such individuals were released.

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

(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. 1043. ADDITIONAL REQUIREMENTS RELATING TO THE TRANSFER OF INDIVIDUALS DETAINED AT GUANTANAMO TO FOREIGN COUNTRIES AND OTHER FOREIGN ENTITIES.

Section 1028 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) is amended—

(1) in subsection (a)(1)—

(A) by striking ''the certification described in subsection (b) not later than 30 days before the transfer of the individual'' and inserting ''by not later than 90 days before the transfer each of the following;''; and

(B) by adding at the end the following new subparagraphs:

''(A) The certification described in subsection (b).

''(B) An assessment of the likelihood that the individual to be transferred will engage in terrorist activity after the transfer takes place.

''(C) A detailed summary, in classified or unclassified form, of the individual's history of associations with foreign terrorist organizations and the individual's record of cooperation while in the custody of or under the effective control of the Department of Defense.''; and

(2) in subsection (d)(2)—

(A) by striking ''30 days'' and inserting ''90 days''; and

(B) by adding at the end the following new subparagraphs:

''(E) An assessment of the likelihood that the individual to be transferred will engage in terrorist activity after the transfer takes place.

''(F) A detailed summary, in classified or unclassified form, of the individual's history of associations with foreign terrorist organizations and the individual's record of cooperation while in the custody of or under the effective control of the Department of Defense.''.

Subtitle E—Nuclear Forces

SEC. 1051. NUCLEAR WEAPONS EMPLOYMENT STRATEGY OF THE UNITED STATES.

(a) SENSE OF CONGRESS.—Subsection (a) of section 1046 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1579) is amended to read as follows:

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

''(1) any future modification to the nuclear weapons employment strategy, plans, and options of

the United States should maintain or enhance the ability of the nuclear forces of the United States to support the goals of the United States with respect to nuclear deterrence, extended deterrence, and assurances for allies, and the defense of the United States; and

''(2) the oversight responsibility of Congress includes oversight of the nuclear weapons employment strategy, plans, and options of the United States and that therefore the Chairmen and Ranking Members of the Committees on Armed Services of the Senate and House of Representatives, and such professional staff as they designate, should have access to the nuclear weapons employment strategy, plans, and options of the United States.''.

(b) REPORTS ON STRATEGY.—Section 491 of title 10, United States Code, is—

(1) transferred to chapter 24 of such title, as added by subsection (c)(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 nonnuclear 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 subsection:

''(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) 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:

1 **"CHAPTER 24—NUCLEAR POSTURE**

"Sec.
"491. Nuclear weapons employment strategy of the United States: modification of strategy.".

2 (2) TABLE OF CHAPTERS.—The table of chap-
3 ters at the beginning of subtitle A of title 10, United
4 States Code, and at the beginning of part I of such
5 subtitle, are each amended by inserting after the
6 item relating to chapter 23 the following new item:

"24. Nuclear posture ..... 491".

7 (3) TRANSFER OF PROVISIONS.—
8 (A) CHAPTER 23.—Chapter 23 of title 10,
9 United States Code, is amended as follows:
10 (i) Section 490a is—
11 (I) transferred to chapter 24 of
12 such title, as added by paragraph (1);
13 (II) inserted after section 491 of
14 such title, as added to such chapter
15 24 by subsection (b)(1); and
16 (III) redesignated as section 492.
17 (ii) The table of sections at the begin-
18 ning of such chapter 23 is amended by
19 striking the items relating to sections 490a
20 and 491.
21 (B) FY12 NDAA.—Section 1077 of the Na-
22 tional 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,''.

(C) CHAPTER 24.—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.''.

(4) CONFORMING AMENDMENT.—Section 1041(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. 1052. COMMITMENTS FOR NUCLEAR WEAPONS STOCKPILE MODERNIZATION.

(a) FINDINGS.—Congress finds the following:

(1) In 2008, then Secretary of Defense Robert Gates warned that ''to be blunt, there is absolutely no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without either resorting to testing our stockpile or pursuing a modernization program.''.

(2) Secretary Gates also warned in September 2009 that modernization is a prerequisite to nuclear force reductions, stating that modernizing the nuclear capability of the United States is an ''enabler of arms control and our ability to reduce the size of our nuclear stockpile. When we have more confidence in the long-term viability of our weapons systems, then our ability to reduce the number of weapons we must keep in the stockpile is enhanced.''.

(3) President Obama's 2010 Nuclear Posture Review stated that—

(A) ''In order to sustain a safe, secure, and effective United States nuclear stockpile as long as nuclear weapons exist, the United States must possess a modern physical infrastructure—comprised of the national security

laboratories and a complex of supporting facilities.''; and

(B) ''[I]mplementation of the Stockpile Stewardship Program and the nuclear infrastructure investments recommended in the NPR will allow the United States to shift away from retaining large numbers of non-deployed warheads as a hedge against technical or geopolitical surprise, allowing major reductions in the nuclear stockpile. These investments are essential to facilitating reductions while sustaining deterrence under New START and beyond.''.

(4) Section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549) required the President to submit a report to Congress on the plan for the nuclear weapons stockpile, nuclear weapons complex, and delivery platforms at the time a follow-on treaty to the Strategic Arms Reduction Treaty was submitted by the President to the Senate. The President submitted such report in May 2010 and submitted updates in November 2010 and February 2011.

(5) Such section 1251 also contained a sense of Congress that ''the enhanced safety, security, and reliability of the nuclear weapons stockpile, modernization of the nuclear weapons complex, and maintenance of nuclear delivery systems are key to enabling further reductions in the nuclear forces of the United States.''.

(6) Forty-one Senators wrote to President Obama on December 15, 2009, stating, ''we don't believe further reductions can be in the national security interest of the United States in the absence of a significant program to modernize our nuclear deterrent.''.

(7) Former Secretary of Defense and Secretary of Energy James Schlesinger stated, while testifying before the Committee on Foreign Relations of the Senate in April 2010, ''I believe that it is immensely important for the Senate to ensure, what the Administration has stated as its intent, i.e., that there be a robust plan with a continuation of its support over the full 10 years, before it proceeds to ratify this START follow-on treaty.''.

(8) Former Secretary of State James Baker stated in testimony before the Committee on Foreign Relations of the Senate in May 2010 that ''because

our security is based upon the safety and reliability of our nuclear weapons, it is important that our Government budget enough money to guarantee that those weapons can carry out their mission.''.

(9) Former Secretary of State Henry Kissinger also stated in May 2010 while testifying before the Committee on Foreign Relations of the Senate that ''as part of a number of recommendations, my colleagues, Bill Perry, George Shultz, Sam Nunn, and I have called for significant investments in a repaired and modernized nuclear weapons infrastructure and added resources for the three national laboratories.''.

(10) Then Secretary of Defense Robert Gates, while testifying before the Committee on Armed Services of the Senate in June 2010, stated, ''I see this treaty as a vehicle to finally be able to get what we need in the way of modernization that we have been unable to get otherwise * * *. We are essentially the only nuclear power in the world that is not carrying out these kinds of modernization programs.''.

(11) Secretary Gates further stated that ''I've been up here for the last four springs trying to get money for this and this is the first time I think I've

1 got a fair shot of actually getting money for our nu-
2 clear arsenal.''.

3 (12) The Directors of the national nuclear
4 weapons laboratories wrote to the chairman and
5 ranking member of the Committee on Foreign Rela-
6 tions of the Senate in December 2010 that ''We are
7 very pleased by the update to the Section 1251 Re-
8 port, as it would enable the laboratories to execute
9 our requirements for ensuring a safe, secure, reliable
10 and effective stockpile under the Stockpile Steward-
11 ship and Management Plan. In particular, we are
12 pleased because it clearly responds to many of the
13 concerns that we and others have voiced in the past
14 about potential future-year funding shortfalls, and it
15 substantially reduces risks to the overall program. In
16 summary, we believe that the proposed budgets pro-
17 vide adequate support to sustain the safety, security,
18 reliability and effectiveness of America's nuclear de-
19 terrent within the limit of 1,550 deployed strategic
20 warheads established by the New START Treaty
21 with adequate confidence and acceptable risk.''.

22 (13) President Obama pledged, in a December
23 2010 letter to several Senators, ''I recognize that
24 nuclear modernization requires investment for the
25 long-term * * *. That is my commitment to the Con-

gress—that my Administration will pursue these programs and capabilities for as long as I am President.''.

(14) Secretary Gates added in May 2011 that, ''this modernization program was very carefully worked out between ourselves and the Department of Energy; and, frankly, where we came out on that played a fairly significant role in the willingness of the Senate to ratify the New START agreement.''.

(15) The Administrator for Nuclear Security, Thomas D'Agostino, testified before Congress in November 2011 that, ''it is critical to accept the linkage between modernizing our current stockpile in order to achieve the policy objective of decreasing the number of weapons we have in our stockpile, while still ensuring that the deterrent is safe, secure, and effective.''.

(b) NEW START TREATY DEFINED.—In this subtitle, 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. 1053. LIMITATION AND 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, 2011, 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, at a minimum at 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 AND LIMITATION.—

(1) IN GENERAL.—Paragraph (2) of section 1045(a) of the National Defense Authorization Act for Fiscal Year 2012 (50 U.S.C. 2523b) is amended 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 submit

to the appropriate congressional committees, within 60 days of making such a determination, a report detailing—

"(i) a plan to remedy 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; and

"(iv) whether and why, in light of the shortfall, remaining a party to the New START Treaty is in the national interest of the United States.

"(B) LIMITATION.—If the President submits a report under subparagraph (A), none of the funds made available for fiscal year 2012 or

any fiscal year thereafter for the Department of Defense or the National Nuclear Security Administration may be used to reduce the number of deployed nuclear warheads until—

"(i) after the date on which such report is submitted, the President certifies in writing to the appropriate congressional committees that the resource shortfall identified in such report has been addressed; and

"(ii) a period of 120 days has elapsed following the date on which such certification is made.

"(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) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2012.

SEC. 1054. PROGRESS OF MODERNIZATION.

(a) FINDINGS.—Congress finds the following:

(1) In 2008, then Secretary of Defense Robert Gates warned that "to be blunt, there is absolutely no way we can maintain a credible deterrent and reduce the number of weapons in our stockpile without

either resorting to testing our stockpile or pursuing a modernization program.''.

(2) The 2010 Nuclear Posture Review stated that ''the President has directed a review of post-New START arms control objectives, to consider future reductions in nuclear weapons. Several factors will influence the magnitude and pace of future reductions in United States nuclear forces below New START levels'', including—

(A) ''First, any future nuclear reductions must continue to strengthen deterrence of potential regional adversaries, strategic stability vis-à-vis Russia and China, and assurance of our allies and partners. This will require an updated assessment of deterrence requirements; further improvements in United States, allied, and partner non-nuclear capabilities; focused reductions in strategic and non-strategic weapons; and close consultations with allies and partners. The United States will continue to ensure that, in the calculations of any potential opponent, the perceived gains of attacking the United States or its allies and partners would be far outweighed by the unacceptable costs of the response.'';

(B) ''Second, implementation of the Stockpile Stewardship Program and the nuclear infrastructure investments recommended in the NPR will allow the United States to shift away from retaining large numbers of non-deployed warheads as a hedge against technical or geopolitical surprise, allowing major reductions in the nuclear stockpile. These investments are essential to facilitating reductions while sustaining deterrence under New START and beyond.''; and

(C) ''Third, Russia's nuclear force will remain a significant factor in determining how much and how fast we are prepared to reduce United States forces. Because of our improved relations, the need for strict numerical parity between the two countries is no longer as compelling as it was during the Cold War. But large disparities in nuclear capabilities could raise concerns on both sides and among United States allies and partners, and may not be conducive to maintaining a stable, long-term strategic relationship, especially as nuclear forces are significantly reduced. Therefore, we will

place importance on Russia joining us as we move to lower levels.''.

(3) The 2010 Nuclear Posture Review also stated that the Administration would ''conduct follow-on analysis to set goals for future nuclear reductions below the levels expected in New START, while strengthening deterrence of potential regional adversaries, strategic stability vis-à-vis Russia and China, and assurance of our allies and partners.''.

(4) The Secretary of Defense has warned in testimony before the Committee on Armed Services of the House of Representatives regarding the sequestration mechanism under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 that ''if this sequester goes into effect and it doubles the number of cuts, then it'll truly devastate our national defense, because it will then require that we have to go at our force structure. We will have to hollow it out * * * [i]t will badly damage our capabilities for the future * * *. And if you have a smaller force, you're not going to be able to be out there responding in as many areas as we do now.''.

(5) The 2010 Nuclear Posture Review also stated that ''by modernizing our aging nuclear facilities

and investing in human capital, we can substantially reduce the number of nuclear weapons we retain as a hedge.''.

(6) The President requested the promised $7,600,000,000 for weapons activities of the National Nuclear Security Administration in fiscal year 2012 but signed an appropriations Act for fiscal year 2012 that provided only $7,233,997,000, a substantial reduction to only the second year of the ten-year plan under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549).

(7) The President requested only $7,577,341,000 for weapons activities of the National Nuclear Security Administration in fiscal year 2013 while the President's section 1251 plan promised $7,900,000,000.

(8) The President's section 1251 plan further promised to request $8,400,000,000 in fiscal year 2014, $8,700,000,000 in fiscal year 2015, $8,900,000,000 in fiscal year 2016, at least $8,900,000,000 in fiscal year 2017, at least $9,200,000,000 in fiscal year 2018, at least $9,400,000,000 in fiscal year 2019, at least

$9,400,000,000 in fiscal year 2020, and at least $9,500,000,000 in fiscal year 2021.

(9) While the administration has not yet shared with Congress the terms of reference of the so-called Nuclear Posture Review Implementation Study, or the Department of Defense's instructions for that review, the only publicly available statements by the administration, including language from the Nuclear Posture Review, suggest the review was specifically instructed by the President and his senior political appointees to only consider reductions to the nuclear forces of the United States.

(10) When asked at a hearing if the New START Treaty allowed the United States ''to maintain a nuclear arsenal that is more than is needed to guarantee an adequate deterrent,'' then Commander of the United States Strategic Command, General Kevin P. Chilton said, ''I do not agree that it is more than is needed. I think the arsenal that we have is exactly what is needed today to provide the deterrent.''.

(b) NUCLEAR EMPLOYMENT STRATEGY.—Section 491 of title 10, United States Code, as amended by section 1051, is amended by adding after subsection (b) the following:

"(c) LIMITATION.—With respect to a new nuclear weapons employment strategy described in a report submitted to Congress under subsection (a), none of the funds made available for fiscal year 2012 or any fiscal year thereafter for the Department of Defense may be used to implement such strategy until a period of one year has elapsed following the date on which such report is submitted to Congress.".

(c) LIMITATION.—During each of fiscal years 2012 through 2021, none of the funds made available for each such fiscal year for the Department of Defense may be used to carry 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 until the date on which the President certifies to the congressional defense committees that—

(1) the President has included the resources necessary to carry out 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; 123 Stat. 2549) in the budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, for such fiscal year;

(2) the resources described in paragraph (1) have been provided to the President in an appropriations Act; and

(3) the sequestration mechanism under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 has been repealed or the sequestration mechanism under such section for the security category has otherwise been terminated.

SEC. 1055. LIMITATION ON STRATEGIC DELIVERY SYSTEM REDUCTIONS.

(a) FINDINGS.—Congress finds the following:

(1) The Nuclear Posture Review of 2010 said, with respect to modernizing the triad, ''for planned reductions under New START, the United States should retain a smaller Triad of SLBMs, ICBMs, and heavy bombers. Retaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities.''.

(2) The Senate stated in Declaration 13 of the Resolution of Advice and Consent to Ratification of the New START Treaty that ''In accordance with paragraph 1 of Article V of the New START Treaty, which states that, 'Subject to the provisions of this Treaty, modernization and replacement of stra-

tegic offensive arms may be carried out,' it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems.''.

(3) The Senate required the President, prior to the entry into force of the New START Treaty, to certify to the Senate that the President intended to modernize or replace the triad of strategic nuclear delivery systems.

(4) The President made this certification in a message to the Senate on February 2, 2011, in which the President stated, ''I intend to (a) modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic missile submarine (SSBN) and SLBM; and (b) maintain the United States rocket motor industrial base.''.

(b) LIMITATION.—

(1) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1051, is amended by adding at the end the following new section:

"§ 494. Strategic delivery system reductions

"(a) ANNUAL CERTIFICATION.—Beginning 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 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 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—

"(A) the nuclear command and control system; and

"(B) the rocket motor industrial base of the United States.

"(b) LIMITATION.—If the President certifies under subsection (a) that plans to modernize or replace strategic delivery systems are not fully resourced or being executed, none of the funds made available for fiscal year 2012 or any fiscal year thereafter for the Department of Defense may be used to reduce, convert, or eliminate strategic delivery systems, whether deployed or nondeployed, pursuant to the New START Treaty or otherwise until a period of 120 days has elapsed following the date on which such certification is made.

"(c) EXCEPTION.—The limitation in subsection (b) shall not apply to—

"(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; or

"(2) strategic delivery systems that are retired or awaiting dismantlement on the date of the certification under subsection (a).

"(d) 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 platform for nuclear weapons.''.

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

''494. Strategic delivery system reductions.''.

SEC. 1056. PREVENTION OF ASYMMETRY OF NUCLEAR WEAPON STOCKPILE REDUCTIONS.

(a) FINDINGS.—Congress finds the following:

(1) Then Secretary of Defense Robert Gates warned in 2008 that, ''There is no way to ignore efforts by rogue states such as North Korea and Iran to develop and deploy nuclear weapons or Russian or Chinese strategic modernization programs. To be sure, we do not consider Russia or China as adversaries, but we cannot ignore these developments and the implications they have for our national security.''.

(2) The 2010 Nuclear Posture Review stated that, ''large disparities in nuclear capabilities could raise concerns on both sides and among United States allies and partners, and may not be conducive to maintaining a stable, long-term strategic relation-

ship, especially as nuclear forces are significantly reduced.''.

(3) The Senate stated in the Resolution of Advice and Consent to Ratification of the New START Treaty that, ''It is the sense of the Senate that, in conducting the reductions mandated by the New START Treaty, the President should regulate reductions in United States strategic offensive arms so that the number of accountable strategic offensive arms under the New START Treaty possessed by the Russian Federation in no case exceeds the comparable number of accountable strategic offensive arms possessed by the United States to such an extent that a strategic imbalance endangers the national security interests of the United States.''.

(4) At a hearing before the Committee on Armed Services of the House of Representatives in 2011, Secretary of Defense Leon Panetta said, with respect to unilateral nuclear reductions by the United States, ''I don't think we ought to do that unilaterally—we ought to do that on the basis of negotiations with the Russians and others to make sure we are all walking the same path.''.

(b) CERTIFICATION.—Section 1045 of the National Defense Authorization Act for Fiscal Year 2012 (50

U.S.C. 2523b) 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 one percent of the number of nuclear weapons in such stockpiles, 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 number of nuclear weapons in the active and inactive stockpiles of the Russian Federation.

"(2) LIMITATION.—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 number of nuclear weapons in the active and inactive stockpiles of the Russian Federation, none of the funds made available for fiscal year 2012 or any fiscal year thereafter for the Department of Defense or the National Nuclear Security Administration may be used

to carry out any reduction to such stockpiles of the United States until—

"(A) after the date on which such certification is made, the President transmits 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 between the total nuclear forces of the United States and the total nuclear forces of the Russian Federation; and

"(B) a period of 180 days has elapsed following the date on which such report is transmitted.

"(3) EXCEPTION.—The limitation 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).".

SEC. 1057. CONSIDERATION OF EXPANSION OF NUCLEAR FORCES OF OTHER COUNTRIES.

(a) FINDINGS.—Congress finds the following:

(1) The Resolution of Advice and Consent to Ratification of the New START Treaty of the Senate said, "It is the sense of the Senate that if, during the time the New START Treaty remains in force, the President determines that there has been an expansion of the strategic arsenal of any country not party to the New START Treaty so as to jeopardize the supreme interests of the United States, then the President should consult on an urgent basis with the Senate to determine whether adherence to the New START Treaty remains in the national interest of the United States.".

(2) In 2011, experts testified before the Committee on Armed Services of the House of Representatives that—

(A) "Russia is modernizing every leg of its nuclear triad with new, more advanced systems", including new ballistic missile submarines, new heavy intercontinental ballistic

missiles carrying up to 15 warheads each, new shorter range ballistic missiles, and new low-yield warheads; and

(B) ''China is steadily increasing the numbers and capabilities of the ballistic missiles it deploys and is upgrading older ICBMs to newer, more advanced systems. China also appears to be actively working to develop a submarine-based nuclear deterrent force, something it has never had * * *. A recent unclassified Department of Defense report says that this network of tunnels could be in excess of 5,000 kilometers and is used to transport nuclear weapons and forces.''.

(b) REPORT AND CERTIFICATION.—

(1) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1051, is amended by adding at the end the following new section:

''§ 495. Consideration of expansion of nuclear forces of other countries

''(a) REPORT AND CERTIFICATION.—During any year in which the President recommends any reductions in the nuclear forces of the United States, none of the funds made available for fiscal year 2012 or any fiscal

year thereafter for the Department of Defense or the National Nuclear Security Administration may be used for such recommended reduction until the date on which—

"(1) the President transmits to the appropriate congressional committees a report detailing, for each country with nuclear weapons—

"(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 491(c) of this title) of such country; and

"(D) the nuclear doctrine of such country; and

"(2) the Commander of the United States Strategic Command certifies 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.".

(2) The table of sections at the beginning of chapter 24 of title 10, United States Code, is amended by inserting after the item relating to section 494 the following new item:

"495. Consideration of expansion of nuclear forces of other countries.".

SEC. 1058. CHEMISTRY AND METALLURGY RESEARCH REPLACEMENT NUCLEAR FACILITY AND URANIUM PROCESSING FACILITY.

(a) FINDINGS.—Congress finds the following:

(1) Administrator for Nuclear Security Thomas D'Agostino testified before the Committee on Armed Services of the House of Representatives in Feb-

ruary 2008 that ''Infrastructure improvements are a major part of the complex transformation plan that we have, and we've made important progress, but we have a lot more to do. Some major facilities that we have date back to World War II and cannot readily meet today's safety and security requirements. Let me give you just two quick examples, if I could. A sufficient capability to work with plutonium is an essential part of a national security enterprise and is required for as long as we retain a nuclear deterrent, and most likely even longer. Currently, we have a very small production capacity at Los Alamos, about 10 pits per year, at our TA–55 area. Our building at Los Alamos, the Chemistry and Metallurgy Research Facility, is well over 50 years old and is insufficient to support the national security requirements for the stockpile and for future national security mission areas. So, whether we continue on our existing path or move towards a replacement modern warhead-type stockpile, we still need the capacity to produce about 50 to 80 pits per year, which is less than one-tenth of our Cold War level, as well as the ability to carry out pit surveillance, which is an essential part of maintaining our stockpile.''.

(2) Then Commander of the United States Strategic Command General Kevin P. Chilton also testified in February 2008 that ''When you have a responsive complex that has the capacity to flex to production as you may need it or adjust your deployed force posture in the future, should you need it—in other words, if we go to a lower number, you need to be certain that you can come back up, should the strategic environment change, and you can't necessarily without that flexible or responsive infrastructure behind it, and that's probably one of my great concerns. And then how you posture both the portion of your stockpile that you hold in reserve and your confidence in the weapons that you have deployed is very much a function of modernizing, in my view, the weapons systems that we have available today, which are, as the secretary described, of Cold War legacy design, and the associated issues with them.''.

(3) The Congressional Commission on the Strategic Posture of the United States reported in May 2009, with respect to the timing of the replacement of the nuclear weapons infrastructure of the United States, that ''This raises an obvious question about whether these two replacement programs might pro-

ceed in sequence rather than concurrently. There are strong arguments for moving forward concurrently. Existing facilities are genuinely decrepit and are maintained in a safe and secure manner only at high cost. Moreover, the improved production capabilities they promise are integral to the program of refurbishment and modernization described in the preceding chapter. If funding can be found for both, this would best serve the national interest in maintaining a safe, secure, and reliable stockpile of weapons in the most effective and efficient manner.''.

(4) The 2010 Nuclear Posture Review states—

(A) ''The National Nuclear Security Administration (NNSA), in close coordination with DoD, will provide a new stockpile stewardship and management plan to Congress within 90 days, consistent with the increases in infrastructure investment requested in the President's FY 2011 budget. As critical infrastructure is restored and modernized, it will allow the United States to begin to shift away from retaining large numbers of non-deployed warheads as a technical hedge, allowing additional reductions in the United States stockpile of non-deployed nuclear weapons over time.'';

(B) ''In order to sustain a safe, secure, and effective United States nuclear stockpile as long as nuclear weapons exist, the United States must possess a modern physical infrastructure—comprised of the national security laboratories and a complex of supporting facilities.'';

(C) ''Funding the Chemistry and Metallurgy Research Replacement Project at Los Alamos National Laboratory to replace the existing 50-year old Chemistry and Metallurgy Research facility in 2021.'';

(D) ''Developing a new Uranium Processing Facility at the Y–12 Plant in Oak Ridge, Tennessee to come on line for production operations in 2021.'';

(E) ''Without an ability to produce uranium components, any plan to sustain the stockpile, as well as support for our Navy nuclear propulsion, will come to a halt. This would have a significant impact, not just on the weapons program, but in dealing with nuclear dangers of many kinds.''; and

(F) ''The non-deployed stockpile currently includes more warheads than required for the

above purposes, due to the limited capacity of the National Nuclear Security Administration (NNSA) complex to conduct LEPs for deployed weapons in a timely manner. Progress in restoring NNSA's production infrastructure will allow these excess warheads to be retired along with other stockpile reductions planned over the next decade.''.

(5) In the memorandum of agreement between the Department of Defense and the Department of Energy concerning the modernization of the nuclear weapon stockpile of the United States dated May 3, 2010, then Secretary of Defense Robert Gates and Secretary of Energy Steven Chu agreed that ''DOE Agrees to * * * increase pit production capacity * * * plan and program to ramp up to a minimum of 50–80 PPY in 2022.''.

(6) The plan required under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549) submitted by the President states that the Chemistry and Metallurgy Research Replacement building and the Uranium Processing Facility will complete construction by 2021 and will achieve full operational functionality by 2024.

(7) The Senate required that, prior to the entry into force of the New START Treaty, the President certifies to the Senate that the President intends to—

(A) accelerate to the extent possible the design and engineering phase of the Chemistry and Metallurgy Research Replacement building and the Uranium Processing Facility; and

(B) request full funding, including on a multiyear basis as appropriate, for the Chemistry and Metallurgy Research Replacement building and the Uranium Processing Facility upon completion of the design and engineering phase for such facilities.

(8) The President did request full funding for such facilities on February 2, 2011, when the President stated, ''I intend to (a) accelerate, to the extent possible, the design and engineering phase of the Chemistry and Metallurgy Research Replacement (CMRR) building and the Uranium Processing Facility (UPF); and (b) request full funding, including on a multi-year basis as appropriate, for the CMRR building and the UPF upon completion of the design and engineering phase for such facilities.''.

(b) LIMITATION.—Section 1045 of the National Defense Authorization Act for Fiscal Year 2012 (50 U.S.C. 2523b), as amended by section 1056(b), is amended by adding at the end the following new subsection:

"(e) CMRR AND UPF.—

"(1) ANNUAL CERTIFICATION.—Beginning fiscal year 2013, the President shall annually certify in writing to the congressional defense committees whether—

"(A) the construction of both the Chemistry and Metallurgy Research Replacement building and the Uranium Processing Facility will be completed by not later than 2021; and

"(B) both facilities will be fully operational by not later than 2024.

"(2) LIMITATION.—If the President certifies under paragraph (1) that the Chemistry and Metallurgy Research Replacement building and the Uranium Processing Facility will be completed by later than 2021 or be fully operational by later than 2024, none of the funds made available for fiscal year 2012 or any fiscal year thereafter for the National Nuclear Security Administration may be used to reduce the nondeployed nuclear warheads in the nuclear weapons stockpile of the United States until

a period of 120 days has elapsed following the date of such certification.

"(3) EXCEPTION.—The limitation in paragraph (2) shall not apply to—

"(A) reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and 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) TERMINATION.—The requirement in paragraph (1) shall terminate on the date on which the President certifies in writing to the congressional defense committees that the Chemistry and Metallurgy Research Replacement building and the Uranium Processing Facility are both fully operational.".

SEC. 1059. NUCLEAR WARHEADS ON INTERCONTINENTAL BALLISTIC MISSILES OF THE UNITED STATES.

(a) SENSE OF CONGRESS.—It is the sense of Congress that reducing the number of nuclear warheads contained on each intercontinental ballistic missile of the

United States does not promote strategic stability if at the same time other nuclear weapons states, including the Russian Federation and the People's Republic of China, are rapidly increasing the warhead-loading of their land-based missile forces.

(b) LIMITATION.—

(1) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1051, is amended by adding at the end the following new section:

"§ 496. Nuclear warheads on intercontinental ballistic missiles of the United States

''(a) IN GENERAL.—During any year in which the President proposes to reduce the number of nuclear warheads contained on an intercontinental ballistic missile of the United States, none of the funds made available for fiscal year 2012 or any fiscal year thereafter for the Department of Defense or the National Nuclear Security Administration may be used for such proposed reduction if the reduction results in such missile having only a single nuclear warhead unless the President certifies in writing to the congressional defense committees that the Russian Federation and the People's Republic of China are both also carrying out a similar reduction.

"(b) EXCEPTION.—The limitation in subsection (a) shall not apply to reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and delivery systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear warheads and strategic delivery systems.".

(2) The table of sections at the beginning of chapter 24 of title 10, United States Code, is amended by inserting after the item relating to section 495 the following:

"496. Nuclear warheads on intercontinental ballistic missiles of the United States.".

SEC. 1060. NONSTRATEGIC NUCLEAR WEAPON REDUCTIONS AND EXTENDED DETERRENCE POLICY.

(a) FINDINGS.—Congress finds the following:

(1) The NATO Strategic Concept of 2010 endorsed the continued role of nuclear weapons in the security of the NATO alliance, stating—

(A) "The supreme guarantee of the security of the Allies is provided by the strategic nuclear forces of the Alliance, particularly those of the United States; the independent strategic nuclear forces of the United Kingdom and France, which have a deterrent role of their

own, contribute to the overall deterrence and security of the Allies.'';

(B) ''We will ensure that NATO has the full range of capabilities necessary to deter and defend against any threat to the safety and security of our populations. Therefore, we will * * * maintain an appropriate mix of nuclear and conventional forces''; and

(C) ''[NATO will] ensure the broadest possible participation of Allies in collective defence planning on nuclear roles, in peacetime basing of nuclear forces, and in command, control and consultation arrangements.''.

(2) However, the 2010 Strategic Concept also walked away from the decades-long policy encapsulated by the 1999 Strategic Concept that said, ''The presence of United States conventional and nuclear forces in Europe remains vital to the security of Europe, which is inseparably linked to that of North America.''.

(3) Former Secretary of Defense William Perry said in March 2011 testimony before the Subcommittee on Strategic Forces of the Committee on Armed Services of the House of Representatives that ''the reason we have nuclear weapons in Europe in

the first place, is not because the rest of our weapons are not capable of deterrence, but because, during the Cold War at least, our allies in Europe felt more assured when we had nuclear weapons in Europe. That is why they were deployed there in the first place. Today the issue is a little different. The issue is the Russians in the meantime have built a large number of nuclear weapons, and we keep our nuclear weapons there as somewhat of a political leverage for dealing with an ultimate treaty in which we may get Russia and the United States to eliminate tactical nuclear weapons. My own view is it would be desirable if both the United States and Russia would eliminate tactical nuclear weapons, but I see it as very difficult to arrive at that conclusion if we were to simply eliminate all of our tactical nuclear weapons unilaterally.''.

(4) During testimony before the Subcommittee on Strategic Forces of the Committee on Armed Services of the House of Representatives in July 2011—

(A) former Department of Defense official Frank Miller stated, ''as long as United States allies believe that those weapons need to be

there, we need to make sure that we provide that security.''; and

(B) former Department of Defense official Mort Halperin stated, ''I do not think we should be willing to trade our withdrawal of our nuclear weapons from Europe for some reduction, even a substantial reduction, in Russian tactical nuclear weapons because if it is * * * that the credibility of the American nuclear deterrent for our NATO allies depends on the presence of nuclear weapons in Europe, that will not change if the Russians cut their tactical nuclear arsenal by two thirds, or even eliminate it because they will still have their strategic weapons, which, while they can't have intermediate range missiles, they can find a way to target them on the NATO countries.''.

(5) Section 1237(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) expressed the sense of Congress that—

(A) the commitment of the United States to extended deterrence in Europe and the nuclear alliance of NATO is an important component of ensuring and linking the national secu-

rity of the United States and its European allies;

(B) the nuclear forces of the United States are a key component of the NATO nuclear alliance; and

(C) the presence of the 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 NATO allies who feel exposed to regional threats.

(b) LIMITATION.—Chapter 24 of title 10, United States Code, as added by section 1051, is amended by adding at the end the following new section:

"§ 497. Limitation on reduction, consolidation, or withdrawal of nuclear forces based in Europe

"(a) POLICY ON NONSTRATEGIC NUCLEAR WEAPONS.—It is the policy of the United States—

"(1) to pursue negotiations with the Russian Federation aimed at the reduction of Russian deployed and nondeployed, nonstrategic nuclear forces;

"(2) that nonstrategic nuclear weapons should be considered when weighing the balance of the nuclear forces of the United States and the Russian Federation;

"(3) that 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; and

"(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 NATO.

"(b) POLICY ON EXTENDED DETERRENCE COMMITMENT TO EUROPE.—It is the policy of the United States that—

"(1) it maintain its commitment to extended deterrence, specifically the nuclear alliance of the North Atlantic Treaty Organization, as an important component of ensuring and linking the national

security interests of the United States and the security of its European allies;

"(2) forward-deployed nuclear forces of the United States shall remain based in Europe in support of the nuclear policy and posture of NATO;

"(3) 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—contributes to the cohesion of NATO and provides reassurance to allies and partners who feel exposed to regional threats; and

"(4) only the President and Congress can articulate when and how the United States will employ 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.

"(c) LIMITATION ON REDUCTION, CONSOLIDATION, OR WITHDRAWAL OF NUCLEAR FORCES BASED IN EUROPE.—In light of the policy expressed in subsections (a) and (b), none of the funds made available for fiscal year 2012 or any fiscal year thereafter for the Department of Defense may be used to effect or implement the reduction,

consolidation, or withdrawal of nuclear forces of the United States that are based in Europe unless—

"(1) the reduction, consolidation, or withdrawal of such nuclear forces is requested by the government of the host nation in the manner provided in the agreement between the United States and the host nation regarding the forces;

"(2) the President certifies that—

"(A) NATO member states have considered the reduction, consolidation, or withdrawal in the High Level Group;

"(B) NATO has decided to support such reduction, consolidation, or withdrawal;

"(C) the remaining nuclear forces of the United States that are based in Europe after such reduction, consolidation, or withdrawal would provide a commensurate or better level of assurance and credibility as before such reduction, consolidation, or withdrawal; and

"(D) there has been reciprocal action by the Russian Federation, not including the Russian Federation relocating nuclear forces from one location to another; or

"(3) the reduction, consolidation, or withdrawal of such nuclear forces is specifically authorized by an Act of Congress.

"(d) NOTIFICATION.—Upon any decision to reduce, consolidate, or withdraw the nuclear forces of the United States that are based in Europe, the President shall submit to the appropriate congressional committees a notification containing—

"(1) the certification required by paragraph (2) of subsection (c) if such reduction, consolidation, or withdrawal is based upon such paragraph;

"(2) justification for such reduction, consolidation, or withdrawal; and

"(3) an assessment of how NATO member states, 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).

"(e) NOTICE AND WAIT REQUIREMENT.—The President may not commence a reduction, consolidation, or withdrawal of the nuclear forces of the United States that

are based in Europe for which the certification required by subsection (c)(2) is made until the expiration of a 180-day period beginning on the date on which the President submits the notification under subsection (d) containing the certification.

"(f) APPROPRIATE CONGRESSIONAL COMMITTEES.—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.".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 24 of title 10, United States Code, is amended by inserting after the item relating to section 496 the following:

"497. Limitation on reduction, consolidation, or withdrawal of nuclear forces based in Europe.".

SEC. 1061. IMPROVEMENTS TO NUCLEAR WEAPONS COUNCIL.

Section 179 of title 10, United States Code, is amended—

(1) in subsection (b)(3), by adding at the end the following: "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.''; and

(2) in subsection (d)—

(A) in paragraph (2), by inserting ''and alternatives'' before the period;

(B) in paragraph (3), by inserting ''and approving'' after ''Coordinating'';

(C) in paragraph (7)—

(i) by striking ''broad'' and inserting ''specific''; and

(ii) by inserting before the period the following: ''and priorities among activities, including production, surveillance, research, construction, and any other programs within the National Nuclear Security Administration''; and

(D) by adding at the end the following new paragraph:

''(11) Coordinating and approving the annual budget proposals of the National Nuclear Security Administration, including before such proposals are submitted to—

''(A) the Director of the Office of Management and Budget;

''(B) the President; and

"(C) Congress under section 1105 of title 31.".

SEC. 1062. 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.

1 "(d) RESPONSIBILITIES.—The Council shall be re-
2 sponsible for the following matters:
3 "(1) Identifying and considering the science,
4 technology, and engineering capabilities of the na-
5 tional laboratories that could be leveraged by each
6 participating agency to support national security
7 missions.
8 "(2) Reviewing and assessing the adequacy of
9 the national security science, technology, and engi-
10 neering capabilities of the national laboratories for
11 supporting national security missions throughout the
12 Federal Government.
13 "(3) Establishing and overseeing means of en-
14 suring that—
15 "(A) capabilities identified by the Council
16 under paragraph (1) are sustained to an appro-
17 priate level; and
18 "(B) each participating agency provides
19 the appropriate level of institutional support to
20 sustain such capabilities.
21 "(4) In accordance with acquisition rules re-
22 garding federally funded research and development
23 centers, establishing criteria for when each partici-
24 pating 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 July 1, 2013, the Interagency Council on the Strategic Capability of the National Laboratories 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 more cost-effective.

(E) Ongoing and planned measures for increasing cost-sharing and institutional support investments from other agencies.

(F) Any regulatory or statutory changes recommended to improve the ability of such other agencies to leverage expertise and capabilities at such laboratories.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—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. 1063. REPORT ON CAPABILITY OF CONVENTIONAL AND NUCLEAR FORCES AGAINST CERTAIN TUNNEL SITES.

(a) 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.

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

(c) APPROPRIATE CONGRESSIONAL COMMITTEES.—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. 1064. REPORT ON CONVENTIONAL AND NUCLEAR FORCES IN THE WESTERN PACIFIC REGION.

(a) SENSE OF CONGRESS.—Congress—

(1) supports steps taken by the President to—

(A) reinforce the security of the allies of the United States; and

(B) strengthen the deterrent capability of the United States against the illegal and increasingly belligerent actions of North Korea; and

(2) encourages further steps, including such steps to deploy additional conventional forces of the United States and redeploy tactical nuclear weapons to the Western Pacific region.

(b) REPORT.—Not later than 90 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 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.

SEC. 1065. SENSE OF CONGRESS ON NUCLEAR ARSENAL.

It is the sense of Congress that the nuclear force structure of the United States should be periodically reexamined, through nuclear posture reviews, to assess assumptions that shape the structure, size, and targeting of the nuclear forces of the United States and to ensure that such forces are structured, sized, and targeted—

(1) to be capable of holding at risk the assets that potential adversaries value; and

(2) to provide robust extended deterrence and assurance to allies of the United States.

SEC. 1065A. BUDGET REQUIREMENTS ASSOCIATED WITH SUSTAINING AND MODERNIZING THE NUCLEAR DETERRENT.

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—

"(i) training;

"(ii) basing;

"(iii) security;

"(iv) testing;

"(v) research;

"(vi) development;

"(vii) deployment;

"(viii) transportation;

"(ix) personnel;

"(x) overhead; and

"(xi) other appropriate matters."; and

(B) by adding at the end the following new paragraph:

"(3) DETAILED BUDGET ESTIMATE CONTENTS.—Each budget estimate under paragraph (2)(F) shall include a detailed description of the matters included in such estimate, the rationale for including such matters, and the cost listed by location. Such costs listed by location shall be submitted in the form of a classified annex in accordance with subsection (b)."; and

(2) by adding at the end the following new subsection:

"(c) COMPTROLLER GENERAL.—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.".

SEC. 1065B. PROHIBITION ON UNILATERAL REDUCTION OF NUCLEAR WEAPONS OF THE UNITED STATES.

(a) IN GENERAL.—Chapter 24 of title 10, United States Code, as added by section 1051, is amended by adding at the end the following:

"§ 498. Prohibition on unilateral reduction of nuclear weapons

"The President may not retire, dismantle, or eliminate, or prepare to retire, dismantle, or eliminate, any nuclear weapon of the United States (including such deployed weapons and nondeployed weapons and warheads in the nuclear weapons stockpile) if such action would reduce the number of such weapons to a number that is

less than the level described in the New START Treaty (as defined in section 130f(c) of this title) unless such action is—

"(1) required by a treaty or international agreement specifically approved with the advice and consent of the Senate pursuant to Article II, section 2, clause 2 of the Constitution; or

"(2) specifically authorized by an Act of Congress.".

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

"498. Prohibition on unilateral reduction of nuclear weapons.".

SEC. 1065C. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF STRATEGIC DELIVERY SYSTEMS.

(a) LIMITATION.—Chapter 24 of title 10, United States Code, is amended by adding at the end the following:

"§ 498. Commensurate strategic delivery system reductions

"(a) LIMITATION ON NEW START REDUCTIONS.—None of the funds authorized to be appropriated or otherwise made available for fiscal year 2013 or any fiscal year thereafter for the Department of Defense may be obligated or expended to reduce, convert, or decommission any

strategic delivery system pursuant to the levels set forth for such systems under the New START Treaty unless the President certifies to the congressional defense committees that—

"(1) the Russian Federation must make a commensurate reduction, conversion, or decommissioning pursuant to the levels set forth under such treaty; and

"(2) the Russian Federation is not developing or deploying a strategic delivery system that is—

"(A) not covered under the limits set forth under such treaty; and

"(B) capable of reaching the United States.

"(b) LIMITATION ON TRIAD REDUCTIONS.—None 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 Department of Defense may be obligated or expended to reduce, convert, or decommission any strategic delivery system if such reduction, conversion, or decommissioning would eliminate a leg of the nuclear triad.

"(c) 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.

"(3) The term 'triad' means the nuclear deterrent capabilities of the United States composed of the strategic delivery systems.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 497 the following new item:

"498. Commensurate strategic delivery system reductions.".

Subtitle F—Studies and Reports

SEC. 1066. ASSESSMENT OF DEPARTMENT OF DEFENSE USE OF ELECTROMAGNETIC SPECTRUM.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the congressional defense committees, the Committee on Energy and Commerce of the House of Representa-

tives, and the Committee on Commerce, Science, and Transportation of the Senate a briefing assessing the use of electromagnetic spectrum by the Department of Defense, including—

(1) a comparison of the actual and projected cost impact, time required to plan and implement, and policy implications of electromagnetic spectrum reallocations made since the enactment of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66, 107 Stat. 312);

(2) an identification of critical electromagnetic spectrum assignments where there is use by the Department of Defense that—

(A) cannot be eliminated, relocated, consolidated in other electromagnetic spectrum bands, or for which there is no commercial or non-spectrum alternative, including a detailed explanation of why that is the case; and

(B) can be eliminated, relocated, consolidated in other electromagnetic spectrum bands, or for which there is a commercial or non-spectrum alternative, including frequency of use, time necessary to relocate or consolidate to another electromagnetic spectrum band, and operational and cost impacts; and

(3) an analysis of the research being conducted by the Department of Defense in electromagnetic spectrum-sharing and other dynamic electromagnetic spectrum access technologies, including maturity level, applicability for spectrum relocation or consolidation, and potential costs for continued development or implementation.

SEC. 1067. 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 January 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. 1068. REPORT ON COUNTERPROLIFERATION CAPABILITIES AND LIMITATIONS.

(a) REPORT REQUIRED.—Not later than March 1, 2013, 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 of current capabilities and limitations.

(2) An overview and assessment of current and future training requirements and gaps.

(3) An assessment of technical capability gaps.

(4) An assessment of interagency coordination capabilities and gaps.

(5) An outline of current and future proliferation and weapons of mass destruction threats, including critical intelligence gaps.

(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 this area.

(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 considered appropriate.

SEC. 1069. REPORT ON COMMUNICATIONS FROM CONGRESS ON STATUS OF MILITARY CONSTRUCTION PROJECTS.

(a) REPORT REQUIRED.—The Secretary of Defense shall submit to Congress a report describing any letters from Congress (including a committee of the Senate or the House of Representatives, a member of Congress, an officer of Congress, or a congressional staff member) received by the Department of Defense that refers to or requests information on the status of a military construction project on the future-years defense program.

(b) DEADLINE.—The report required by subsection (a) shall be submitted not later than one year after the date of the enactment of this Act.

SEC. 1070. FEDERAL MORTUARY AFFAIRS ADVISORY COMMISSION.

(a) ESTABLISHMENT.—There is established a Federal Mortuary Affairs Advisory Commission.

(b) PURPOSE.—The purpose of the Commission shall be to advise the President, the Secretary of Defense, the Secretary of Veterans Affairs, and Congress on the best practices for casualty notification, family support, and mortuary affairs operations so as to ensure prompt notification and compassionate and responsive support for families who have lost servicemembers, and for the honorable and dignified disposition of the remains of fallen servicemembers.

(c) SCOPE.—Within the Department of Defense and the Department of Veterans Affairs, the Commission shall examine, on an ongoing basis, all matters that encompass the notification of family members on the death of a servicemember in said family; all family support programs, policies, and procedures designed to assist affected families; and all aspects of mortuary affairs operations, including the final disposition of fallen servicemembers.

(d) COMPOSITION.—

(1) MEMBERS.—The Commission shall consist of 13 members, appointed as follows:

(A) One member appointed by the President of the United States.

(B) One member appointed by the Speaker of the House of Representatives.

(C) One member appointed by the Minority Leader of the House of Representatives.

(D) One member appointed by the Majority Leader of the Senate.

(E) One member appointed by the Minority Leader of the Senate.

(F) One member appointed by the Chairman of the House Committee on Veterans Affairs.

(G) One member appointed by the Ranking Member of the House Committee on Veterans Affairs.

(H) One member appointed by the Chairman of the House Committee on Armed Services.

(I) One member appointed by the Ranking Member of the House Committee on Armed Services.

(J) One member appointed by the Chairman of the Senate Committee on Veterans Affairs.

(K) One member appointed by the Ranking Member of the Senate Committee on Veterans Affairs.

(L) One member appointed by the Chairman of the Senate Committee on Armed Services.

(M) One member appointed by the Chairman of the Senate Committee on Armed Services.

(2) TERM.—Each member shall serve a term of three years.

(3) MEETINGS AND QUORUM.—After its initial meeting, the Commission shall meet upon the call of the chairman or a majority of its members. Seven members of the Commission shall constitute a quorum.

(4) CHAIRMAN AND VICE CHAIRMAN.—Upon convening for its first meeting, the Commission members shall elect by majority vote a chairman and vice chairman of the Commission.

(5) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(e) QUALIFICATIONS.—

(1) POLITICAL PARTY AFFILIATION.—Not more than 5 members of the Commission shall be from the same political party.

(2) NONGOVERNMENTAL APPOINTEES.—An individual appointed to the Commission may not be an officer or employee of the Federal Government.

(3) OTHER QUALIFICATIONS.—At least four individuals appointed to the Commission should include family members who have direct experience dealing with the loss of a servicemember that involved interactions with the Dover Port Mortuary. At least three individuals should have extensive private or public sector experience in mortuary science, operations, procedures, and decorum.

(f) DURATION.—The Commission shall have a 5 year duration, beginning after the last member of the Commission is appointed.

(g) MEETINGS AND REPORTS.—The Commission shall hold regular public meetings, notification of which shall appear in the Federal Register and on the Commission's website. Not less than annually, the Commission shall provide a written report to the President, the Secretary of Defense, the Secretary of Veterans Affairs, and Congress on—

(1) recommendations for improving casualty notification, family support, and remains disposition; and

(2) progress, or lack thereof, by the Department of Defense and the Department of Veterans Affairs in acting upon prior recommendations of the Commission. Said report shall also be posted on the Commission's website for public inspection.

(h) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, Commission, office, independent establishment, or instrumentality of the Government, information, suggestions, estimates, and statistics for the purposes of this title. Each department, bureau, agency, board, Commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the chairman, the chairman of any subcommission created by a majority of the Commission, or any member designated by a majority of the Commission.

(2) RECEIPT, HANDLING, STORAGE, AND DISSEMINATION.—Information shall only be received, handled, stored, and disseminated by members of the Commission and its staff consistent with all applicable statutes, regulations, and Executive orders.

(i) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) GENERAL SERVICES ADMINISTRATION.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(2) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance prescribed in paragraph (1), departments and agencies of the United States may provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(j) STAFF OF COMMISSION.—

(1) APPOINTMENT AND COMPENSATION.—The chairman, in consultation with vice chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule

pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMISSION.—Subparagraph (A) shall not be construed to apply to members of the Commission.

(3) DETAILEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level

IV of the Executive Schedule under section 5315 of title 5, United States Code.

(k) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

SEC. 1070A. REPORT ON MANUFACTURING INDUSTRY.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report assessing the manufacturing industry of the United States. The report shall include, at a minimum, the following:

(1) An assessment of the current manufacturing capacity of the United States as it relates to the ability of the United States to respond to both civilian and defense needs.

(2) An assessment of the tax, trade, and regulatory policies of the United States as such policies impact the growth of the manufacturing industry in the United States.

(3) An analysis of the factors leading to the increased outsourcing of manufacturing processes to foreign nations.

(4) An analysis of the strength of the United States defense industrial base, including the security and stability of the supply chain and an assessment of the vulnerabilities of that supply chain.

SEC. 1070B. REPORT ON LONG-TERM COSTS OF OPERATION NEW DAWN, OPERATION ENDURING FREEDOM, AND OTHER CONTINGENCY OPERATIONS.

(a) REPORT REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the President, with contributions from the Secretary of Defense, the Secretary of State, and the Secretary of Veterans Affairs, shall submit to Congress a report containing an estimate

of the long-term costs of Operation New Dawn and Operation Enduring Freedom for each the following scenarios:

(1) The scenario in which the number of members of the Armed Forces deployed in support of Operation Enduring Freedom is reduced from roughly 90,000 in 2012 to 67,000 in 2013, and 50,000 by the beginning of 2014, and remains at 50,000 through 2020.

(2) The scenario in which the number of members of the Armed Forces deployed in support of Operation Enduring Freedom is reduced from roughly 90,000 in 2012 to 60,000 in 2013, and 30,000 by the beginning of 2014, and remains at 30,000 through 2020.

(3) An alternative scenario, determined by the President and based on current contingency operation and withdrawal plans, which takes into account expected force levels and the expected length of time that members of the Armed Forces will be deployed in support of Operation Enduring Freedom.

(b) ESTIMATES TO BE USED IN PREPARATION OF REPORT.—In preparing the report required by subsection (b), the President shall make estimates and projections through at least fiscal year 2020, adjust any dollar

amounts appropriately for inflation, and take into account and specify each of the following:

(1) The total number of members of the Armed Forces expected to be deployed in support of Operation Enduring Freedom, and Operation Odyssey Dawn, including—

(A) the number of members of the Armed Forces actually deployed in Southwest Asia in support of Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn;

(B) the number of members of reserve components of the Armed Forces called or ordered to active duty in the United States for the purpose of training for eventual deployment in Southwest Asia, backfilling for deployed troops, or supporting other Department of Defense missions directly or indirectly related to Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn; and

(C) the break-down of deployments of members of the regular and reserve components and activation of members of the reserve components.

(2) The number of members of the Armed Forces, including members of the reserve components, who have previously served in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn and who are expected to serve multiple deployments.

(3) The number of contractors and private military security firms that have been used and are expected to be used during the course of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn.

(4) The number of veterans currently suffering and expected to suffer from post-traumatic stress disorder, traumatic brain injury, or other mental injuries.

(5) The number of veterans currently in need of and expected to be in need of prosthetic care and treatment because of amputations incurred during service in support of Operation Iraqi Freedom, Operation New Dawn, and Operation Enduring Freedom.

(6) The current number of pending Department of Veterans Affairs claims from veterans of military service in Iraq, Afghanistan, and Libya, and the

total number of such veterans expected to seek disability compensation from the Department of Veterans Affairs.

(7) The total number of members of the Armed Forces who have been killed or wounded in Iraq, Afghanistan, or Libya, including noncombat casualties, the total number of members expected to suffer injuries in Iraq, Afghanistan, and Libya, and the total number of members expected to be killed in Iraq, Afghanistan, and Libya, including noncombat casualties.

(8) The amount of funds previously appropriated for the Department of Defense, the Department of State, and the Department of Veterans Affairs for costs related to Operation Iraqi Freedom, Operation New Dawn, and Operation Enduring Freedom, including an account of the amount of funding from regular Department of Defense, Department of State, and Department of Veterans Affairs budgets that has gone and will go to costs associated with such operations.

(9) Current and future operational expenditures associated with Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn including—

(A) funding for combat operations;

(B) deploying, transporting, feeding, and housing members of the Armed Forces (including fuel costs);

(C) activation and deployment of members of the reserve components of the Armed Forces;

(D) equipping and training of Iraqi and Afghani forces;

(E) purchasing, upgrading, and repairing weapons, munitions, and other equipment consumed or used in Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn; and

(F) payments to other countries for logistical assistance in support of such operations.

(10) Past, current, and future costs of entering into contracts with private military security firms and other contractors for the provision of goods and services associated with Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn.

(11) Average annual cost for each member of the Armed Forces deployed in support of Operation Iraqi Freedom, Operation New Dawn, Operation

Enduring Freedom, and Operation Odyssey Dawn, including room and board, equipment and body armor, transportation of troops and equipment (including fuel costs), and operational costs.

(12) Current and future cost of combat-related special pays and benefits, including reenlistment bonuses.

(13) Current and future cost of calling or ordering members of the reserve components to active duty in support of Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn.

(14) Current and future cost for reconstruction, embassy operations and construction, and foreign aid programs for Iraq and Afghanistan.

(15) Current and future cost of bases and other infrastructure to support members of the Armed Forces serving in Iraq and Afghanistan.

(16) Current and future cost of providing health care for veterans who served in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, and Operation Odyssey Dawn—

(A) the cost of mental health treatment for veterans suffering from post-traumatic stress

disorder and traumatic brain injury, and other mental problems as a result of such service; and

(B) the cost of lifetime prosthetics care and treatment for veterans suffering from amputations as a result of such service.

(17) Current and future cost of providing Department of Veterans Affairs disability benefits for the lifetime of veterans who incur disabilities while serving in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn.

(18) Current and future cost of providing survivors' benefits to survivors of members of the Armed Forces killed while serving in support of Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn.

(19) Cost of bringing members of the Armed Forces and equipment back to the United States upon the conclusion of Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn, including the cost of demobilization, transportation costs (including fuel costs), providing transition services for members of the Armed Forces transitioning from active duty to veteran status,

transporting equipment, weapons, and munitions (including fuel costs), and an estimate of the value of equipment that will be left behind.

(20) Cost to restore the military and military equipment, including the equipment of the reserve components, to full strength after the conclusion of Operation New Dawn or Operation Enduring Freedom.

(21) Amount of money borrowed to pay for Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn, and the sources of that money.

(22) Interest on money borrowed, including interest for money already borrowed and anticipated interest payments on future borrowing, for Operation Iraqi Freedom, Operation New Dawn, Operation Enduring Freedom, or Operation Odyssey Dawn.

Subtitle G—Miscellaneous Authorities and Limitations

SEC. 1071. 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 mental 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 mental health professional or such commanding officer has reasonable grounds to

believe such member is at high risk for suicide or causing harm to others.''.

SEC. 1072. EXPANSION OF AUTHORITY OF THE SECRETARY OF THE ARMY TO LOAN OR DONATE EXCESS SMALL ARMS FOR FUNERAL AND OTHER CEREMONIAL PURPOSES.

Section 4683(a) of title 10, United States Code, is amended 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 small arms to an eligible organization;

''(ii) authorize an eligible organization to retain small arms other than M–1 rifles; or

''(iii) if excess small arms stock is insufficient to meet organizational requirements, prescribe policies and procedures to establish a rotational loan program based on the needs of eligible organizations.

''(B) Nothing in this paragraph shall be construed to supersede any Federal law or regulation governing the use or ownership of firearms.

"(C) The Secretary may not delegate the authority under this paragraph.".

SEC. 1073. PROHIBITION ON THE USE OF FUNDS FOR MANUFACTURING BEYOND LOW-RATE INITIAL PRODUCTION AT CERTAIN PROTOTYPE INTEGRATION FACILITIES.

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act may be used for manufacturing production beyond the greater of low-rate initial production or 1000 units at a prototype integration facility of any of the following components of the Army Research, Development, and Engineering Command:

(1) The Armament Research, Development, and Engineering Center.

(2) The Aviation and Missile Research, Development, and Engineering Center.

(3) The Communications-Electronics Research, Development, and Engineering Center.

(4) The Tank Automotive Research, Development, and Engineering Center.

(b) WAIVER.—The Assistant Secretary of the Army for Acquisition, Logistics, and Technology may waive the prohibition under subsection (a) for a fiscal year if—

(1) the Assistant Secretary determines that the waiver is necessary—

(A) for reasons of national security; or

(B) to rapidly acquire equipment to respond to combat emergencies; and

(2) the Assistant Secretary submits to Congress a notification of the waiver together with the reasons for the waiver.

(c) LOW-RATE INITIAL PRODUCTION.—For purposes of this section, the term ''low-rate initial production'' shall be determined in accordance with section 2400 of title 10, United States Code.

SEC. 1074. 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 resources from the Department of Defense, Federal Aviation Administration, and 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 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 (Public Law 112–95; 126 Stat. 72).

(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 the 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 collaborative research activity, including—

(i) the progress on accomplishing the goals of the unmanned aircraft systems research, development, and demonstration roadmap of the Next Generation Air Transportation System Joint Planning and Development Office of the Federal Aviation Administration; and

(ii) estimates of long-term funding needs.

(B) TERMINATION.—The requirement to submit a report under subparagraph (A) shall terminate on the date that is five 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 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 (Public Law 110–417; 122 Stat. 4596) established by the Secretary of Defense and the Administrator of the Federal Aviation Administration.

SEC. 1075. 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. 1076. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OF AIRCRAFT.

(a) IN GENERAL.—Except as provided by section 135, none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Army or the Air Force may be used during fiscal year 2013 to divest, retire, or transfer, or prepare 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.

(b) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if—

(1) the Secretary submits to the congressional defense committees written certification that such a waiver is necessary to meet an emergency national security requirement; and

(2) a period of 15 days has elapsed following the date on which such certification is submitted.

(c) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report by the Chief of the National Guard Bureau, the Chief of Staff of the Air Force, and the Chief of Staff of the Army and approved by the Secretary of Defense that specifies, with respect to all aircraft proposed to be retired during fiscal years 2013 through 2017—

(A) the economic analysis used to make each realignment decision with respect to such aircraft of the National Guard and Air Force Reserve;

(B) alternative options considered for each such realignment decision, including an analysis of such options;

(C) the effect of each such realignment decision on—

(i) the current personnel at the location; and

(ii) the missions and capabilities of the Army; and

(D) the plans for each location that is being realigned, including the analysis used for such plans.

(2) GAO ANALYSIS.—The Comptroller General of the United States shall carry out the following:

(A) An economic analysis of the realignment decisions made by the Secretary of Defense with respect to the aircraft of the National Guard and Air Force Reserve described in paragraph (1)(A).

(B) An analysis of the alternative options considered for each such realignment decision.

(C) An analysis of the effect of each such realignment decision on—

(i) the current personnel at the location; and

(ii) the missions and capabilities of the Army; and

(D) An analysis of the plans described in paragraph (1)(D).

(3) COOPERATION.—The Secretary of Defense shall provide the Comptroller General with relevant data and cooperation to carry out the analyses under paragraph (2).

(4) SUBMITTAL.—Not later than 90 days after the date on which the Secretary submits the report under paragraph (1), the Comptroller General shall submit to the congressional defense committees a report containing the analyses conducted under paragraph (2).

SEC. 1077. PROHIBITION ON DEPARTMENT OF DEFENSE USE OF NONDISCLOSURE AGREEMENTS TO PREVENT MEMBERS OF THE ARMED FORCES AND CIVILIAN EMPLOYEES OF THE DEPARTMENT FROM COMMUNICATING WITH MEMBERS OF CONGRESS.

(a) INCLUSION OF CIVILIAN EMPLOYEES IN CURRENT PROHIBITION ON RESTRICTING COMMUNICATION.—Paragraph (1) of subsection (a) of section 1034 of title 10, United States Code, is amended by inserting ''or civil-

ian employee of the Department of Defense'' after ''member of the armed forces''.

(b) PROHIBITION ON USING NONDISCLOSURE AGREEMENTS TO RESTRICT COMMUNICATION.—Such subsection is further amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following new paragraph:

''(2)(A) The prohibition imposed by paragraph (1) precludes the use of a nondisclosure agreement with a member of the armed forces or a civilian employee of the Department of Defense to restrict the member or employee in communicating with a Member of Congress or an Inspector General.

''(B) Subparagraph (A) does not prevent the use of nondisclosure agreements to prevent the disclosure of—

''(i) deliberations regarding the closure or realignment of a military installation under a base closure law;

''(ii) commercial proprietary information; and

''(iii) classified information the level of which exceeds the clearance held by the requestor.''.

SEC. 1078. AUTHORITY FOR CORPS OF ENGINEERS TO CONSTRUCT PROJECTS CRITICAL TO NAVIGATION SAFETY.

The Secretary of the Army, acting through the Chief of Engineers, may accept non-Federal funds and use such funds to construct a navigation project that has not been specifically authorized by law if—

(1) the Secretary has received a completed Chief of Engineers' report for the project;

(2) the project is fully funded by non-Federal sources using non-Federal funds; and

(3) the Secretary finds that the improvements to be made by the project are critical to navigation safety.

SEC. 1079. REVIEW OF AIR NATIONAL GUARD COMPONENT NUMBERED AIR FORCE AUGMENTATION FORCE.

(a) REVIEW.—

(1) IN GENERAL.—The Secretary of the Air Force shall conduct a review of the decision of the Secretary to cancel or consolidate the Air National Guard Component Numbered Air Force Augmentation Force.

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

(A) An explanation of how the Secretary determined which Air National Guard Augmentation Units would be retired or relocated during fiscal year 2013.

(B) A description of the methodologies underlying such determinations, including the factors and assumptions that shaped the specific determinations.

(C) The rationale for selecting Augmentation Units to be retired or relocated with respect to such Units of the Air National Guard.

(D) An explanation of how such consolidation or relocation affects national security.

(E) Details of the costs incurred, avoided, or saved with respect to consolidation or relocation of Augmentation Units.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the review conducted under subsection (a)(1).

(c) COMPTROLLER GENERAL REVIEW.—Not later than 60 days after the date on which the report is submitted under subsection (b), the Comptroller General of the United States shall submit to the congressional defense committees a review of such report.

Subtitle H—Other Matters

SEC. 1081. BIPARTISAN INDEPENDENT STRATEGIC REVIEW PANEL.

(a) BIPARTISAN INDEPENDENT STRATEGIC REVIEW PANEL.—

(1) ESTABLISHMENT.—Chapter 2 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 119b. Bipartisan independent strategic review panel

''(a) ESTABLISHMENT.—There is established a bipartisan independent strategic review panel (in this section referred to as the 'Panel') to conduct a regular review of the national defense strategic environment of the United States and to conduct an independent assessment of the quadrennial defense review required under section 118.

''(b) MEMBERSHIP.—

''(1) APPOINTMENT.—The Panel shall be composed of 12 members from civilian life with a recognized expertise in national security matters who shall be appointed as follows:

''(A) Four members shall be appointed by the Secretary of Defense, of whom not more than three members shall be of the same political party.

"(B) Two members shall be appointed by the chair of the Committee on Armed Services of the House of Representatives.

"(C) Two members shall be appointed by the chair of the Committee on Armed Services of the Senate.

"(D) Two members shall be appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives.

"(E) Two members shall be appointed by the ranking minority member of the Committee on Armed Services of the Senate.

"(2) INITIAL MEMBERS: APPOINTMENT DATE AND TERM OF SERVICE.—

"(A) APPOINTMENT DATE.—The initial members of the Panel shall be appointed under paragraph (1) not later than January 30, 2013.

"(B) TERMS.—

"(i) The Secretary of Defense shall designate two initial members of the Panel appointed under paragraph (1)(A) to serve terms that expire on December 31, 2013, and two such initial members to serve terms that expire on December 31, 2014.

"(ii) The chair of the Committee on Armed Services of the House of Representatives shall designate one initial member of the Panel appointed under paragraph (1)(B) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

"(iii) The chair of the Committee on Armed Services of the Senate shall designate one initial member of the Panel appointed under paragraph (1)(C) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

"(iv) The ranking minority member of the Committee on Armed Services of the House of Representatives shall designate one initial member of the Panel appointed under paragraph (1)(D) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

"(v) The ranking minority member of the Committee on Armed Services of the

Senate shall designate one initial member of the Panel appointed under paragraph (1)(E) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

"(3) CHAIRS.—The Secretary of Defense shall designate two members appointed pursuant to paragraph (1)(A) that are not of the same political party to serve as the Chairs of the Panel.

"(4) VACANCIES.—

"(A) A vacancy in the Panel shall be filled in the same manner as the original appointment and not later than 30 days after the date on which the vacancy begins.

"(B) A member of the Panel appointed to fill a vacancy shall be appointed for a term that expires—

"(i) in the case of an appointment to fill a vacancy resulting from a person not serving the entire term for which such person was appointed, at the end of the remainder of such term; and

"(ii) in the case of an appointment to fill a vacancy resulting from the expiration

of the term of a member of the panel, two years after the date on which the term of such member expired.

"(5) REAPPOINTMENT.—Members of the Panel may be reappointed to the Panel for additional terms of service.

"(6) PAY.—The members of the Panel shall serve without pay

"(7) TRAVEL EXPENSES.—Each member of the Panel shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

"(c) DUTIES.—

"(1) REVIEW OF NATIONAL DEFENSE STRATEGIC ENVIRONMENT.—The Panel shall every four years, during a year following a year evenly divisible by four, review the national defense strategic environment of the United States. Such review shall include a review and assessment of—

"(A) the national defense environment, including challenges and opportunities;

"(B) the national defense strategy and policy;

"(C) the national defense roles, missions, and organizations;

"(D) the risks to the national defense of the United States and how such risks affect challenges and opportunities to national defense; and

"(2) ADDITIONAL REVIEWS.—The Panel may conduct additional reviews under paragraph (1) as requested by Congress or the Secretary of Defense, or when the Panel determines a significant change in the national defense environment has occurred that would warrant new recommendations from the Panel.

"(3) ASSESSMENT OF QUADRENNIAL DEFENSE REVIEW.—The Panel shall conduct an assessment of each quadrennial defense review required to be conducted under section 118. Each assessment shall include—

"(A) a review of the Secretary of Defense's terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on such quadrennial defense review;

"(B) an assessment of the assumptions, strategy, findings, and risks in the report of the

Secretary of Defense on such quadrennial defense review required under section 118(d), with particular attention paid to the risks described in such a report;

"(C) an independent assessment of a variety of possible force structures for the armed forces, including the force structure identified in the report required under section 118(d); and

"(D) a review of the resource requirements identified in such quadrennial defense review pursuant to section 118(b)(3) and, to the extent practicable, a general comparison of such resource requirements with the resource requirements to support the forces contemplated under the force structures assessed under subparagraph (C).

"(d) ADMINISTRATIVE PROVISIONS.—

"(1) STAFF.—

"(A) IN GENERAL.—The Chairs of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and not more than 11 additional personnel, as may be necessary to enable the Panel to perform the duties of the Panel.

"(B) COMPENSATION.—The Chairs of the Panel may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to the 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.

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

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

"(4) PROVISION OF INFORMATION.—The Panel may request directly from the Department of Defense and any of its components such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall cooperate with the Panel to ensure that information requested by the Panel under this paragraph is promptly provided to the maximum extent practical.

"(5) USE OF CERTAIN DEPARTMENT OF DEFENSE RESOURCES.—Upon the request of the Chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any federally-funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

"(6) FUNDING.—Funds for activities of the Panel shall be provided from amounts available to the Department of Defense.

"(e) REPORTS.—

"(1) REVIEW OF NATIONAL DEFENSE STRATEGIC ENVIRONMENT.—Not later than June 30 of a year following a year evenly divisible by four, the Panel shall submit to the congressional defense committees, the Secretary of Defense, and the National

Security Council a report containing the results of the review conducted under subsection (c)(1) and any recommendations or other matters that the Panel considers appropriate.

"(2) ASSESSMENT OF QUADRENNIAL DEFENSE REVIEW.—Not later than 90 days after the date on which a report on a quadrennial defense review is submitted to Congress under section 118(d), the Panel shall submit to the congressional defense committees and the Secretary of Defense a report containing the results of the assessment conducted under subsection (c)(3) and any recommendations or other matters that the Panel considers appropriate.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of title 10, United States Code, is amended by adding at the end the following new item:

"119b. Bipartisan independent strategic review panel.".

(b) UPDATES FROM SECRETARY OF DEFENSE ON PROGRESS OF QUADRENNIAL DEFENSE REVIEW.—Section 118(f) of title 10, United States Code, is amended to read as follows:

"(f) UPDATES TO BIPARTISAN INDEPENDENT STRATEGIC REVIEW PANEL.—The Secretary of Defense shall ensure that periodically, but not less often than every 60

days, or at the request of the Chairs of the bipartisan independent strategic review panel established under section 119b(a), the Department of Defense briefs such panel on the progress of the conduct of a quadrennial defense review under subsection (a).''.

(c) BIPARTISAN INDEPENDENT STRATEGIC REVIEW OF THE UNITED STATES ARMY.—

(1) REVIEW REQUIRED.—Not later than 30 days after the date on which all initial members of the bipartisan independent strategic review panel are appointed under section 119b(b) of title 10, United States Code, as added by subsection (a)(1) of this section, the Panel shall begin a review of the future of the Army.

(2) ELEMENTS OF REVIEW.—The review required under paragraph (1) shall include a review and assessment of—

(A) the validity and utility of the scenarios and planning assumptions the Army used to develop the current force structure of the Army;

(B) such force structure and an evaluation of the adequacy of such force structure for meeting the goals of the national military strategy of the United States;

(C) the size and structure of elements of the Army, in particular United States Army Training and Doctrine Command, United States Army Materiel Command, and corps and higher headquarters elements;

(D) potential alternative force structures of the Army; and

(E) the resource requirements of each of the alternative force structures analyzed by the Panel.

(3) REPORT.—

(A) PANEL REPORT.—Not later than one year after the date on which the Panel begins the review required under paragraph (1), the Panel shall submit to the congressional defense committees and the Secretary of Defense a report containing the findings and recommendations of the Panel, including any recommendations concerning changes to the planned size and composition of the Army.

(B) ADDITIONAL VIEWS.—The report required under subparagraph (A) shall include any additional or dissenting views of a member of the Panel that such member considers appropriate to include in such report.

(4) DEFINITIONS.—In this section:

(A) ARMY.—The term ''Army'' includes the reserve components of the Army.

(B) BIPARTISAN INDEPENDENT STRATEGIC REVIEW PANEL.—The terms ''bipartisan independent strategic review panel'' and ''Panel'' mean the bipartisan independent strategic review panel established under section 119b(a) of title 10, United States Code, as added by subsection (a)(1) of this section.

SEC. 1082. NOTIFICATION OF DELAYED REPORTS.

(a) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by inserting after section 122a the following new section:

''§ 122b. Notification of delayed reports

''If the Secretary of Defense determines that a report required by law to be submitted by any official of the Department of Defense to Congress will not be submitted by the date required under law, the Secretary shall submit to the congressional defense committees a notification, by not later than such date, of the following:

''(1) An explanation of why such report will not be submitted by such date.

''(2) The date on which such report will be submitted.

"(3) The status of such report as of the date of the notification.

"(4) The office of the Department carrying out such report and the individual acting as the head of such office.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 122a the following new item:

"122b. Notification of delayed reports.".

SEC. 1083. 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 541(b) (125 Stat. 1407) is amended by striking ", as amended by subsection (a),".

(3) Section 589(b) (125 Stat. 1438) is amended by striking "section 717" and inserting "section 2564".

(4) Section 602(a)(2) (125 Stat. 1447) is amended by striking "repairs," and inserting "repairs".

(5) Section 631(e)(28)(A) (125 Stat. 1464) is amended by striking ''In addition'' in the matter proposed to be inserted and inserting ''Under regulations''.

(6) Section 631(f)(2) (125 Stat. 1464) is amended by striking ''table of chapter'' and inserting ''table of chapters''.

(7) Section 631(f)(3)(B) (125 Stat. 1465) is amended by striking ''chapter 9'' and inserting ''chapter 10''.

(8) Section 631(f)(4) (125 Stat. 1465) is amended by striking ''subsection (c)'' both places it appears and inserting ''subsection (d)''.

(9) 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**''.

(10) Section 832(b)(1) (125 Stat. 1504) is amended by striking ''Defenese'' and inserting ''Defense''.

(11) Section 855 (125 Stat. 1521) is amended by striking ''Section 139e(b)(12)'' and inserting ''Section 139c(b)(12)''.

(12) Section 864(a)(2) (125 Stat. 1522) is amended by striking ''for Acquisition Workforce Programs'' in the matter proposed to be struck.

(13) 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.'.''.

(14) Section 866(a) (125 Stat. 1526) is amended by striking ''September 30'' in the matter proposed to be struck and inserting ''December 31''.

(15) 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''.

(16) Section 1045(c)(1) (125 Stat. 1577) is amended by striking ''described in subsection (b)'' and inserting ''described in paragraph (2)''.

(17) 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).

(18) 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''.

(19) 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 533(b) (124 Stat. 4216) is amended by inserting ''Section'' before ''1559(a)''.

(2) Section 863(d)(9) (124 Stat. 4293; 10 U.S.C. 2330 note) is amended by striking ''this title'' and inserting ''title 10, United States Code''.

(3) Section 896(a) (124 Stat. 4314) is amended by striking ''Chapter 7'' and inserting ''Chapter 4''.

(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'' each place it appears 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''.

(d) CROSS-REFERENCE AMENDMENTS RELATING TO ENACTMENT OF TITLE 41.—Title 10, United States Code, is amended as follows:

(1) Section 2302 is amended—

(A) in paragraph (7), by striking ''section 4 of such Act'' and inserting ''such section''; and

(B) in paragraph (9)(A)—

(i) by striking ''section 26 of the Office of Federal Procurement Policy Act (41 U.S.C. 422)'' and inserting ''chapter 15 of title 41''; and

(ii) by striking ''such section'' and inserting ''such chapter''.

(2) Section 2306a(b)(3)(B) is amended by striking ''section 4(12)(C)(i) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12)(C)(i))'' and inserting ''section 103(3)(A) of title 41''.

(3) Section 2321(f)(2) is amended by striking ''section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))'' and inserting ''section 104 of title 41''.

(4) Section 2359a(h) is amended by striking ''section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c))'' and inserting ''section 1702(c) of title 41''.

(5) Section 2359b(k)(4) is amended—

(A) in subparagraph (A), by striking ''section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)'' and inserting ''section 110 of title 41''; and

(B) in subparagraph (B), by adding a period at the end.

(6) Section 2379 is amended—

(A) in subsections (a)(1)(A), (b)(2)(A), and (c)(1)(B)(i), by striking ''section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))'' and inserting ''section 103 of title 41''; and

(B) in subsections (b) and (c)(1), by striking ''section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))'' and inserting ''section 104 of title 41''.

(7) Section 2382(c) is amended—

(A) in paragraph (2)(B), by striking ''sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k)'' and inserting ''sections 4101, 4103, 4105, and 4106 of title 41''; and

(B) in paragraph (3)(A), by striking ''section 16(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(c))'' and inserting ''section 1702(c) of title 41''.

(8) Section 2410m(b)(1) is amended—

(A) in subparagraph (A)(i), by striking ''section 7 of such Act'' and inserting ''section 7104(a) of such title''; and

(B) in subparagraph (B)(ii), by striking ''section 7 of the Contract Disputes Act of 1978'' and inserting ''section 7104(a) of title 41''.

(9) Section 2533b is amended—

(A) in subsection (h)—

(i) in paragraph (1), by striking ''sections 34 and 35 of the Office of Federal Procurement Policy Act (41 U.S.C. 430

and 431)'' and inserting ''sections 1906 and 1907 of title 41''; and

(ii) in paragraph (2), by striking ''section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))'' and inserting ''section 104 of title 41''; and

(B) in subsection (m)—

(i) in paragraph (2), by striking ''section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)'' and inserting ''section 105 of title 41'';

(ii) in paragraph (3), by striking ''section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403)'' and inserting ''section 131 of title 41''; and

(iii) in paragraph (5), by striking ''section 35(c) of the Office of Federal Procurement Policy Act (41 U.S.C. 431(c))'' and inserting ''section 104 of title 41''.

(e) OTHER 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 2382(b)(1) is amended by inserting ''of the Small Business Act (15 U.S.C. 657q(c)(4))'' after ''section 44(c)(4)'';

(3) 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''.

(4) 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''.

(f) 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 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''.

(3) 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''.

(4) 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,''.

(5) 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,''.

(6) 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''.

(g) 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 843(b)(2)(B)(v) (article 43 of the Uniform Code of Military Justice) is amended by striking ''Kidnaping,,'' and inserting ''Kidnaping,''

(8) Section 920(g)(7) (article 120 of the Uniform Code of Military Justice) is amended by striking the second period at the end.

(9) Section 1086(b)(1) is amended by striking ''clause (2)'' and inserting ''paragraph (2)''.

(10) Section 1142(b)(10) is amended by striking ''training,,'' and inserting ''training,''.

(11) 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,''.

(12) 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''.

(13) Section 1790 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 ''Secs.''; and

(E) by striking ''sections 286(m) and (n) of such Act (8 U.S.C. Sec. 1356(m))'' and inserting ''subsections m and (n) of section 286 of such Act (8 U.S.C. 1356).''.

(14) 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).

(15) 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''.

(16) 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''.

(17) Section 2438(a)(3) is amended by inserting ''the senior'' before ''official's''.

(18) 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), by striking ''Beginning with fiscal year 2012, the'' and inserting ''The''; and

(C) in subsection (e)(1), by striking '', United States Code,''.

(19) Section 2561(f)(2) is amended by striking ''Committee on International Relations'' and inserting ''Committee on Foreign Affairs''.

(20) 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''.

(21) 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''.

(22) Section 4343 is amended by striking ''clauses'' and inserting ''paragraphs''.

(23) 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''.

(24) Section 6956(b) is amended by striking ''clauses'' and inserting ''paragraphs''.

(25) 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''.

(26) Section 9343 is amended by striking ''clauses'' and inserting ''paragraphs''.

(27) Section 10217(c)(3) is amended by striking ''consider'' and inserting ''considered''.

(h) 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.

(i) 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 9 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.

(j) AMENDMENTS TO TITLE 41.— Title 41, United States Code, is amended as follows:

(1) Section 1122(a)(5) is amended by striking the period at the end and inserting a semicolon.

(2) Section 1703(i)(6) is amended by striking ''Procurememt'' and inserting ''Procurement''.

(k) AMENDMENT TO TITLE 46.— Subsection (a) of section 51301 of title 46, United States Code, is amended in the heading by striking ''IN GENERAL'' and inserting ''IN GENERAL''.

(l) 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).

(m) 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,".

(n) 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. 1084. PROHIBITION ON USE OF INFORMATION AGAINST A UNITED STATES CITIZEN GATHERED BY UNMANNED AERIAL VEHICLE WITHOUT A WARRANT.

Notwithstanding any other provision of law, information acquired by an unmanned aerial vehicle operated by the Department of Defense may not be admitted in a Federal court, State court, or court of a political subdivision of a State as evidence against a United States citizen unless such information was obtained by such unmanned aerial vehicle pursuant to a court order.

SEC. 1085. THE HOUSE OF REPRESENTATIVES HONORS.

(a) FINDINGS.—The House of Representatives finds the following:

(1) The spread of warfare across Europe and Asia led to the establishment on May 20, 1941, of the United States Office of Civilian Defense by Executive Order No. 8757 of President Franklin D. Roosevelt, to ''assure effective coordination of Federal relations with State and local governments engaged in defense activities, to provide for necessary cooperation with States and local governments in respect to measures for adequate protection of the civilian population in emergency periods, to facilitate constructive civilian participation in the defense program, and to sustain national morale''.

(2) The December 7, 1941, attack by the Empire of Japan on Pearl Harbor, Hawaii, precipitated the entry of the United States into the worldwide conflict and signaled a new era of warfare that demanded new efforts to protect the people of the United States from airborne assault by an overseas enemy.

(3) In response to this new threat, the United States Office of Civilian Defense mobilized millions of volunteers to participate in efforts to enhance the preparedness of the United States in case of attack, including fire protection, communication and logis-

tics, construction of bomb shelters, and air raid blackout drills.

(4) Thousands of Americans unable to serve in the United States Armed Forces volunteered their service as Air Raid Wardens in communities across the United States during World War II, contributing to America's defense against potential enemy assault and the ultimate victory of the Allied nation.

(5) A training manual distributed to Air Raid Wardens during World War II noted that ''In the system of civilian defense, the Air Raid Warden occupies the key position. He is the field officer under whose supervision the efforts of the civilian population are directed in the tremendous task of effective defense. Through the Air Raid Wardens, civilian activity is coordinated with that of the police and fire departments and other vital services.''.

(6) Training manuals distributed to Air Raid Wardens included ''I am an Air Raid Warden'', by Frank W. Atherton, Chief Air Raid Warden, 1st District, United States Citizens' Defense Corps of Michigan, which read, in part that ''I am an Air Raid Warden. My country, my state and my community have given me many pleasant and fruitful years and now in time of trouble I feel that it is my duty

to do my part in the work assigned to me in helping to reduce to a minimum any harm that may come from without or within.''.

(7) Tony Pastor and His Orchestra released a song in 1942, titled ''Obey Your Air Raid Warden'', which was widely distributed as a public service announcement and contained the following lyrics: ''One, be calm. Two, get under shelter. Three, don't run. Obey your air-raid warden. Four, stay home. Five, keep off the highway. Six, don't phone. Obey your air-raid warden. There are rules that you should know, What to do and where to go, When you hear the sirens blow, Stop, look, and listen. Seven, don't smoke. Eight, help all the kiddies. Most of all, obey your air-raid warden. Stop, look, and listen. Dim the lights, Wait for information, Most of all, obey your air-raid warden. Stop the panic, Don't get in a huff, Our aim today is to call their bluff. Follow these rules and that is enough. Obey your air-raid warden.''.

(b) THE HOUSE OF REPRESENTATIVES HONORS.—The House of Representatives encourages surviving Air Raid Wardens and other volunteers of the United States Office of Civilian Defense during the World War II to

record and permanently preserve stories of their service for future generations.

SEC. 1086. COST OF WARS.

The Secretary of Defense, in consultation with the Commissioner of the Internal Revenue Service and the Director of the Bureau of Economic Analysis, shall post on the public Web site of the Department of Defense the costs, including the relevant legacy costs, to each American taxpayer of each of the wars in Afghanistan and Iraq.

SEC. 1087. INCREASE IN AUTHORIZED NUMBER OF WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.

(a) IN GENERAL.—Section 1403(a) 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) in paragraph (1), by striking ''23'' and inserting ''a minimum of 25''; and

(2) by striking ''55 teams'' each place it appears and inserting ''57 teams''.

(b) FUNDING.—

(1) INCREASE.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for operation and maintenance, Army, as specified in

the corresponding funding table in section 4301, for Line 070, Force Readiness Operations Support is hereby increased by $5,000,000.

(2) OFFSET.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 201 for research, development, test, and evaluation, Defense-wide, as specified in the corresponding funding table in division D, is hereby reduced by $5,000,000, to be derived from Line 036, Program Element 0603384BP, Chemical and Biological Defense Program.

SEC. 1088. TRIAL OF FOREIGN TERRORISTS.

After the date of the enactment of this Act, any foreign national, who—

(1) engages or has engaged in conduct constituting an offense relating to a terrorist attack against persons or property in the United States or against any United States Government property or personnel outside the United States, and

(2) is subject to trial for that offense by a military commission under chapter 47A of title 10, United States Code,

shall be tried for that offense only by a military commission under that chapter.

SEC. 1089. RIALTO-COLTON BASIN, CALIFORNIA, WATER RESOURCES STUDY.

(a) IN GENERAL.—Not later than 2 years after funds are made available to carry out 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. 1090. REPORT ON DESIGNATION OF BOKO HARAM AS A FOREIGN TERRORIST ORGANIZATION.

(a) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this section, the Secretary of State shall submit to the appropriate congressional committees—

(A) a detailed report on whether the Nigerian organization named ''People Committed to the Propagation of the Prophet's Teachings and Jihad'' (commonly known as ''Boko Haram''), meets the criteria for designation as a foreign terrorist organization under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

(B) if the Secretary of State determines that Boko Haram does not meet such criteria, a detailed justification as to which criteria have not been met.

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

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Homeland Security, 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 Homeland Security and Governmental Affairs, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate.

(b) RULE OF CONSTRUCTION.—Nothing in this section may be construed to infringe upon the sovereignty of Nigeria to combat militant or terrorist groups operating inside the boundaries of Nigeria.

SEC. 1091. 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. 1092. CONSOLIDATION OF DATA CENTERS.

Section 2867 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 2223a note) is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A), by inserting after "April 1, 2012," the following: "and each year thereafter,"; and

(B) by adding at the end the following new paragraph:

"(C) ADDITIONAL ELEMENT.—The performance plan required under this paragraph, with respect to plans submitted after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, shall be consistent with the July 2011 Government Accountability Office report to Congress, entitled 'Data Center Consolidation Agencies Need to Complete Inventories and Plans to Achieve Expected Savings' (GAO–11–565), as updated by quarterly consolidation progress reports submitted by the Department of Defense to the Office of Management and Budget"; and

(2) in subsection (d)(1), by adding at the end the following: "Beginning after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, such report shall include progress updates on consolidation goals achieved during the preceding fiscal year consistent with the framework outlined by the July 2011 Government Accountability Office report to Congress, entitled 'Data Center Consolidation Agencies Need to Complete Inventories and Plans to Achieve Expected

Savings' (GAO–11–565), as updated by quarterly consolidation progress reports submitted by the Department of Defense to the Office of Management and Budget.''.

SEC. 1093. SENSE OF CONGRESS REGARDING PRESERVATION OF SECOND AMENDMENT RIGHTS OF ACTIVE DUTY MILITARY PERSONNEL STATIONED OR RESIDING IN THE DISTRICT OF COLUMBIA.

(a) FINDINGS.—Congress finds the following:

(1) The Second Amendment to the United States Constitution provides that the right of the people to keep and bear arms shall not be infringed.

(2) Approximately 40,000 servicemen and women across all branches of the Armed Forces either live in or are stationed on active duty within the Washington, DC metropolitan area. Unless these individuals are granted a waiver as serving in a law enforcement role, they are subject to the District of Columbia's onerous and highly restrictive laws on the possession of firearms.

(3) Military personnel, despite being extensively trained in the proper and safe use of firearms, are therefore deprived by the laws of the District of Columbia of handguns, rifles, and shotguns that are

commonly kept by law-abiding persons throughout the United States for sporting use and for lawful defense of their persons, homes, businesses, and families.

(4) The District of Columbia has one of the highest per capita murder rates in the Nation, which may be attributed in part to previous local laws prohibiting possession of firearms by law-abiding persons who would have otherwise been able to defend themselves and their loved ones in their own homes and businesses.

(5) The Gun Control Act of 1968, as amended by the Firearms Owners' Protection Act, and the Brady Handgun Violence Prevention Act, provide comprehensive Federal regulations applicable in the District of Columbia as elsewhere. In addition, existing District of Columbia criminal laws punish possession and illegal use of firearms by violent criminals and felons. Consequently, there is no need for local laws that only affect and disarm law-abiding citizens.

(6) On June 26, 2008, the Supreme Court of the United States in the case of District of Columbia v. Heller held that the Second Amendment protects an individual's right to possess a firearm for tradi-

tionally lawful purposes, and thus ruled that the District of Columbia's handgun ban and requirements that rifles and shotguns in the home be kept unloaded and disassembled or outfitted with a trigger lock to be unconstitutional.

(7) On July 16, 2008, the District of Columbia enacted the Firearms Control Emergency Amendment Act of 2008 (D.C. Act 17–422; 55 DCR 8237), which places onerous restrictions on the ability of law-abiding citizens from possessing firearms, thus violating the spirit by which the Supreme Court of the United States ruled in District of Columbia v. Heller.

(8) On February 26, 2009, the United States Senate adopted an amendment on a bipartisan vote of 62-36 by Senator John Ensign to S. 160, the District of Columbia House Voting Rights Act of 2009, which would fully restore Second Amendment rights to the citizens of the District of Columbia.

(b) SENSE OF CONGRESS.—It is the sense of Congress that active duty military personnel who are stationed or residing in the District of Columbia should be permitted to exercise fully their rights under the Second Amendment to the Constitution of the United States and therefore

should be exempt from the District of Columbia's restrictions on the possession of firearms.

SEC. 1094. CONDITIONAL REPLACEMENT FOR FY 2013 SEQUESTER.

(a) CONTINGENT EFFECTIVE DATE.—This section and the amendments made by it shall take effect upon the enactment of—

(1) the Act contemplated in section 201 of H. Con. Res. 112 (112th Congress) that achieves at least the deficit reduction called for in such section for such periods; or

(2) similar legislation that at least offsets the outlay reductions flowing from the budget authority reductions mandated by section 251A(7)(A) and 251A(8) as it applies to direct spending in the defense function for fiscal year 2013 of the Balanced Budget and Emergency Deficit Control Act of 1985, as in force immediately before the date of enactment of this Act, combined with the outlay reductions flowing from the amendment to section 251A(7)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 made by subsection (c), within five years of enactment.

(b) REVISED 2013 DISCRETIONARY SPENDING LIMIT.—Paragraph (2) of section 251(c) of the Balanced

Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

"(2) with respect to fiscal year 2013, for the discretionary category, $1,047,000,000,000 in new budget authority;".

(c) DISCRETIONARY SAVINGS.—Section 251A(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

"(A) FISCAL YEAR 2013.—

"(i) FISCAL YEAR 2013 ADJUSTMENT.—On January 2, 2013, the discretionary category set forth in section 251(c)(2) shall be decreased by $19,104,000,000 in budget authority.

"(ii) SUPPLEMENTAL SEQUESTRATION ORDER.—On January 15, 2013, OMB shall issue a supplemental sequestration report for fiscal year 2013 and take the form of a final sequestration report as set forth in section 254(f)(2) and using the procedures set forth in section 253(f), to eliminate any discretionary spending breach of the spending limit set forth in section 251(c)(2) as adjusted by clause (i),

and the President shall order a sequestration, if any, as required by such report.''.

(d) ELIMINATION OF THE FISCAL YEAR 2013 SEQUESTRATION FOR DEFENSE DIRECT SPENDING.—Any sequestration order issued by the President under the Balanced Budget and Emergency Deficit Control Act of 1985 to carry out reductions to direct spending for the defense function (050) for fiscal year 2013 pursuant to section 251A of such Act shall have no force or effect.

(e) REPORT.—

(1) IN GENERAL.—Not later than August 15, 2012, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a detailed report on the impact of the sequestration of funds authorized and appropriated for Fiscal Year 2013 for the Department of Defense, if automatically triggered on January 2, 2013, as required by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a), as in effect immediately before the date of enactment of this Act.

(2) CONTENTS OF REPORT.—The report required by this section shall include—

(A) an assessment of the potential impact of sequestration on the readiness of the Armed

Forces, including impacts to steaming hours, flying hours, full spectrum training miles, and all other readiness metrics;

(B) an assessment of the impact on ability of the Department of Defense to carry out the National Military Strategy of the United States and any changes to the most recent Chairman's Risk Assessment required by section 153 of title 10, United States Code;

(C) a listing of the programs, projects, and activities across the military departments and components that would be reduced or terminated as a result of automatically triggered cuts;

(D) an estimate of the number and value of all contracts that will be terminated, restructured, or rescoped due to sequestration, including an estimate of potential termination costs and increased contracts costs due to renegotiation and reinstatement of the contract; and

(E) an estimate of the number of civilian, contract, and uniformed personnel whose employment would be terminated due to sequestration, including the estimated cost to the Department of executing such a drawdown.

SEC. 1095. REPORT ON DEFENSE FORENSIC DATA.

(a) REQUIREMENT.—The Director of the Defense Forensic Office within the Office of the Undersecretary of Defense for Acquisition, Technology, and Logistics may evaluate opportunities to increase the matching success rate when forensic data is collected during site exploitation to match forensic data stored in DNA databases. Among other items, the Defense Forensic Office may evaluate opportunities to assist other countries with moving forward with DNA database programs that require a defined category of criminal offender to submit DNA to a foreign country's national DNA database.

(b) REPORT.—The Defense Forensic Office shall submit to the congressional defense committees a report containing its findings and solutions no later than 120 days after the date of the enactment of this Act.

SEC. 1096. DISPLAY OF STATE, DISTRICT OF COLUMBIA, AND TERRITORIAL FLAGS BY ARMED FORCES.

Section 2249b of title 10, United States Code, is amended—

(1) by adding at the end the following new subsection:

"(c) DISPLAY OF DISTRICT OF COLUMBIA AND TERRITORIAL 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, Commonwealth of Puerto Rico, United States Virgin Islands, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands.''; and

(2) in the section heading, by striking the colon and all that follows.

SEC. 1097. 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.

1 "(b)(1) Except as provided in paragraph (2), the Sec-
2 retary and the Broadcasting Board of Governors may,
3 upon request and reimbursement of the reasonable costs
4 incurred in fulfilling such a request, make available, in the
5 United States, motion pictures, films, video, audio, and
6 other materials prepared for dissemination abroad or dis-
7 seminated abroad pursuant to this Act, the United States
8 International Broadcasting Act of 1994 (22 U.S.C. 6201
9 et seq.), the Radio Broadcasting to Cuba Act (22 U.S.C.
10 1465 et seq.), or the Television Broadcasting to Cuba Act
11 (22 U.S.C. 1465aa et seq.). The Secretary and the Broad-
12 casting Board of Governors shall issue necessary regula-
13 tions—
14 "(A) to establish procedures to maintain such
15 material;
16 "(B) for reimbursement of the reasonable costs
17 incurred in fulfilling requests for such material; and
18 "(C) to ensure that the persons seeking release
19 of such material have secured and paid for necessary
20 United States rights and licenses.
21 "(2) With respect to material prepared for dissemina-
22 tion abroad or disseminated abroad before the effective
23 date of the Smith-Mundt Modernization Act of 2012—
24 "(A) the Secretary and the Broadcasting Board
25 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 (3).

"(3) The Archivist may charge fees to recover the costs described in paragraph (2), in accordance with section 2116 (c) of title 44. 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 may be construed to affect the allocation of funds ap-

propriated or otherwise made specifically available for public diplomacy.

(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 the Smith-Mundt Modernization Act of 2012.

"(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. 1098. IMPROVING ORGANIZATION FOR COMPUTER NETWORK OPERATIONS.

(a) CHARTER.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees a charter to establish an interagency body or organization to coordinate and deconflict full-spectrum military cyber operations for the Federal Government.

(b) ELEMENTS.—The charter required under subsection (a) shall include—

(1) business rules and processes for the functioning of the body or organization established by such charter;

(2) interagency guidance clarifying roles and responsibilities for full-spectrum military cyber operations;

(3) clarification and defined membership for such body or organization; and

(4) accommodation for documentation of the activities of such body or organization, including minutes and historical archives.

(c) REPORT.—Not later than 240 days after the date of the enactment of this Act, the President shall submit to the congressional defense committees a report outlining the charter required under subsection (a), and plans to ensure the implementation of such charter.

(d) BUDGET JUSTIFICATION DOCUMENTS.—The Secretary of Defense shall submit to the congressional defense committees dedicated budget documentation materials to accompany future budget submissions, including a single Depart of Defense-wide budget estimate and detailed budget planning data for full-spectrum military cyberspace operations (computer network defense, attack, and exploitation) in both unclassified and classified funding data.

SEC. 1099. IMPROVING UNITED STATES FOREIGN POLICE ASSISTANCE ACTIVITIES.

(a) FINAL REPORT.—Not later than 60 days after the date of the enactment of this Act, the President shall

1 submit to the relevant congressional committees the final
2 report from the National Security Council's Interagency
3 Policy Committee on Security Sector Assistance.

4 (b) PLAN.—Not later than 180 days after the date
5 of the enactment of this Act, the Secretaries of Defense
6 and State shall jointly submit to the relevant congressional
7 committees a plan to institute mechanisms to better co-
8 ordinate, document, disseminate, and share information
9 analysis and assessments regarding United States foreign
10 police assistance activities.

11 (c) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
12 FINED.—In this section, the term ''relevant congressional
13 committees'' means—

14 (1) the Committee on Armed Services of the
15 Senate and the House of Representatives;

16 (2) the Committee on Oversight and Govern-
17 ment Reform of the House of Representatives;

18 (3) the Committee on Homeland Security and
19 Governmental Affairs of the Senate;

20 (4) the Committee on Foreign Affairs of the
21 House of Representatives; and

22 (5) the Committee on Foreign Relations of the
23 Senate.

SEC. 1099A. SENSE OF CONGRESS REGARDING UNITED STATES NORTHERN COMMAND PREPAREDNESS.

It is the sense of the Congress that—

(1) the United States Northern Command plays a crucial role in providing additional response capability to State and local governments in domestic disaster relief and consequence management operations;

(2) the United States Northern Command must continue to build upon its current efforts to develop command strategies, leadership training, and response plans to effectively work with civil authorities when acting as the lead agency or a supporting agency; and

(3) the United States Northern Command should leverage whenever possible training and management expertise that resides within the Department of Defense, other Federal agencies, State and local governments, and private sector businesses and academic institutions to enhance—

(A) its defense support to civil authorities and incidence management missions;

(B) relationships with other entities involved in disaster response; and

(C) its ability to respond to unforeseen events.

SEC. 1099B. LIMITATION ON MILITARY MUSICAL UNITS.

Amounts authorized to be appropriated pursuant to this Act for military musical units (as such term is defined in section 974 of title 10, United States Code) may not exceed $200,000,000.

SEC. 1099C. REQUIREMENT FOR ATTORNEY GENERAL TO INVESTIGATE POSSIBLE VIOLATIONS OF FEDERAL LAW RELATED TO LEAKS OF SENSITIVE INFORMATION INVOLVING THE MILITARY, INTELLIGENCE, AND OPERATIONAL CAPABILITIES OF THE UNITED STATES AND ISRAEL.

(a) INVESTIGATION REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Attorney General shall initiate an investigation into possible violations of Federal law related to leaks of sensitive information involving the military, intelligence, and operational capabilities of the United States and Israel.

(b) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Attorney General shall submit to Congress a report describing the status and progress of the investigation required under subsection (a).

TITLE XI—CIVILIAN PERSONNEL MATTERS

Subtitle A—General Provisions

SEC. 1101. EXPANSION OF PERSONNEL MANAGEMENT AUTHORITY UNDER EXPERIMENTAL PROGRAM WITH RESPECT TO CERTAIN SCIENTIFIC AND TECHNICAL POSITIONS.

Subparagraph (A) of section 1101(b)(1) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (5 U.S.C. 3104 note), as most recently amended by section 1110 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1615), is further amended by striking ''40'' and inserting ''60''.

SEC. 1102. 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. 1103. EXTENSION OF AUTHORITY TO FILL SHORTAGE CATEGORY POSITIONS FOR CERTAIN FEDERAL ACQUISITION POSITIONS FOR CIVILIAN AGENCIES.

Section 1703(j) of title 41, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking ''sections 3304, 5333, and 5753'' and inserting ''section 3304''; and

(B) by striking ''use the authorities in those sections to recruit and''; and

(2) in paragraph (2), by striking ''September 30, 2012'' and inserting ''September 30, 2017''.

SEC. 1104. 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. 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.

Subtitle B—Interagency Personnel Rotations

SEC. 1111. INTERAGENCY PERSONNEL ROTATIONS.

(a) SHORT TITLE.—This subtitle may be cited as the ''Interagency Personnel Rotation Act of 2012''.

(b) DEFINITIONS.—In this subtitle:

(1) AGENCY.—The term ''agency'' has the meaning given the term ''Executive agency'' under section 105 of title 5, United States Code.

(2) COMMITTEE.—The term ''Committee'' means the Committee on National Security Personnel established under subsection (c)(1).

(3) COVERED AGENCY.—The term ''covered agency'' means an agency that is part of an ICI.

(4) ICI.—The term ''ICI'' means a National Security Interagency Community of Interest identified by the Committee under subsection (d)(1).

(5) ICI POSITION.—The term ''ICI position''—

(A) means—

(i) a position that—

(I) is identified by the head of a covered agency as a position within

the covered agency that has significant responsibility for the subject area of the ICI in which the position is located and for activities that involve more than 1 agency;

(II) is in the civil service (as defined in section 2101(1) of title 5, United States Code) in the executive branch of the Government (including a position in the Foreign Service) at or above GS–11 of the General Schedule or at a level of responsibility comparable to a position at or above GS–11 of the General Schedule; and

(III) is within an ICI; or

(ii) a position in an interagency body identified as an ICI position under subsection (d)(3)(B)(i); and

(B) shall not include—

(i) any position described under paragraph (10)(A) or (C); or

(ii) any position filled by an employee described under paragraph (10)(B).

(6) INTELLIGENCE COMMUNITY.—The term ''intelligence community'' has the meaning given

under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(7) INTERAGENCY BODY.—The term ''interagency body'' means an entity or component identified under subsection (d)(3)(A).

(8) INTERAGENCY ROTATIONAL SERVICE.—The term ''interagency rotational service'' means service by an employee in—

(A) an ICI position that is—

(i) in—

(I) a covered agency other than the covered agency employing the employee; or

(II) an interagency body, without regard to whether the employee is employed by the agency in which the interagency body is located; and

(ii) the same ICI as the position in which the employee serves or has served before serving in that ICI position; or

(B) a position in an interagency body identified under subsection (d)(3)(B)(ii).

(9) NATIONAL SECURITY INTERAGENCY COMMUNITY OF INTEREST.—The term ''National Security Interagency Community of Interest'' means the

positions in the executive branch of the Government that—

(A) as a group are positions within multiple agencies of the executive branch of the Government; and

(B) 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.

(10) POLITICAL APPOINTEE.—The term ''political appointee'' means an individual who—

(A) is employed in a position described under sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule);

(B) is a noncareer appointee in the Senior Executive Service, as defined under section 3132(a)(7) of title 5, United States Code; or

(C) is employed in a position in the executive branch of the Government of a confidential

or policy-determining character under schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations.

(11) SENIOR POSITION.—The term ''senior position'' means—

(A) a Senior Executive Service position, as defined in section 3132(a)(2) of title 5, United States Code;

(B) a position in the Senior Foreign Service established under the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.);

(C) a position in the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service established under section 3151 of title 5, United States Code;

(D) a position filled by a limited term appointee or limited emergency appointee in the Senior Executive Service, as defined under paragraphs (5) and (6), respectively, of section 3132(a) of title 5, United States Code; and

(E) any other equivalent position identified by the Committee.

(c) COMMITTEE ON NATIONAL SECURITY PERSONNEL.—

(1) ESTABLISHMENT.—There is established the Committee on National Security Personnel within the Executive Office of the President.

(2) MEMBERSHIP.—The members of the Committee shall be the Director of the Office of Management and Budget, the Director of the Office of Personnel Management, and the Assistant to the President for National Security Affairs.

(3) CHAIRPERSON.—The Director of the Office of Management and Budget shall be the Chairperson of the Committee.

(4) FUNCTIONS.—

(A) IN GENERAL.—The Committee shall perform the functions as provided under this subtitle to implement this subtitle and shall validate the actions taken by the heads of covered agencies to implement the directives issued and meet the standards established under subparagraph (B).

(B) DIRECTIVES AND STANDARDS.—

(i) IN GENERAL.—In consultation with the Director of the Office of Personnel Management and the Assistant to the President for National Security Affairs, the Director of the Office of Manage-

ment and Budget shall issue directives and establish standards relating to the implementation of this subtitle.

(ii) USE BY COVERED AGENCIES.—The head of each covered agency shall carry out the responsibilities under this subtitle in accordance with the directives issued and standards established by the Director of the Office of Management and Budget.

(5) SUPPORT AND IMPLEMENTATION.—

(A) BOARD.—There is established to assist the Committee a board, the members of which shall be appointed—

(i) in accordance with subparagraph (B); and

(ii) from among individuals holding an office or position in level III of the Executive Schedule.

(B) APPOINTMENTS.—Members of the board shall be appointed as follows:

(i) One by the Secretary of State.

(ii) One by the Secretary of Defense.

(iii) One by the Secretary of Homeland Security.

(iv) One by the Attorney General.

(v) One by the Secretary of the Treasury.

(vi) One by the Secretary of Energy.

(vii) One by the Secretary of Health and Human Services.

(viii) One by the Secretary of Commerce.

(ix) One by the head of any other agency (or, if more than 1, by each of the respective heads of any other agencies) determined appropriate by the Committee.

As used in clause (ix), the term ''agency'' does not include any element of the intelligence community.

(C) CHIEF HUMAN CAPITAL OFFICERS COUNCIL.—The Chief Human Capital Officers Council shall provide advice to the Committee regarding technical human capital issues.

(D) COVERED AGENCY OFFICIALS.—

(i) IN GENERAL.—The head of each covered agency shall designate an officer and office within that covered agency with responsibility for the implementation of this subtitle.

(ii) EXISTING OFFICES.—If an officer or office of a covered agency is designated as the officer or office within the covered agency with responsibility for the implementation of Executive Order No. 13434 for the covered agency on the date of enactment of this Act, the head of the covered agency shall designate the officer or office as the officer or office within the covered agency with responsibility for the implementation of this subtitle.

(E) STAFF.—

(i) IN GENERAL.—Not more than 3 full-time employees (or the equivalent) may be hired to assist the Committee in the implementation of this subtitle. Each employee so hired shall be selected from among individuals serving in the Office of Management and Budget, the Office of Personnel Management, or any other agency.

(ii) FUNDING.—

(I) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal

years 2013 through 2017 to carry out clause (i) an amount equal to the amount expended for salaries and expenses of the National Security Professional Development Integration Office during fiscal year 2012.

(II) OFFSET.—

(aa) IN GENERAL.—Except as provided in subparagraph (D)(ii), effective on the date of enactment of this Act, the National Security Professional Development Integration Office of the Department of Defense is terminated and, on and after the date of enactment of this Act, the Secretary of Defense may not establish a comparable office to implement Executive Order No. 13434 or to design, administer, or report on the creation of a national security professional development system, cadre of national security professionals, or any personnel rotations, education, or

training for individuals involved in interagency activities or who are national security professionals who are not employed by the Department of Defense. Nothing in this item shall be construed to prohibit the Secretary of Defense from establishing or designating an office to administer interagency rotations by, or the interagency activities of, employees of the Department of Defense.

(bb) TRANSFER OF FUNCTIONS.—Effective on the date of enactment of this Act, there are transferred to the Office of Management and Budget or the Office of Personnel Management, as determined appropriate by the Committee, the functions of the National Security Professional Development Integration Office of the Department of Defense.

(cc) FUNDS.—Effective on the date of enactment of this Act, all unobligated balances made available for the activities of the National Security Professional Development Integration Office of the Department of Defense are rescinded.

(d) NATIONAL SECURITY INTERAGENCY COMMUNITIES OF INTEREST.—

(1) IDENTIFICATION OF ICIS.—Subject to subsection (g), the Committee—

(A) shall identify ICIs on an ongoing basis for purposes of carrying out this subtitle; and

(B) may alter or discontinue an ICI identified under subparagraph (A).

(2) IDENTIFICATION OF ICI POSITIONS.—The head of each covered agency shall identify ICI positions within the covered agency.

(3) INTERAGENCY BODIES.—

(A) IDENTIFICATION.—

(i) IN GENERAL.—The Committee shall identify—

(I) entities in the executive branch of the Government that are

primarily involved in interagency activities relating to national security or homeland security; and

(II) components of agencies that are primarily involved in interagency activities relating to national security or homeland security and have a mission distinct from the agency within which the component is located.

(ii) CERTAIN BODIES.—

(I) IN GENERAL.—The Committee shall identify the National Security Council as an interagency body under this subparagraph.

(II) FBI ROTATIONS.—Joint Terrorism Task Forces shall not be considered interagency bodies for purposes of service by employees of the Federal Bureau of Investigation.

(iii) DUTIES OF HEAD OF COVERED AGENCY.—The Committee shall designate the Federal officer who shall perform the duties of the head of a covered agency relating to ICI positions within an interagency body.

(B) POSITIONS IN INTERAGENCY BODIES.—The officials designated under subparagraph (A)(iii) shall identify—

(i) positions within their respective interagency bodies that are ICI positions; and

(ii) positions within their respective interagency bodies—

(I) that are not a position described under subsection (b)(10)(A) or (C) or a position filled by an employee described under subsection (b)(10)(B); and

(II) for which service in the position shall constitute interagency rotational service.

(e) INTERAGENCY COMMUNITY OF INTEREST ROTATIONAL SERVICE.—

(1) EXCLUSION OF SENIOR POSITIONS.—For purposes of this subsection, the term ''ICI position'' does not include a senior position.

(2) ROTATIONS.—

(A) IN GENERAL.—The Committee shall provide for employees serving in an ICI position

to be assigned on a rotational basis to another ICI position that is—

(i) within another covered agency or within an interagency body; and

(ii) within the same ICI.

(B) EXCEPTION.—An employee may be assigned to an ICI position in another covered agency or in an interagency body that is not in the ICI applicable to an ICI position in which the employee serves or has served if—

(i) the employee has particular nongovernmental or other expertise or skills that are relevant to the assigned ICI position; and

(ii) the head of the covered agency employing the employee, the head of the covered agency to which the assignment is made, and the Committee approve the assignment.

(C) NONREIMBURSABLE BASIS.—Service by an employee in an ICI position in another covered agency or in an interagency body that is not within the agency employing the employee shall be performed without reimbursement.

(D) RETURN TO PRIOR POSITION.—Except as otherwise provided by the Committee, an employee performing service in an ICI position in another covered agency or interagency body or in a position designated under subsection (d)(3)(B)(ii) 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 (or, in the case of an employee in the Foreign Service, as defined in section 102(11) of the Foreign Service Act of 1980 (22 U.S.C. 3902(11)), a position in the same or a higher personnel category), in the covered agency employing the employee.

(3) SELECTION OF ICI POSITIONS OPEN FOR ROTATIONAL SERVICE.—

(A) IN GENERAL.—The head of each covered agency shall determine which ICI positions in the covered agency shall be available for service by employees from another covered agency and may modify a determination under this subparagraph.

(B) LIST.—The Committee shall maintain a single, integrated list of ICI positions and of

positions available for service by employees from another covered agency under this subsection and shall make the list available to Federal employees on an ongoing basis in order to facilitate applications for the positions and long-term career planning by employees of the executive branch of the Government, except to the extent that the Committee determines that the identity of certain positions should not be distributed in order to protect national security or homeland security.

(4) MINIMUM PERIOD OF SERVICE.—With respect to the period of service in an ICI position in another covered agency or interagency body, the Committee—

(A) shall, notwithstanding any other provision of law, ensure that the period of service is sufficient to gain an adequately detailed understanding and perspective of the covered agency or interagency body at which the employee is assigned;

(B) may provide for different periods of service, depending upon the nature of the position, including whether the position is in an area that is a combat zone for purposes of sec-

tion 112 of the Internal Revenue Code of 1986; and

(C) shall require that an employee performing service in an ICI position in another covered agency or interagency body is informed of the period of service for the position before beginning such service.

(5) VOLUNTARY NATURE OF ROTATIONAL SERVICE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), service in an ICI position in another covered agency or interagency body shall be voluntary on the part of the employee.

(B) AUTHORITY TO ASSIGN INVOLUNTARILY.—If the head of a covered agency has the authority under another provision of law to assign an employee involuntarily to a position and the employee is serving in an ICI position, the head of the covered agency may assign the employee involuntarily to serve in an ICI position in another covered agency or interagency body.

(6) TRAINING AND EDUCATION OF PERSONNEL PERFORMING INTERAGENCY ROTATIONAL SERVICE.—Each employee performing interagency rota-

tional service shall participate in the training and education, if any, that is regularly provided to new employees by the covered agency or interagency body in which the employee is serving in order to learn how the covered agency or interagency body functions.

(7) PREVENTION OF NEED FOR INCREASED PERSONNEL LEVELS.—The Committee shall ensure that employees are rotated across covered agencies and interagency bodies within an ICI in a manner that ensures that, for the original ICI positions of all employees performing service in an ICI position in another covered agency or interagency body—

(A) employees from another covered agency or interagency body who are performing service in an ICI position in another covered agency or interagency body, or other available employees, begin service in such original positions within a reasonable period, at no additional cost to the covered agency or the interagency body in which such original positions are located; or

(B) other employees do not need to serve in the positions in order to maintain the effectiveness of or to prevent any costs being ac-

crued by the covered agency or interagency body in which such original positions are located.

(8) OPEN AND FAIR COMPETITION.—Each covered agency or interagency body that has an ICI position available for service by an employee from another covered agency shall coordinate with the Office of Personnel Management to ensure that employees of covered agencies selected to perform interagency rotational service shall be 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 ICI position is otherwise exempt under another provision of law.

(9) PERSONNEL LAW MATTERS.—

(A) NATIONAL SECURITY EXCLUSION.—The identification of a position as available for service by an employee of another covered agency or as being within an ICI shall not be a basis for an order under section 7103(b) of title 5, United States Code, excluding the covered agency, or a subdivision thereof, in which the position is located from the applicability of chapter 71 of such title.

(B) ON ROTATION.—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 subtitle from the agency employing the employee to the agency in which the ICI position in which the employee is serving is located.

(10) CONSULTATION.—The Committee shall consult with relevant associations, unions, and other groups involved in collective bargaining or encouraging public service, organizational reform of the Government, or interagency activities (such as the Simons Center for the Study of Interagency Cooperation of the Command and General Staff College Foundation) in formulating and implementing policies under this subtitle.

(11) OFFICERS OF THE ARMED FORCES.—The policies, procedures, and practices for the management of officers of the Armed Forces may provide for the assignment of officers of the Armed Forces to ICI positions or positions designated under subsection (d)(3)(B)(ii).

(12) PERFORMANCE APPRAISALS.—The Committee shall—

(A) ensure that an employee receives performance evaluations that are based primarily on the contribution of the employee to the work of the covered agency in which the employee is performing service in an ICI position in another covered agency or interagency body and the functioning of the applicable ICI; and

(B) require that—

(i) officials at the covered agency employing the employee conduct the evaluations based on input from the supervisors of the employee during service in an ICI position in another covered agency or interagency body; and

(ii) the evaluations shall be provided the same weight in the receipt of promotions and other rewards by the employee from the covered agency employing the employee as performance evaluations receive for other employees of the covered agency.

(f) SELECTION OF SENIOR POSITIONS IN AN INTERAGENCY COMMUNITY OF INTEREST.—

(1) SELECTION OF INDIVIDUALS TO FILL SENIOR POSITIONS WITHIN AN ICI.—In selecting individuals to fill senior positions within an ICI, the head

of a covered agency shall ensure that a strong preference is given to personnel who have performed interagency rotational service.

(2) ESTABLISHMENT BY HEADS OF COVERED AGENCIES OF MINIMUM THRESHOLDS.—

(A) IN GENERAL.—On October 1 of the 2nd fiscal year after the fiscal year in which the Committee identifies an ICI, and October 1 of each fiscal year thereafter, the head of each covered agency within which 1 or more positions within that ICI are located shall establish the minimum number of that agency's senior positions that are within that ICI that shall be filled by personnel who have performed interagency rotational service.

(B) REPORTING REQUIREMENTS.—

(i) MINIMUM NUMBER OF POSITIONS.—Not later than 30 days after the date on which all heads of covered agencies have established the minimum number required under subparagraph (A) for a fiscal year, the Committee shall submit to Congress a consolidated list of the minimum numbers of senior positions that shall be

filled by personnel who have performed interagency rotational service.

(ii) FAILURE TO MEET MINIMUM NUMBER.—Not later than 30 days after the end of any fiscal year in which a covered agency fails to meet the minimum number of senior positions to be filled by individuals who have performed interagency rotational service established by the head of the covered agency under subparagraph (A), the head of the covered agency shall submit to the Committee and Congress a report identifying the failure and indicating what actions the head of the covered agency has taken or plans to take in response to the failure.

(3) OTHER ROTATIONAL REQUIREMENTS.—

(A) CREDIT FOR SERVICE IN ANOTHER COMPONENT WITHIN AN AGENCY.—Service performed during the first 3 fiscal years after the fiscal year in which an ICI is identified by the Committee by an employee in a rotation to an ICI position in another component of the covered agency that employs the employee that is identified under subparagraph (B) shall con-

1 stitute interagency rotational service for pur-
2 poses of this section.
3 (B) IDENTIFICATION OF COMPONENTS.—
4 Subject to approval by the Committee, the head
5 of a covered agency may identify the compo-
6 nents of the covered agency that are sufficiently
7 independent in functionality for service in a ro-
8 tation in the component to qualify as service in
9 another component of the covered agency for
10 purposes of subparagraph (A).
11 (g) IMPLEMENTATION.—
12 (1) ICIS AND ICI POSITIONS.—
13 (A) IN GENERAL.—During each of the
14 first 4 fiscal years after the fiscal year in which
15 this Act is enacted—
16 (i) there shall be 2 ICIs, which shall
17 be an ICI for emergency management and
18 an ICI for stabilization and reconstruction;
19 and
20 (ii) not less than 20 employees and
21 not more than 25 employees in the execu-
22 tive branch of the Government shall per-
23 form service in an ICI position in another
24 covered agency or in an interagency body

that is not within the agency employing the employee under this subtitle.

(B) LOCATION.—

(i) IN GENERAL.—The Committee shall designate a metropolitan area in which the ICI for emergency management will be located and a metropolitan area in which the ICI for stabilization and reconstruction will be located.

(ii) SERVICE.—During the first 4 fiscal years after the fiscal year in which this Act is enacted, any service in an ICI position in another covered agency or in an interagency body that is not within the agency employing the employee shall be performed—

(I) by an employee who is located in a metropolitan area for the ICI designated under clause (i) before beginning service in the ICI position; and

(II) at a location in a metropolitan area for the ICI designated under clause (i).

(2) PRIORITY FOR DETAILS.—During the first 4 fiscal years after the fiscal year in which this Act is enacted, a covered agency shall give priority in using amounts available to the covered agency for details to assigning employees on a rotational basis under this subtitle.

(h) STRATEGY AND PERFORMANCE EVALUATION.—

(1) ISSUING OF STRATEGY.—

(A) IN GENERAL.—Not later than October 1 of the 3rd fiscal year after the fiscal year in which this Act is enacted, and every 4 fiscal years thereafter through the 11th fiscal year after the fiscal year in which this Act is enacted, the Committee shall issue a National Security Human Capital Strategy to develop the national security and homeland security personnel necessary for accomplishing national security and homeland security objectives that require integration of personnel and activities from multiple agencies of the executive branch of the Government.

(B) CONSULTATIONS WITH CONGRESS.—In developing or making adjustments to the National Security Human Capital Strategy issued under subparagraph (A), the Committee—

(i) shall consult at least annually with Congress, including majority and minority views from all appropriate authorizing, appropriations, and oversight committees; and

(ii) as the Committee determines appropriate, shall solicit and consider the views and suggestions of entities potentially affected by or interested in the strategy.

(C) CONTENTS OF STRATEGY.—Each National Security Human Capital Strategy issued under subparagraph (A) shall—

(i) provide for the implementation of this subtitle;

(ii) identify best practices from ICIs already in operation;

(iii) identify any additional ICIs to be identified by the Committee;

(iv) include a schedule for the issuance of directives and establishment of standards relating to the requirements under this subtitle by the Committee;

(v) include a description of how the strategy incorporates views and sugges-

tions obtained through the consultations with Congress required under subparagraph (B);

(vi) include an assessment of performance measures over a multi-year period, such as—

(I) the percentage of ICI positions available for service by employees from another covered agency for which such employees performed such service;

(II) the number of personnel participating in interagency rotational service in each covered agency and interagency body;

(III) the length of interagency rotational service under this subtitle;

(IV) reports by the heads of covered agencies submitted under subsection (f)(2)(B)(ii);

(V) the training and education of personnel who perform interagency rotational service, and the evaluation by the Committee of the training and education;

(VI) the positions (including grade level) held by employees who perform interagency rotational service during the period beginning on the date on which the interagency rotational service terminates and ending on the date of the assessment; and

(VII) to the extent possible, the evaluation of the Committee of the utility of interagency rotational service in improving interagency integration.

(2) REPORTS.—Not later than October 1 of the 2nd fiscal year after a fiscal year in which the Committee issues a National Security Human Capital Strategy under paragraph (1), the Committee shall assess the performance measures described in paragraph (1)(C)(vi).

(3) SUBMISSION TO CONGRESS.—Not later than 30 days after the date on which the Committee issues a National Security Human Capital Strategy under paragraph (1) or assesses performance measures under paragraph (2), the Committee shall submit the strategy or assessment to Congress.

(i) GAO STUDY OF INTERAGENCY ROTATIONAL SERVICE.—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 regarding—

(1) the extent to which performing service in an ICI position in another covered agency or an interagency body under this subtitle enabled the employees performing the service to gain an adequately detailed understanding of and perspective on the covered agency or interagency body, including an assessment of the effect of—

(A) the period of service; and

(B) the duties performed by the employees during the service;

(2) the effectiveness of the Committee and the staff of the Committee funded under subsection (c)(5)(E)(ii) in overseeing and managing interagency rotational service under this subtitle, including an evaluation of any directives or standards issued by the Committee;

(3) the participation of covered agencies in interagency rotational service under this subtitle, including whether each covered agency that performs a mission relating to an ICI in effect—

(A) identified positions within the covered agency as ICI positions;

(B) had 1 or more employees from another covered agency perform service in an ICI position in the covered agency; or

(C) had 1 or more employees of the covered agency perform service in an ICI position in another covered agency;

(4) the positions (including grade level) held by employees after completing interagency rotational service under this subtitle, and the extent to which the employees were rewarded for the service; and

(5) the extent to which or likelihood that interagency rotational service under this subtitle has improved or is expected to improve interagency integration.

(j) PROHIBITION OF PRINTED REPORTS.—Each strategy, plan, report, or other submission required under this subtitle—

(1) shall be made available by the agency issuing the strategy, plan, report, or other submission only in electronic form; and

(2) shall not be made available by the agency in printed form.

(k) EXCLUSION.—This subtitle shall not apply to any element of the intelligence community.

TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. COMMANDERS' EMERGENCY RESPONSE PROGRAM IN AFGHANISTAN.

(a) AUTHORITY FOR FISCAL YEAR 2013.—Subsection (a) of section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1619) is amended—

(1) in the heading, by striking ''FISCAL YEAR 2012'' and inserting ''FISCAL YEAR 2013''; and

(2) by striking ''fiscal year 2012'' and inserting ''fiscal year 2013''.

(b) QUARTERLY REPORTS.—Subsection (b)(1) of such section is amended by striking ''fiscal year 2012'' and inserting ''fiscal year 2013''.

(c) EXTENSION OF AUTHORITY TO ACCEPT CONTRIBUTIONS.—Subsection (f) of such section is amended by striking ''in fiscal year 2012'' and inserting ''during any period during which the authority of subsection (a) is in effect''.

SEC. 1202. MODIFICATION OF AUTHORITIES RELATING TO PROGRAM TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES.

(a) AUTHORIZED ELEMENTS.—Section 1206(b)(1) of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3457), as amended by 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''.

(b) USE OF FUNDS FOR FISCAL YEAR 2013.—Subsection (c) of such section, 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:

''(6) USE OF FUNDS FOR FISCAL YEAR 2013.—

''(A) LIMITATION ON SMALL-SCALE MILITARY CONSTRUCTION ACTIVITIES.—Of amounts available under this subsection for the authority in subsection (a) for fiscal year 2013—

''(i) not more than $750,000 may be obligated or expended for small-scale military construction activities (as described in

subsection (b)(1)) under a program authorized under subsection (a); and

"(ii) not more than $25,000,000 may be obligated or expended for small-scale military construction activities (as described in subsection (b)(1)) under all programs authorized under subsection (a).

"(B) AVAILABILITY OF FUNDS FOR PROGRAMS DURING FISCAL YEAR 2014.—

"(i) IN GENERAL.—Subject to clause (ii), not more than 20 percent of amounts available under this subsection for the authority in subsection (a) for fiscal year 2013 may be obligated and expended to conduct or support a program authorized under subsection (a) during fiscal year 2014.

"(ii) NOTIFICATION.—Whenever the Secretary of Defense decides, with the concurrence of the Secretary of State, to conduct or support a program authorized under subsection (a) during fiscal year 2014 using amounts described in clause (i), the Secretary of Defense shall submit to the congressional committees specified

in paragraph (3) of subsection (e) a notification in writing of that decision in accordance with such subsection by not later than September 30, 2013.''.

SEC. 1203. THREE-YEAR EXTENSION OF AUTHORITY FOR NON-RECIPROCAL EXCHANGES OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.

Section 1207(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2514; 10 U.S.C. 168 note) is amended by striking ''September 30, 2012'' and inserting ''September 30, 2015''.

Subtitle B—Matters Relating to Iraq, Afghanistan, and Pakistan

SEC. 1211. ONE-YEAR EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION.—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—

(1) by striking ''fiscal year 2012'' and inserting ''fiscal year 2013''; and

(2) by striking ''Operation Iraqi Freedom or''.

(b) LIMITATION ON AMOUNT AVAILABLE.—Subsection (d)(1) of such section, as so amended, is further amended—

(1) by striking ''fiscal year 2012'' and inserting ''fiscal year 2013'';

(2) by striking ''$1,690,000,000'' and inserting ''$1,650,000,000''; and

(3) by adding at the end the following: ''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 $650,000,000.''.

(c) ADDITIONAL LIMITATION ON REIMBURSEMENT OF THE GOVERNMENT OF PAKISTAN.—Such section, as so amended, is further amended—

(1) by redesignating subsection (f) as subsection (g); and

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

''(f) ADDITIONAL LIMITATION ON REIMBURSEMENT OF THE GOVERNMENT OF PAKISTAN.—In addition to the

other requirements of this section, reimbursements authorized by subsection (a) and the support authorized by subsection (b) may be made to the Government of Pakistan for support of United States military operations for fiscal year 2013 only if the Secretary of Defense submits to the congressional defense committees the following:

"(1) A report that contains a description of—

"(A) a model for reimbursement, including how claims are proposed and adjudicated;

"(B) new conditions or caveats that the Government of Pakistan places on the use of its supply routes; and

"(C) the estimated differences in costs associated with transit through supply routes in Pakistan for fiscal year 2011 as compared to fiscal year 2013.

"(2) A certification of the Secretary of Defense that the Government of Pakistan is taking demonstrable steps to—

"(A) supporting counterterrorism operations against Al Qaeda, its associated movements, the Haqqani Network, and other domestic and foreign terrorist organizations;

"(B) dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs;

"(C) preventing the proliferation of nuclear-related material and expertise; and

"(D) issuing visas in a timely manner for United States Government personnel supporting counterterrorism efforts and assistance programs in Pakistan.

"(3) A certification of the Secretary of Defense that the Government of Pakistan—

"(A) has opened the Ground Lines of Communication;

"(B) is allowing the transit of NATO supplies through Pakistan into Afghanistan; and

"(C) is supporting retrograde of United States equipment out of Afghanistan.".

SEC. 1212. AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.

(a) TYPES OF SUPPORT.—Subsection (b) of section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1631) is amended—

(1) by striking ''The operations'' and inserting the following:

''(1) IN GENERAL.—The operations''; and

(2) by adding at the end the following:

''(2) TRAIN AND ASSIST.—The operations and activities that may be carried out by the Office of Security Cooperation in Iraq using funds provided under subsection (a) may, with the concurrence of the Secretary of State, include training and assisting Iraqi Ministry of Defense personnel.''.

(b) LIMITATION ON AMOUNT.—Subsection (c) of such section is amended by inserting at the end before the period the following: ''and in fiscal year 2013 may not exceed $508,000,000''.

(c) 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,''.

(d) REPORT.—

(1) IN GENERAL.—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 appropriate congres-

sional committees a report on the Office of Security Cooperation in Iraq.

(2) MATTERS TO BE INCLUDED.—The report shall include the following:

(A) The plan to consolidate Office sites.

(B) The status of any pending requests for additional United States military forces for the Office.

(C) The legal status and legal protections provided to Office personnel, the operational impact of such status and protections, and the associated constraints on the operational capacity of such personnel by reason of their legal status.

(D) The operational and functional limitations and authorities of Office personnel.

(E) A description of potential direct threats to Office personnel and their capacity to provide adequate force protection to thwart those threats.

(3) FORM.—The report shall be submitted in unclassified form, but may contain a classified annex if necessary.

(4) DEFINITION.—In this section, 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. 1213. 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. 1214. PROHIBITION ON USE OF PRIVATE SECURITY CONTRACTORS AND MEMBERS OF THE AFGHAN PUBLIC PROTECTION FORCE TO PROVIDE SECURITY FOR MEMBERS OF THE ARMED FORCES AND MILITARY INSTALLATIONS AND FACILITIES IN AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Department of Defense, as of February 1, 2012, there had been 42 insider attacks on coalition forces since 2007 by the Afghan National Army, Afghan National Police, or Afghan nationals hired by private security contractors to guard United States bases and facilities in Afghanistan.

(2) The Department of Defense data shows that the trend of insider attacks is increasing.

(3) Members of the Armed Forces of the United States continue to be garrisoned and housed in facilities and installations in Afghanistan that are guarded by private security contractors and not by United States or coalition forces.

(4) President Karzai has prohibited the use of private security contractors in Afghanistan and determined that beginning in March, 2012, the Afghan Ministry of Interior will provide Afghan Public Pro-

tection Forces on a reimbursable basis to those desiring to contract for additional security.

(5) The Afghan Ministry of Interior will have the primary responsibility for screening and vetting the Afghan nationals who will comprise the Afghan Public Protection Force.

(6) The current force levels in Afghanistan are necessary to accomplish the International Security Assistance Force mission and force protection for members of the Armed Forces garrisoned and housed in Afghanistan should not come at the expense of mission success.

(7) The President of the United States has begun to draw down United States military forces in Afghanistan and has committed to continue this drawdown through 2014.

(8) The redeployment phase of any military operation brings increasing vulnerabilities to members of the Armed Forces.

(9) It is the responsibility of the Commander in Chief to provide for the security for 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 in order that they may provide for their own security.

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

(1) the best security and force protection for members of the Armed Forces garrisoned and housed in Afghanistan should be provided;

(2) better security and force protection for members of the Armed Forces garrisoned and housed in Afghanistan can be provided by United States military personnel than private security contractors or members of the Afghan Public Protection Force;

(3) the President should take action in light of the increased risk to members of the Armed Forces during this transitional period in Afghanistan and the increasing number of insider attacks; and

(4) the United States remains committed to mission success in Afghanistan in light of the national security interests in the region and the sacrifice and commitment of the United States Armed Forces over the last ten years.

(c) PROHIBITION.—Notwithstanding section 2465 of title 10, United States Code, funds appropriated to the

Department of Defense may not be obligated or expended for the purpose of—

(1) entering into a contract for the performance of security-guard functions at a military installation or facility in Afghanistan at which members of the Armed Forces deployed to Afghanistan are garrisoned or housed;

(2) otherwise employing private security contractors to provide security for members of the Armed Forces deployed to Afghanistan; or

(3) employing the Afghan Public Protection Force to provide security for such members or to perform such security-guard functions at such a military installation or facility.

(d) REQUIREMENT.—

(1) IN GENERAL.—The President shall ensure that as many appropriately trained members of the Armed Forces of the United States as are necessary are available to—

(A) perform security-guard functions at all military installations and facilities in Afghanistan at which members of the Armed Forces deployed to Afghanistan are garrisoned or housed;

(B) provide security for members of the Armed Forces deployed to Afghanistan; and

(C) provide adequate counterintelligence support for such members.

(2) RELATIONSHIP TO OTHER REQUIREMENTS AND LIMITATIONS.—The members of the Armed Forces required to be made available under paragraph (1) shall be in addition to—

(A) the number of such members who are deployed to Afghanistan to support the requirements of the North Atlantic Treaty Organization mission in Afghanistan and the military campaign plan of the Commander of the International Security and Assistance Force; and

(B) any limitation on force levels that may be in effect.

(e) WAIVER.—The President may waive the prohibition under subsection (c) and the requirement under subsection (d) if the President submits to Congress a certification in writing that—

(1) the use of private security contractors or the Afghan Public Protection Force can provide a level of security and force protection for members of the Armed Forces deployed to Afghanistan that is at least equal to the security and force protection that

can be provided by members of the Armed Forces; and

(2) the Secretary of Defense has ensured that all employees of private security contractors and members of the Afghan Public Protection Force providing security or force protection for members of the Armed Forces deployed to Afghanistan are independently screened and vetted by members of the Armed Forces of the United States.

(f) REPORT.—

(1) IN GENERAL.—Not later than 30 days after the end of each quarter of fiscal years 2013 and 2014, the Secretary of Defense shall submit to the congressional defense committees a report on the following:

(A) Data on attempted and successful attacks by the Afghan National Security Forces, the Afghan Public Protection Force, and private security contractors on United States Armed Forces and civilian personnel of the Department of Defense.

(B) The number of members of the United States Armed Forces and civilian personnel of the Department of Defense wounded or killed due to such attacks.

(C) A description of tactical or covert methods used in such attacks and a description of motivations for such attacks.

(2) ADDITIONAL INFORMATION.—The first report submitted following the date of the enactment of this Act and the report submitted for the first quarter of fiscal year 2014 shall also include the following:

(A) Actions the Department of Defense is taking to monitor indicators and early warning signs of infiltration or co-option of the Afghan National Security Forces, the Afghan Public Protection Force, and private security contractors.

(B) The methodology and systematic approach to resolving disputes between the Afghan National Security Forces and United States Armed Forces and civilian personnel of the Department of Defense when such disputes arise.

(g) DEFINITION.—In this section, the term ''members of the Armed Forces deployed to Afghanistan'' means members of the Armed Forces deployed to Afghanistan in support of the International Security Assistance Force in Afghanistan and members of the Armed Forces of the

United States deployed to Afghanistan in support of Operation Enduring Freedom.

SEC. 1215. 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.—Section 1226 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2525) is repealed.

SEC. 1216. UNITED STATES MILITARY SUPPORT IN AFGHANISTAN.

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

(1) following Al Qaeda's attacks on the United States on September 11, 2001, United States and coalition forces have achieved significant progress toward security and stability in Afghanistan;

(2) as the United States completes transfer of the lead for security to the Afghan National Security Forces by the end of 2014, the United States should ensure that the gains in security are maintained;

(3) the United States mission in Afghanistan continues to be to disrupt, dismantle, and defeat al Qaeda, as well as to prevent its return to either Afghanistan or Pakistan;

(4) the specific objectives in Afghanistan are to deny safe haven to Al Qaeda and to deny the

Taliban the ability to overthrow the Afghan Government;

(5) the Taliban, Haqqanis, and associated insurgents continue to enjoy safe havens in Pakistan, but are unlikely to be capable of overthrowing the Afghan Government unless the United States withdraws forces precipitously from Afghanistan;

(6) the Haqqani Network provides unique capabilities and capacity to the Afghan Taliban, and additionally, serves as a combat multiplier to the Afghan insurgency due to its geographic primacy over the key terrain of the Paktika, Paktia, and Khost provinces, as well as North and South Waziristan, and willingness to introduce international weaponry and technology into the battle space and serve as the reception point and integrator of international foreign fighters into the Afghan insurgency;

(7) the Haqqani Network has been the most important Afghan-based protector of Al Qaeda;

(8) the unique capabilities and effects brought to the battle space by the Haqqani Network necessitate that the Government of Afghanistan should have superior operational capacity in order to maintain the security of Afghanistan over time;

(9) the United States military should not maintain an indefinite combat mission in Afghanistan and should transition to a counter-terrorism and advise and assist mission at the earliest practicable date, consistent with conditions on the ground;

(10) significant uncertainty exists within Afghanistan regarding the level of future United States military support; and

(11) in order to reduce this uncertainty, and to promote further stability and security in Afghanistan, the President should—

(A) fully consider the International Security Assistance Force Commander's assessment regarding the need for the United States to maintain a "significant combat presence through 2013";

(B) maintain a force of at least 68,000 troops through December 31, 2014, unless fewer forces can achieve United States objectives;

(C) maintain a credible troop presence after December 31, 2014, sufficient to conduct counter-terrorism and train and advise the Afghan National Security Forces, consistent with

the Strategic Partnership Agreement (signed on May 2, 2012); and

(D) maintain sufficient funding for the Afghan National Security Forces to accomplish the objectives described in paragraphs (3), (4), and (8).

(b) NOTIFICATION.—The President shall notify the congressional defense committees of any decision to reduce the number of United States Armed Forces deployed in Afghanistan below the number of such Armed Forces deployed in Afghanistan on—

(1) December 31, 2012;

(2) December 31, 2013; and

(3) December 31, 2014,

prior to any public announcement of any such decision to reduce the number of United States Armed Forces deployed in Afghanistan.

(c) MATTERS TO INCLUDE IN NOTIFICATION.—As part of a notification required by subsection (b), the President shall—

(1) provide an assessment of the relevant security risk metrics associated with the marginal reduction in force levels; and

(2) provide a by-unit assessment of the operational capability of the Afghan National Security

Forces to independently conduct the required operations to maintain security in Afghanistan.

SEC. 1217. EXTENSION AND MODIFICATION OF PAKISTAN COUNTERINSURGENCY FUND.

(a) IN GENERAL.—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 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'' both places it appears and inserting ''September 30, 2013''.

(b) LIMITATION ON FUNDS SUBJECT TO REPORT AND UPDATES.—Section 1220(b) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1633) is amended—

(1) in the heading of paragraph (1), by inserting ''FOR FISCAL YEAR 2012'' after ''FUNDS'';

(2) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively;

(3) by inserting after paragraph (1) the following:

''(2) LIMITATION ON FUNDS FOR FISCAL YEAR 2013; REPORT REQUIRED.—Of the amounts appropriated or transferred to the Fund for fiscal year

2013, not more than 10 percent of such amounts may be obligated or expended until 30 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate congressional committees an update of the report required under paragraph (1).'';

(4) in paragraph (3) (as redesignated)—

(A) by inserting ''after fiscal year 2013'' after ''any fiscal year'';

(B) by striking ''requested to be''; and

(C) by striking ''at the same time that the President's budget is submitted pursuant to section 1105(a) of title 31, United States Code'' and inserting ''not later than 45 days before amounts in the Fund are made available to the Secretary of Defense''; and

(5) in paragraph (4) (as redesignated), by striking ''the update required under paragraph (2)'' and inserting ''the updates required under paragraphs (2) and (3)''.

SEC. 1218. 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) Overall Afghan National Army (ANA) and Afghan National Police (ANP) literacy rate; ANA and ANP literacy rate by region; ANSF literacy rate by Kandak, Brigade, and Corps; trends over time; and how literacy improvements have enhanced associated mission essential competencies and professionalization of the ANSF.

''(B) An assessment of the ANA and the ANP interaction with the Afghan civilian popu-

lation, respect for human rights, and associated professional education.

"(C) By fiscal year (current and one-year projected) budget requirements.

"(D) A by-country outline of contributions for the current fiscal year and one-year projected fiscal year.

"(E) By-Kandak Mission Essential Task List proficiency.

"(2) For recruitment:

"(A) Outline of screening criteria.

"(B) Literacy rate of all recruits.

"(C) Outline of the security vetting procedures.

"(D) Percentage screened that are not eligible to serve.

"(E) Percentage screened that report for entry level training.

"(F) Percentage attained of the required ANA end strength, of the ANP end strength, and overall ANSF end strength.

"(G) Trends in each above mentioned category from the prior fiscal year through the current report deadline.

"(3) For entry-level training:

"(A) Percentage that entered and successfully complete training.

"(B) A by-specialty list of all recruits that fail to graduate entry level training for the ANA and ANP.

"(C) Percentage of recruits that become unaccounted (UA) for or are 'Absent Without Leave' (AWOL) during training.

"(D) Trends in each above mentioned category from the prior fiscal year through the current report deadline.

"(4) For personnel administration:

"(A) Percentage of the ANSF that was paid on time.

"(B) UA/AWOL rate by Kandak, Brigade, and Corps.

"(C) Trends in each above mentioned category from the prior fiscal year through the current report deadline.

"(5) For professionalization of the ANSF:

"(A) Percentage of noncommissioned officer corps personnel as compared to noncommissioned officer corps end-strength requirements.

"(B) Number of enlisted, noncommissioned officer corps, and officers that complete continuing education.

"(C) An assessment of the noncommissioned officer corps continuing education program.

"(6) For retention:

"(A) On average time ANA and ANP personnel remain in their respective units.

"(B) By-fiscal year, by-Kandak percentage of personnel retained and personnel attrition from the prior fiscal year through the current report deadline.

"(7) For logistics:

"(A) On average percentage shortfall, by Kandak, of Class I-IX supplies, which includes Class I - Food, rations, and water; Class II – Clothing; Class III - Petroleum, oils, and lubricants; Class IV - Fortification and barrier materials; Class V – Ammunition; Class VII - Major End Items; Class VIII - Medical supplies; and Class IX - Repair Parts.

"(B) On average number of days to fill supply requests to address operational shortfalls.

"(C) Operational readiness rate for all mission essential equipment by Kandak, Brigade, and Corps.

"(8) For transition:

"(A) Provide the framework that ISAF, in conjunction with the Afghan government, uses to synthesize ANSF performance metrics and adjudicate transition of ANSF units through proficiency levels.

"(B) A by-Kandak analysis of the on average time to transition between proficiency levels since inception of the ANSF transition.

"(C) A by-region overview of the force structure mix that is correlated with the evolution of threat picture in the region.".

(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. 1219. LIMITATION ON USE OF FUNDS UNDER THE PAKISTAN COUNTERINSURGENCY FUND.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act for the Pakistan Counter-

insurgency 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 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—

(1) attacking IED networks;

(2) monitoring known precursors used in IEDs; and

(3) developing a strict protocol for the manufacture of explosive materials, including calcium ammonium nitrate, and accessories and their supply to legitimate end users.

(b) WAIVER.—The Secretary of Defense, in consultation with the Secretary of State, may waive the requirements of subsection (a) if the Secretary determines it is in the national security interest of the United States to do so.

(c) DEFINITION.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees; and

(2) 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. 1221. DECLARATION OF POLICY.

(a) FINDINGS.—Congress makes the following findings:

(1) Iran, which has long sought to foment instability and promote extremism in the Middle East, is now seeking to exploit the dramatic political transition underway in the region to undermine governments traditionally aligned with the United States and support extremist political movements in these countries.

(2) At the same time, Iran may soon attain a nuclear weapons capability, a development that would threaten United States interests, destabilize the region, encourage regional nuclear proliferation, further empower and embolden Iran, the world's leading state sponsor of terrorism, and provide it the tools to threaten its neighbors, including Israel.

(3) With the assistance of Iran over the past several years, Syria, Hezbollah, and Hamas have increased their stockpiles of rockets, with more than

60,000 rockets now ready to be fired at Israel. Iran continues to add to its arsenal of ballistic missiles and cruise missiles, which threaten Iran's neighbors, Israel, and United States Armed Forces in the region.

(4) Preventing Iran from acquiring a nuclear weapon is among the most urgent national security challenges facing the United States.

(5) Successive United States administrations have stated that an Iran armed with a nuclear weapon is unacceptable.

(6) President Obama stated on January 24, 2012, ''Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal.''.

(7) In order to prevent Iran from developing nuclear weapons, the United States, in cooperation with its allies, must utilize all elements of national power including diplomacy, robust economic sanctions, and credible, visible preparations for a military option.

(8) Nevertheless, to date, diplomatic overtures, sanctions, and other non-kinetic actions toward Iran

have not caused the Government of Iran to abandon its nuclear weapons program.

(9) With the impact of additional sanctions uncertain, additional pressure on the Government of Iran could come from the credible threat of military action against Iran's nuclear program.

(b) DECLARATION OF POLICY.—It shall be 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.

SEC. 1222. UNITED STATES MILITARY PREPAREDNESS IN THE MIDDLE EAST.

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

(1) military exercises conducted in the Persian Gulf and Gulf of Oman emphasize the United States resolve and the policy of the United States described in section 1221(b) by enhancing the readiness of the United States military and allied forces, as well as signaling to the Government of Iran the commitment of the United States to defend its vital national security interests; and

(2) the President, as Commander in Chief, should augment the presence of the United States

Fifth Fleet in the Middle East and to conduct military deployments, exercises, or other visible, concrete military readiness activities to underscore the policy of the United States described in section 1221(b).

(b) PLAN.—

(1) IN GENERAL.—The Secretary of Defense shall prepare a plan to augment the presence of the United States Fifth Fleet in the Middle East and to conduct military deployments, exercises, or other visible, concrete military readiness activities to underscore the policy of the United States described in section 1221(b).

(2) MATTERS TO BE INCLUDED.—The plan required under paragraph (1) shall include, at a minimum, steps necessary for the Armed Forces to support the policy of the United States described in section 1221(b), including—

(A) pre-positioning sufficient supplies of aircraft, munitions, fuel, and other materials for both air- and sea-based missions at key forward locations in the Middle East and Indian Ocean;

(B) maintaining sufficient naval assets in the region necessary to signal United States resolve and to bolster United States capabilities

to launch a sustained sea and air campaign against a range of Iranian nuclear and military targets, to protect seaborne shipping, and to deny Iranian retaliation against United States interests in the region;

(C) discussing the viability of deploying at least two United States aircraft carriers, an additional large deck amphibious ship, and a Mine Countermeasures Squadron in the region on a continual basis, in support of the actions described in subparagraph (B); and

(D) conducting naval fleet exercises similar to the United States Fifth Fleet's major exercise in the region in March 2007 to demonstrate ability to keep the Strait of Hormuz open and to counter the use of anti-ship missiles and swarming high-speed boats.

(3) SUBMISSION TO CONGRESS.—The plan required under paragraph (1) shall be submitted to the congressional defense committees not later than 120 days after the date of enactment of this Act.

SEC. 1223. ANNUAL REPORT ON MILITARY POWER OF IRAN.

(a) IN GENERAL.—Section 1245 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2542) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) COMBATANT COMMANDER ASSESSMENT.—The report required under subsection (a) shall include an annex, in classified or unclassified form, that includes an identification and assessment of the Commander of the United States Central Command on the following:

"(1) Any critical gaps in intelligence that limit the ability of the Commander to counter threats emanating from Iran.

"(2) Any gaps in the capabilities, capacity, and authorities of the Commander to counter Iranian threats to United States Armed Forces and United States interests in the region.

"(3) Any gaps in the capabilities and capacity of the Commander to take military action against Iran to prevent Iran from developing a nuclear weapon.

"(4) Any other matters the Commander considers to be relevant.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) take effect on the date of the enactment of this Act and apply with respect to each report required

to be submitted under section 1245 of the National Defense Authorization Act for Fiscal Year 2010 on or after such date of enactment.

SEC. 1224. ENHANCING THE DEFENSE OF ISRAEL AND UNITED STATES INTERESTS IN THE MIDDLE EAST.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should take the following actions to assist in the defense of Israel:

(1) Provide Israel such support as may be necessary to increase development and production of joint missile defense systems, particularly such systems that defend the urgent threat posed to Israel and United States forces in the region.

(2) Provide Israel defense articles, intelligence, and defense services through such mechanisms as appropriate, to include air refueling tankers, missile defense capabilities, and specialized munitions.

(3) Allocate additional weaponry and munitions for the forward-deployed United States stockpile in Israel.

(4) Provide Israel additional surplus defense articles and defense services, as appropriate, in the wake of the withdrawal of United States forces from Iraq.

(5) Offer the Israeli Air Force additional training and exercise opportunities in the United States to compensate for Israel's limited air space.

(6) Expand Israel's authority to make purchases under section 23 of the Arms Export Control Act (relating to the ''Foreign Military Financing'' program) on a commercial basis.

(7) Seek to enhance the capabilities of the United States and Israel to address emerging common threats, increase security cooperation, and expand joint military exercises.

(8) Encourage an expanded role for Israel within the North Atlantic Treaty Organization (NATO), including an enhanced presence at NATO headquarters and exercises.

(9) Support extension of the long-standing loan guarantee program for Israel, recognizing Israel's unbroken record of repaying its loans on time and in full.

(10) Expand already-close intelligence cooperation, including satellite intelligence, with Israel.

(b) REPORT ON ISRAEL'S QUALITATIVE MILITARY EDGE.—

(1) STATEMENT OF POLICY.—It is the policy of the United States—

(A) to help Israel preserve its qualitative military edge amid rapid and uncertain regional political transformation; and

(B) to encourage further development of advanced technology programs between the United States and Israel in light of current trends and instability in the region.

(2) REPORT.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on the status of Israel's qualitative military edge in light of current trends and instability in the region.

(c) REPORT ON OTHER MATTERS.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on each of the following:

(1) Taking into account Israel's urgent requirement for F–35 aircraft, actions to improve the process relating to Israel's purchase of F–35 aircraft to improve cost efficiency and timely delivery.

(2) Efforts to expand cooperation between the United States and Israel in homeland defense, counter-terrorism, maritime security, cybersecurity, and other appropriate areas.

(3) Actions to integrate Israel into the defense of the Eastern Mediterranean.

SEC. 1225. PLAN TO ENHANCE MILITARY CAPABILITIES OF PERSIAN GULF ALLIES.

(a) PLAN.—The Secretary of Defense, in consultation with the Secretary of State, shall develop a plan to enhance the military capabilities of Persian Gulf allies to bolster the posture of such allies in relation to Iran.

(b) MATTERS TO BE INCLUDED.—The plan required under subsection (a) shall include the following:

(1) A description of the means to augment the offensive strike capabilities of key Gulf Cooperation Council allies, including the potential sale or upgrades of strike attack aircraft and bunker buster munitions, to augment the viability of a credible military option and to strengthen such allies' self-defense capabilities against retaliation or military aggression by Iran.

(2) A needs-based assessment, or an update to an existing needs-based assessment, of the military requirements of Persian Gulf allies to support a credible military option and to defend against potential military aggression by Iran.

(3) A detailed summary of any arms sales and training requests by Persian Gulf allies and a de-

scription and justification for United States actions taken.

(c) RULE OF CONSTRUCTION.—Nothing in the plan required under subsection (a) shall be construed to alter Israel's qualitative military edge.

(d) SUBMISSION TO CONGRESS.—The plan 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.

(e) FORM.—The plan required under subsection (a) shall be submitted in an unclassified form, but may contain a classified annex.

SEC. 1226. PLAN TO INCREASE STRATEGIC REGIONAL PARTNERSHIPS.

(a) FINDINGS.—Congress finds the following:

(1) The United States should ensure that it has the broadest set of geographic approaches to militarily access Iran.

(2) United States Armed Forces and support staff currently have access from the eastern, southern, and western borders of Iran.

(3) Azerbaijan borders the northern frontier of Iran closest to nuclear sites near Tehran and the Government of Azerbaijan cooperates with the

United States on Caspian Sea security and energy issues.

(b) POLICY.—It shall be the policy of the United States to—

(1) increase pressure on Iran by providing United States Armed Forces with the broadest set of geographic approaches to militarily access Iran; and

(2) explore means to enhance access to military facilities on the northern border of Iran.

(c) PLAN.—

(1) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of State, shall develop a plan to increase the strategic partnership with regional allies to provide United States Armed Forces with the broadest set of geographic approaches to militarily access Iran.

(2) MATTERS TO BE INCLUDED.—The plan required under paragraph (1) shall include the following information:

(A) Mechanisms to broaden the geographical approaches to militarily access Iran.

(B) The need, if any, to strengthen the self-defense capabilities of regional allies as a result of such partnerships.

(C) The viability of increasing access for United States Armed Forces to bases in Azerbaijan to augment the viability of a credible military option.

(3) SUBMISSION TO CONGRESS.—The plan required under paragraph (1) shall be submitted to the appropriate congressional committees not later than 180 days after the date of the enactment of this Act.

SEC. 1227. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Affairs of the House of Representatives; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on Foreign Relations of the Senate.

(2) QUALITATIVE MILITARY EDGE.—The term ''qualitative military edge'' has the meaning given the term in section 36(h)(2) of the Arms Export Control Act (22 U.S.C. 2776(h)(2)).

SEC. 1228. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed as authorizing the use of force against Iran.

Subtitle D—Reports and Other Matters

SEC. 1231. ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Subsection (b) of 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), as most recently amended by section 1238 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1642), is further amended—

(1) by redesignating paragraphs (10), (11), and (12) as paragraphs (12), (13), and (14), respectively; and

(2) by inserting after paragraph (9) the following:

''(10) The strategy, goals, and capabilities of Chinese space 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) The strategy, goals, and capabilities of Chinese cyber activities, including trends, global and regional activities, the involvement of military and civilian organizations, including state-owned enterprises, academic institutions, and commercial entities. Relevant analyses and forecasts shall consider—

"(A) Chinese cyber activities directed against the Department of Defense;

"(B) potential harms that may affect Department of Defense communications, computers, networks, systems, or other military assets as a result of a cyber attack; and

"(C) any other developments regarding Chinese cyber activities that the Secretary of Defense determines are relevant to the national security of the United States.".

(b) COMBATANT COMMANDER ASSESSMENT.—Such section is further amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) COMBATANT COMMANDER ASSESSMENT.—The report required under subsection (a) shall include an annex, in classified or unclassified form, that includes an identification and assessment of the Commander of the United States Pacific Command on the following:

"(1) Any gaps in intelligence that limit the ability of the Commander to address challenges posed by the People's Republic of China.

"(2) Any gaps in the capabilities, capacity, and authorities of the Commander to address challenges posed by the People's Republic of China to United States Armed Forces and United States interests in the region.

"(3) Any other matters the Commander considers to be relevant.".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) take effect on the date of the enactment of this Act and apply with respect to each report required to be submitted under section 1202 of the National Defense Authorization Act for Fiscal Year 2000 on or after such date of enactment.

SEC. 1232. REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA.

(a) ADDITIONAL REPORT.—Subsection (a) of section 1236 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,''.

(b) COMBATANT COMMANDER ASSESSMENT.—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

''(c) COMBATANT COMMANDER ASSESSMENT.—The report required under subsection (a) shall include an annex, in classified or unclassified form, that includes an identification and assessment of the Commander of the United States Pacific Command on the following:

''(1) Any gaps in intelligence that limit the ability of the Commander to counter threats emanating from North Korea.

''(2) Any gaps in the capabilities, capacity, and authorities of the Commander to counter North Korean threats to United States Armed Forces and United States interests in the region.

"(3) Any other matters the Commander considers to be relevant.".

SEC. 1233. 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 United States Armed Forces deployed in country.

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

(A) The methodology and accounting procedures used to measure and track direct, indirect, and burden-sharing contributions made by host nations.

(B) The stationing costs, paid by the host nation, associated with United States Armed Forces stationed outside the territory of the United States in that nation.

(C) A description of direct, indirect, and burden-sharing contributions by 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.

(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 State 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. 1234. NATO SPECIAL OPERATIONS HEADQUARTERS.

(a) IN GENERAL.—Section 1244(a) 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 by striking ''fiscal year 2011'' and inserting ''fiscal year 2013''.

(b) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the NATO Special Operations Headquarters, not more than 50 percent may be obligated or expended until the date that is 30 days after the date on which the Secretary of Defense finalizes and formalizes United States Special Operations Command as the executive agent and lead component for the NATO Special Operations Headquarters.

SEC. 1235. REPORTS ON EXPORTS OF MISSILE DEFENSE TECHNOLOGY TO CERTAIN COUNTRIES.

(a) REPORTS.—Not later than 180 days after the date of the enactment of this Act, and each year thereafter through 2015, the Secretary of Defense shall submit to the appropriate congressional committees a report on the following:

(1) A description of the types of assistance, including assistance relating to missile defense, provided by the Department of Defense to foreign countries that export space, counter-space, and ballistic missile equipment, material, and technologies that

could be used in other countries' space, counter-space, and ballistic missile programs.

(2) A description of such exports to countries with space, counter-space, and ballistic missile programs, including a description of specific technologies that are exported to such countries.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the congressional defense committees; and

(2) the Committee of Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1236. LIMITATION ON FUNDS TO PROVIDE THE RUSSIAN FEDERATION WITH ACCESS TO MISSILE DEFENSE TECHNOLOGY.

(a) LIMITATION ON FUNDS FOR CLASSIFIED TECHNOLOGY AND DATA.—

(1) IN GENERAL.—None of the funds made available for fiscal years 2012 or 2013 for the Department of Defense may be used to provide the Russian Federation with access to information that is classified or was classified as of January 2, 2012, regarding—

(A) missile defense technology of the United States, including hit-to-kill technology; or

(B) data, including sensitive technical data, warning, detection, tracking, targeting, telemetry, command and control, and battle management data, that support the missile defense capabilities of the United States.

(2) APPLICABILITY.—The limitation in paragraph (1) shall apply with respect to the use of funds on or after the date of the enactment of this Act.

(b) LIMITATION ON FUNDS FOR OTHER TECHNOLOGY AND DATA.—

(1) IN GENERAL.—None of the funds made available for fiscal years 2012 or 2013 for the Department of Defense may be used to provide the Russian Federation with access to missile defense technology or technical data not described in subsection (a) unless—

(A) the President submits to the appropriate congressional committees—

(i) a report that contains a description of—

(I) the specific missile defense technology or technical data to be provided to the Russian Federation, the reasons for providing such technology or data, and how the technology or technical data is intended to be used;

(II) the measures necessary to protect the technology or technical data;

(III) the specific missile defense technology or technical data of the Russian Federation that the Russian Federation is providing the United States with access to; and

(IV) the status and substance of discussions between the United States and the Russian Federation on missile defense matters; and

(ii) written certification by the President that providing the Russian Federation with access to such missile defense technology or technical data—

(I) includes an agreement on prohibiting access to such technology or data by any other country or entity;

(II) will not enable the development of countermeasures to any missile defense system of the United States or otherwise undermine the effectiveness of any such missile defense system; and

(III) will correspond to equitable access by the United States to missile defense technology or technical data of the Russian Federation; and

(B) a period of 30 days has elapsed following the date on which the President submits to the appropriate congressional committees the report and written certification under subparagraph (A).

(2) APPLICABILITY.—The limitation in paragraph (1) shall apply with respect to the use of funds on or after the date of the enactment of this Act.

(c) FORM.—The report described in clause (i) of subsection (b)(1)(A) and the certification described in clause (ii) of such subsection shall be submitted in unclassified form, but may contain a classified annex, if necessary.

(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.

SEC. 1237. INTERNATIONAL AGREEMENTS RELATING TO MISSILE DEFENSE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that an agreement regarding missile defense cooperation between the United States and the Russian Federation that is negotiated with the Russian Federation through the North Atlantic Treaty Organization (''NATO'') or a provision to amend the charter of the NATO–Russia Council, should not be considered legally or politically binding unless the agreement is—

(1) specifically approved with the advice and consent of the Senate pursuant to article II, section 2, clause 2 of the Constitution; or

(2) specifically authorized by an Act of Congress.

(b) MISSILE DEFENSE AGREEMENTS.—

(1) IN GENERAL.—Chapter 3 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 130f. International agreements relating to missile defense

"(a) IN GENERAL.—In accordance with the understanding under subsection (b)(1)(B) of the Resolution of Advice and Consent to Ratification of the New START Treaty of the Senate, any agreement with a country or international organization or amendment to the New START Treaty (including an agreement made by the Bilateral Consultative Commission established by the New START Treaty) concerning the limitation of the missile defense capabilities of the United States shall not be binding on the United States, and shall not enter into force with respect to the United States, unless after the date of the enactment of this section, such agreement or amendment is—

"(1) specifically approved with the advice and consent of the Senate pursuant to article II, section 2, clause 2 of the Constitution; or

"(2) specifically authorized by an Act of Congress.

"(b) ANNUAL NOTIFICATION.—Not later than January 31 of each year, beginning in 2013, the President shall

submit to the congressional defense committees and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a notification of—

"(1) whether the Russian Federation has recognized during the previous year the sovereign right of the United States to pursue quantitative and qualitative improvements in missile defense capabilities; and

"(2) whether during any treaty negotiations or other Government-to-Government contacts between the United States and the Russian Federation (including under the auspices of the Bilateral Consultative Commission established by the New START Treaty) during the previous year a representative of the Russian Federation suggested that a treaty or other international agreement include, with respect to the United States—

"(A) restricting missile defense capabilities, military capabilities in space, or conventional prompt global strike capabilities; or

"(B) reducing the number of non-strategic nuclear weapons deployed in Europe.

"(c) NEW START TREATY DEFINED.—In this section, the term 'New START Treaty' means the Treaty be-

tween 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 AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 130e the following new item:

''130f. International agreements relating to missile defense.''.

(c) DEFENSE TECHNOLOGY COOPERATION AGREEMENTS.—

(1) IN GENERAL.—Subchapter II of chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

''§ 2350n. Defense technology cooperation agreements between the United States and the Russian Federation

''(a) IN GENERAL.—None of the funds made available for fiscal year 2012 or any fiscal year thereafter for the Department of Defense may be used to implement a defense technology cooperation agreement entered into between the United States and the Russian Federation until a period of 60 days has elapsed following the date on which the President transmits such agreement to the congressional defense committees.

"(b) DEFENSE TECHNOLOGY COOPERATION AGREEMENT DEFINED.—In this section, the term 'defense technology cooperation agreement' means a cooperative agreement related to research and development entered into under section 2358 of this title or any other provision of this title.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2350m the following new item:

"2350n. Defense technology cooperation agreement between the United States and the Russian Federation.".

(d) LIMITATION ON MISSILE DEFENSE NEGOTIATION.—

(1) IN GENERAL.—None of the funds made available for fiscal years 2012 or 2013 for the Department of Defense may be used to implement an agreement regarding missile defense entered into with the Russian Federation until the date that is 30 days after the date on which the President transmits to the appropriate congressional committees the draft agreement discussed between the United States and the Russian Federation at Deauville, France, in May 2011.

(2) APPLICABILITY.—The limitation in paragraph (1) shall apply with respect to the use of

funds on or after the date of the enactment of this Act.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1238. LIMITATION ON ASSISTANCE TO PROVIDE TEAR GAS OR OTHER RIOT CONTROL ITEMS.

None of the funds authorized to be appropriated by this Act may 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 the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives that the security forces of such government are not using excessive force to repress peaceful, lawful, and organized dissent.

SEC. 1239. REQUIREMENT TO SUBMIT TO CONGRESS A PLAN FOR A FOREIGN INFRASTRUCTURE PROJECT USING FUNDS MADE AVAILABLE FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) PLAN REQUIRED.—Not later than 60 days prior to the commencement of a covered infrastructure project, the head of the Federal department or agency with primary responsibility for carrying out the project shall submit to Congress a plan to carry out and sustain the project.

(b) MATTERS TO BE INCLUDED.—The plan shall include a description of the following:

(1) The total amount of funds to be obligated and expended under the project, including the total amount of funds to be contributed from other sources.

(2) How the project will be maintained after its completion, who will be responsible for maintaining the project, and who will contribute funds for maintaining the project.

(3) How the project will be protected after its completion.

(c) COVERED INFRASTRUCTURE PROJECT.—In this section, the term ''covered infrastructure project'' or ''project'' means a project to improve the infrastructure of a foreign country under which the United States con-

tributes not less than $1,000,000 from funds made available for overseas contingency operations.

(d) EFFECTIVE DATE.—This section takes effect on the date of the enactment of this Act and applies with respect covered infrastructure projects commenced on or after 60 days after such date of enactment.

SEC. 1240. SALE OF F–16 AIRCRAFT TO TAIWAN.

The President shall carry out the sale of no fewer than 66 F–16C/D multirole fighter aircraft to Taiwan.

SEC. 1240A. LIMITATION ON FUNDS FOR INSTITUTIONS OR ORGANIZATIONS ESTABLISHED BY THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA.

None of the funds authorized to be appropriated by this Act may be made available for any institution or organization established by the United Nations Convention on the Law of the Sea, including the International Seabed Authority, the International Tribunal for the Law of the Sea, and the Commission on the Limits of the Continental Shelf.

SEC. 1240B. REMOVAL OF BRIGADE COMBAT TEAMS FROM EUROPE.

(a) FINDING.—Congress finds that, because defense spending among European NATO countries fell 12% since 2008, from $314 billion to $275 billion, so that currently

only 4 out of the 28 NATO allies of the United States are spending the widely agreed-to standard of 2% of their GDP on defense, the United States must look to more wisely allocate scarce resources to provide for the national defense.

(b) REMOVAL AUTHORIZED.—The President is authorized and requested to end the permanent basing of units of the United States Armed Forces in European member nations of the North Atlantic Treaty Organization and return the four Brigade Combat Teams currently stationed in Europe to the United States.

(c) USE OF ROTATIONAL FORCES TO SATISFY SECURITY NEEDS.—It is the policy of the United States that the deployment of units of the United States Armed Forces on a rotational basis at military installations in European member nations of the North Atlantic Treaty Organization pursuant to the Army Force Generation (ARFORGEN) process is a force-structure arrangement sufficient to permit the United States—

(1) to satisfy the commitments undertaken by United States 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);

(2) to address the current security environment in Europe; and

(3) to contribute to peace and stability in Europe.

SEC. 1240C. LIMITATION ON FUNDS FOR UNITED STATES PARTICIPATION IN JOINT MILITARY EXERCISES WITH EGYPT.

None of the funds authorized to be appropriated by this Act may be 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.

Subtitle E—Authority to Remove Satellites and Related Components and Technology From the United States Munitions List

SEC. 1241. AUTHORITY TO REMOVE SATELLITES AND RELATED COMPONENTS AND TECHNOLOGY FROM THE UNITED STATES MUNITIONS LIST.

(a) AUTHORITY.—Subject to subsection (b), the President is authorized to remove commercial satellites and related components and technology from the United States Munitions List, consistent with the procedures in section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)).

(b) DETERMINATION.—The President may exercise the authority provided in subsection (a) only if the President submits to the appropriate congressional committees a determination that the transfer of commercial satellites and related components and technology from the United States Munitions List does not pose an unacceptable risk to the national security of the United States. Such determination shall include a description of the risk-mitigating controls, procedures, and safeguards the President will put in place to reduce such risk to an absolute minimum.

(c) PROHIBITION.—No license or other authorization for export shall be granted for the transfer, retransfer, or reexport of any commercial satellite or related component or technology contained on the Commerce Control List to any person or entity of the following:

(1) The People's Republic of China.

(2) Cuba.

(3) Iran.

(4) North Korea.

(5) Sudan.

(6) Syria.

(7) Any other country with respect to which the United States would deny the application for licenses and other approvals for exports and imports of de-

fense articles under section 126.1 of the International Traffic in Arms Regulations.

(d) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to the appropriate congressional committees on efforts of state sponsors of terrorism, other foreign countries, or entities to illicitly acquire commercial satellites and related components and technology.

(2) FORM.—Such report shall be submitted in unclassified form, but may contain a classified annex.

(e) APPROPRIATE CONGRESSIONAL COMMITTEE DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1242. REPORT ON LICENSES AND OTHER AUTHORIZATIONS TO EXPORT COMMERCIAL SATELLITES AND RELATED COMPONENTS AND TECHNOLOGY CONTAINED ON THE COMMERCE CONTROL LIST.

(a) IN GENERAL.—Not later than 60 days after the end of each calendar quarter, the President shall transmit to the Committee on Banking, Finance, and Urban Affairs of the Senate and the Committee on Foreign Affairs of the House of Representatives a report containing a listing of all licenses and other authorizations to export commercial satellites and related components and technology contained on the Commerce Control List.

(b) FORM.—Such report shall be submitted in unclassified form, but may contain a classified annex.

SEC. 1243. REVIEW OF UNITED STATES MUNITIONS LIST.

Section 38(f)(1) of the Arms Export Control Act (22 U.S.C. 2778(f)(1)) is amended by striking the last sentence and inserting the following: ''Such notice shall include, to the extent practicable, an enumeration of the item or items to be removed and describe the nature of any controls to be imposed on the item or items under any other provision of law.''.

SEC. 1244. REPORT ON COUNTRY EXEMPTIONS FOR LICENSING OF EXPORTS OF MUNITIONS AND RELATED TECHNICAL DATA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Attorney General and Secretary of Homeland Security shall submit to the appropriate congressional committees a report that contains an assessment of the extent to which the terms and conditions of an exemption for foreign countries from the licensing requirements of the Commerce Munitions List (or analogous controls for commercial satellites and related components and technology) contain strong safeguards.

(b) MATTERS TO BE INCLUDED.—The report shall include a compilation of sufficient documentation relating to the export of munitions, commercial spacecraft, and related technical data to facilitate law enforcement efforts to effectively detect, investigate, deter, and enforce criminal violations of any provision of the Export Administration Regulations, including efforts on the part of state sponsors of terrorism, other foreign countries, or entities to illicitly acquire such controlled United States technology.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

(1) the Committee on Armed Services and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1245. END-USE MONITORING OF MUNITIONS AND RELATED TECHNICAL DATA.

(a) ESTABLISHMENT OF MONITORING PROGRAM.—In order to ensure accountability with respect to the export of munitions and related technical data on the Commerce Munitions List, the President shall establish a program to provide for the end-use monitoring of such munitions and related technical data.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report describing the actions taken to implement this section, including a detailed accounting of the costs and number of personnel associated with the program established under subsection (a).

SEC. 1246. INTERAGENCY PROCESS FOR MODIFICATION OF CATEGORY XV OF THE UNITED STATES MUNITIONS LIST.

(a) INTERAGENCY REVIEW.—Subject to the procedures in section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)), the President shall ensure that, through interagency procedures or regulations, the Secretary of State, the Secretary of Defense, the Secretary of Commerce, and as appropriate the Director of National Intelligence concur on all subsequent modifications to Category XV of the United States Munitions List (relating to spacecraft systems and associated equipment).

(b) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report on the results of the interagency reviews required by subsection (a).

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

(A) A review of the space and space-related technologies currently on the United States Munitions List, to include satellite systems, dedicated subsystems, and components.

(B) An assessment of the national security risks of removing certain space and space-related technologies identified under subparagraph (A) from the United States Munitions List.

(C) An examination of the degree to which other nations' export control policies control or limit the export of space and space-related technologies for national security reasons.

(D) Recommendations for—

(i) the space and space-related technologies that should remain on, or may be candidates for removal from, the United States Munitions List based on the national security review required under subsection (a);

(ii) the safeguards and verifications necessary to—

(I) prevent the proliferation and diversion of such space and space-related technologies;

(II) confirm appropriate end use and end users; and

(III) minimize the risk that such space and space-related technologies

could be use in foreign missile, space, or other applications that could pose a threat to the security of the United States; and

(iii) improvements to the space export control policy and processes of the United States that do not adversely affect United States national security.

(E) A description of and recommendations regarding how the United States industrial base and United States national security could be enhanced and strengthened through reforms to and amendments of export control laws and regulations.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term ''appropriate congressional committees'' means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 1247. DEFINITIONS.

In this subtitle:

(1) COMMERCE MUNITIONS LIST.—The term ''Commerce Munitions List'' means items transferred from the United States Munitions List to the Commerce Control List and designated as ''600 series'' items on the Commerce Control List under the Export Administration Regulations, as proposed by the Bureau of Industry and Security of the Department of Commerce on July 15, 2011 (76 Fed. Reg. 41958), or any successor regulations.

(2) COMMERCIAL SATELLITES AND RELATED COMPONENTS AND TECHNOLOGY.—The term ''commercial satellites and related components and technology'' means—

(A) communications satellites that do not contain classified components, including remote sensing satellites with performance parameters below thresholds identified on the United States Munitions List; and

(B) systems, subsystems, parts, and components associated with such satellites and with performance parameters below thresholds specified for items that would remain on the United States Munitions List.

(3) EXPORT ADMINISTRATION REGULATIONS.—The term ''Export Administration Regulations'' means the Export Administration Regulations as maintained and amended under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or any successor regulations.

(4) 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 acts of international terrorism pursuant to section 6(j) of the Export Administration Act of 1979, section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law.

(5) 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)).

TITLE XIII—COOPERATIVE THREAT REDUCTION

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 expendi-

ture 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. LIMITATION ON AVAILABILITY OF FUNDS FOR COOPERATIVE THREAT REDUCTION ACTIVITIES WITH RUSSIAN FEDERATION.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for Cooperative Threat Reduction may be obligated or expended for cooperative threat reduction activities with the Russian Federation until the date that is 30 days after the date on which the Secretary of Defense certifies, in coordination with the Secretary of State, to the appropriate congressional committees that—

(1) Russia is no longer—

(A) providing direct or indirect support to the government of Syria's suppression of the Syrian people; and

(B) transferring to Iran, North Korea, or Syria equipment and technology 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; or

(2) funds planned to be obligated or expended for cooperative threat reduction activities with the Russian Federation are strictly for project closeout activities and will not be used for new activities or activities that will extend beyond fiscal year 2013.

(b) WAIVER.—The Secretary of Defense may waive the limitation in subsection (a) if—

(1) the Secretary determines that such waiver is in the national security interests of the United States;

(2) the Secretary briefs, in an unclassified form, the appropriate congressional committees on the justifications of such waiver; and

(3) a period of 90 days has elapsed following the date on which such briefing is held.

(c) 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.

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 the 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.

SEC. 1407. 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, as specified in the funding table in section 4501.

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) is amended by inserting ''or a single point of failure'' after ''foreign sources''.

Subtitle C—Other Matters

SEC. 1421. 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 $26,000,000 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. 1422. 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. 1423. 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.

TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

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.

SEC. 1523. LIMITATION ON USE OF FUNDS IN OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND.

Amounts appropriated to the Overseas Contingency Operations Transfer Fund pursuant to the authorizations of appropriations contained in this title and available for use or transfer to cover expenses directly relating to overseas contingency operations by the United States Armed Forces may be used only for an item or activity specified in the overseas contingency operations portion of the budget submitted to Congress by the President under sec-

tion 1105 of title 31, United States Code, for fiscal year 2013.

Subtitle C—Limitations and Other Matters

SEC. 1531. 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 market research or 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 action.

(c) ADDITIONAL AUTHORIZED USE OF FUNDS IN JIEDDF.—Funds in the Joint Improvised Explosive Device Defeat Fund shall be available, with the concurrence of the Secretary of State, for the purpose of monitoring, disrupting, and interdicting the movement of explosive device precursors from a country that borders Afghanistan to a location within Afghanistan. For a country in which the actions and activities described in the preceding sentence are carried out, such funds may, with the concurrence of the Secretary of State, also be used to train and equip the security forces of that country that support missions to monitor, disrupt, and interdict the movement of explosive device precursors into Afghanistan.

SEC. 1532. 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), 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—

(1) by striking ''private investment, mining sector development, industrial development, and other projects'' and inserting ''mining and natural resource industry development''; and

(2) 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 used under 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 may be obligated until the plan required by subsection (b) is submitted to the appropriate congressional committees; and

''(ii) may not exceed $50,000,000 for fiscal year 2013, except that no such funds may be obligated until the Secretary notifies the appropriate congressional committees that the activities of the Task Force for Business and Stability Operations in Afghanistan will be transitioned to the Department of State by September 30, 2013.''; and

(3) by striking ''The funds'' and inserting the following:

"(C) AVAILABILITY.—The funds".

SEC. 1533. LIMITATIONS ON AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES FUND.

(a) CONTINUATION OF EXISTING LIMITATIONS ON AVAILABILITY OF FUNDS IN AFGHANISTAN SECURITY FORCES 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).

(b) AFGHAN PUBLIC PROTECTION FORCE.—

(1) LIMITATION.—None of the funds available to the Department of Defense for fiscal year 2013 for the Afghanistan Security Forces Fund may be obligated or expended for the Afghan Public Protection Force (in this subsection referred to as the "APPF") until the Secretary of Defense certifies in writing to the congressional defense committees the following:

(A) Each subcontract, task order, or delivery order entered into with the APPF under a

contract of the Department of Defense, or any agreement between the United States and Afghanistan for services of the APPF for the Department of Defense, will include—

(i) standard format, content, and liability clauses to ensure consistent levels of security and dispute resolution mechanisms;

(ii) a requirement for members of the APPF to adhere to the APPF Code of Conduct, including principles of conduct for such personnel, minimum vetting requirements, and management and oversight commitments;

(iii) authority for the prime contractor or, in the case of an agreement, the United States, to independently conduct biometric screening;

(iv) authority for the prime contractor or, in the case of an agreement, the United States—

(I) to direct the APPF, at its own expense, to remove or replace any personnel performing on a subcontract or such agreement who fail to meet

the APPF Code of Conduct or terms of such subcontract or agreement; and

(II) to terminate the subcontract or such agreement, if the failure to comply is a gross violation or is repeated; and

(v) authority for the Commander, International Security Assistance Force (or his designee)—

(I) to provide an arming authorization for APPF personnel authorized to perform activities at a military installation or facility in Afghanistan at which members of the Armed Forces deployed to Afghanistan are garrisoned or housed;

(II) to account for and keep appropriate records of APPF personnel authorized to perform activities at a military installation or facility in Afghanistan at which members of the Armed Forces deployed to Afghanistan are garrisoned or housed, including on a database referred to as the

Synchronized Predeployment and Operational Tracker; and

(III) to consult with the Minister of Interior of Afghanistan regarding rules on the use of force for APPF personnel.

(B) The Minister of Interior of Afghanistan is committed to ensuring that sufficient numbers of APPF personnel are trained to match demand and attrition.

(C) Sufficient clarity exists with regard to command and control of APPF personnel and the role of risk management consultants.

(D) The program established pursuant to section 1225 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 22 U.S.C. 2785 note) is sufficient to—

(i) account for the transfer of any contractor-acquired, United States Government-owned defense articles to the APPF; and

(ii) conduct end-use monitoring, including an inventory of the existence and completeness of any such defense articles;

(E) Mechanisms are in place to ensure that there is no additional cost to the United States for—

(i) a weapon used in the performance of APPF services under a subcontract of a contract of the Department of Defense, or through an agreement between the United States and Afghanistan, if such a weapon is a United States Government-owned weapon; and

(ii) any assistance also provided through the Afghan Security Forces Fund for support to APPF.

(F) The Minister of Interior of Afghanistan has established the elements required by subparagraphs (A) through (F) of section 862(a)(2) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181). For purposes of the preceding sentence, the terms ''personnel performing private security functions in an area of combat operations or other significant military operations'', ''contractor'', and ''contractor personnel'', as used in section 862 of such Act, mean members of the APPF.

(G) The Secretary is confident the security provided to supply convoys, to Department of Defense construction projects, and to Armed Forces deployed to Afghanistan will not be degraded.

(2) ADDITIONAL LIMITATION.—None of the funds available to the Department of Defense for fiscal year 2013 for the Afghanistan Security Forces Fund may be obligated or expended for infrastructure improvements at a APPF training center.

(3) QUARTERLY REPORTS.—

(A) ASSESSMENT REQUIRED.—Each fiscal year quarter during fiscal years 2013 and 2014, the Secretary of Defense shall conduct an assessment of the APPF.

(B) REPORTS.—Thirty days following the end of each quarter of fiscal years 2013 and 2014, the Secretary shall submit a report to the congressional defense committees of each assessment conducted under subparagraph (A).

(C) MATTERS COVERED.—Each such report shall include—

(i) a detailed assessment of the ability of the APPF to perform the essential tasks identified by the assessment team;

(ii) an identification and evaluation of measures of effectiveness;

(iii) a description of the size of the APPF and an assessment of the sufficiency of its recruiting and training; and

(iv) a discussion of the issues the Secretary considers significant, and any recommendations to address those issues or other recommendations to improve future performance of the APPF, as the Secretary considers appropriate.

(D) FIRST REPORT.—The first quarterly report submitted after the date of the enactment of this Act shall include an estimate of the cost to the Department of Defense of the APPF, including funds within the Afghan Security Forces Fund and estimated contractual costs for fiscal years 2013 and 2014.

(E) A report submitted following the end of the second and fourth quarter of a fiscal year shall include a comparison of the cost to the Department of Defense (both direct and to contractors of the Department of Defense) for the preceding six months of—

(i) the use of the APPF; and

(ii) the historical use of private security contractors for a similar six-month period.

(4) AGREEMENTS.—The Secretary shall submit to the congressional defense committees a copy of each agreement signed by the United States and Afghanistan for services of the APPF for the Department of Defense during the first six months following the date of the enactment of this Act.

TITLE XVI—INDUSTRIAL BASE MATTERS

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 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 a separate discussion and presentation regarding the extent to which the national technology and industrial base is affected by foreign boycotts. The discussion and presentation regarding foreign boycotts shall—

''(1) identify sectors of the national technology and industrial base being affected by foreign boycotts;

''(2) assess the harm to the national technology and industrial base as a result of such boycotts; and

''(3) identify actions necessary to minimize the effects of foreign boycotts on the national technology and industrial base.''.

SEC. 1603. ADVANCING INNOVATION PILOT PROGRAM.

(a) PILOT PROGRAM.—The Secretary of Defense, acting through the Assistant Secretary of Defense for Research and Engineering, may establish and implement a pilot program, to be known as the ''Advancing Innovation Pilot Program'', in furtherance of the national security objectives in section 2501(a) of title 10, United States Code.

(b) PURPOSE.—The purpose of the pilot program is to accelerate development and fielding of research innovations from qualifying institutions.

(c) AVAILABILITY OF FUNDS.—Of the funds authorized and appropriated, or otherwise made available, for research, development, test and evaluation, the Secretary may allocate funding to qualifying institutions in accordance with this subsection. Such funding shall be used to evaluate the potential of fielding or commercialization of existing discoveries, including—

(1) proof of concept research or prototype development; and

(2) activities that contribute to determining a project's path to fielding or commercialization of dual-use technologies, including technical validations, market research, determination of intellectual property rights, and investigating military or commercial opportunities.

(d) IMPLEMENTATION.—Prior to obligation or execution of funding under the pilot program, the Secretary shall develop and issue guidance to implement the pilot program. Such guidance shall, at a minimum—

(1) require that funding allocated under the pilot program shall be done using a competitive, merit-based process;

(2) ensure that qualifying institutions establish a rigorous, diverse review board for program execution that shall be comprised of experts in translational and proof of concept research, including representatives that provide expertise in transitioning technology, financing mechanisms, intellectual property rights, and advancement of small business concerns;

(3) ensure that technology validation milestones are established; and

(4) enable the Assistant Secretary to reallocate funding with the pilot program from poor performing projects to those with more potential.

(e) LIMITATION.—Funding made available under the pilot program shall not be used for basic research, or to fund the acquisition of research equipment or supplies not directly related to fielding activities to meet military requirements or commercialization of dual-use technologies.

(f) REPORT.—Not later than 90 days after the completion of the pilot program, the Secretary shall submit to the congressional defense committees a report evaluating the effectiveness of the activities of the pilot program. The report shall include—

(1) a detailed description of the execution of the pilot program, including incentives and activities undertaken by review board experts;

(2) an accounting of the funds used in the pilot program;

(3) a detailed description of the institutional and proposal selection process;

(4) a detailed compilation of results achieved by the pilot program;

(5) an analysis of the program's effectiveness, with data supporting the analysis; and

(6) recommendations for advancing innovation and otherwise improving the transition of technology to meet Department of Defense requirements.

(g) DEFINITIONS.—In this section:

(1) QUALIFYING INSTITUTION.—The term ''qualifying institution'' means any entity at which research and development activities are conducted and that has past performance in technology transi-

tion or commercialization of third-party research, including—

(A) an institution of higher education or other nonprofit entity; and

(B) a for-profit entity.

(2) RESEARCHER.—The term ''researcher'' means a university or Federal laboratory that conducts basic research.

(3) 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.

(4) DUAL-USE.—The term ''dual-use'' has the meaning provided in section 2500(2) of title 10, United States Code.

(h) TERMINATION.—The pilot program conducted under this section shall terminate on September 30, 2017.

SEC. 1604. 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, 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 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. PILOT PROGRAM TO ASSIST IN THE GROWTH AND DEVELOPMENT OF ADVANCED SMALL BUSINESS CONCERNS.

(a) ESTABLISHMENT OF PILOT PROGRAM.—The Secretary of Defense shall establish a pilot program within the Department of Defense to assist in the growth and development of advanced small business concerns in accordance with this section.

(b) REQUIREMENTS OF PILOT PROGRAM.—

(1) RESTRICTED COMPETITION FOR CERTAIN CONTRACTS.—Under the pilot program and except

as provided under paragraph (2)(B), competition for contract awards may be restricted to advanced small business concerns if—

(A) the anticipated award price of the contract (including options) is reasonably expected to exceed $25,000,000;

(B) the Procurement Center Representative of the Small Business Administration or the Director of Small Business Programs of the Department of Defense determines that, if the contract were not awarded under the pilot program, the contract would likely be awarded to an entity other than a small business concern;

(C) there is a reasonable expectation that at least two advanced small business concerns will submit offers with respect to the contract;

(D) such advanced small business concerns agree to the requirements specified in section 15(o) of the Small Business Act (15 U.S.C. 644(o)) (relating to percentage of work under the contract to be performed by the concern), except that work performed by other advanced small business concerns or by small business concerns shall be considered as work performed

by the prime contractor for purposes of such requirements; and

(E) the contract award can be made at a fair market price.

(2) ELIGIBILITY.—

(A) ADVANCED SMALL BUSINESS CONCERN.—An entity shall be considered an advanced small business concern and eligible for participation in the pilot program if the entity—

(i) is independently owned and operated and is not dominant in its field of operation; and

(ii) has fewer than—

(I) twice the number of employees the Small Business Administration has assigned as a size standard to the North American Industrial Classification Standard code in which the entity is operating; or

(II) three times the average annual receipts the Small Business Administration has assigned as a size standard to the North American In-

dustrial Classification Standard code in which the entity is operating.

(B) SMALL BUSINESS CONCERN.—Notwithstanding paragraph (1), a small business concern may submit an offer for any contract under the pilot program.

(3) CONSIDERATION AND NOTICE TO PUBLIC.—With respect to a contract opportunity determined to meet the criteria specified in paragraph (1), a contracting officer for the Department of Defense shall—

(A) consider awarding a contract under the pilot program before using full and open competition for such contract; and

(B) provide notice of the contract opportunity (including the eligibility requirements of the contract opportunity) in accordance with the Federal Acquisition Regulation and other applicable guidelines.

(4) RELATIONSHIP TO SMALL BUSINESS ACT PROGRAMS.—

(A) An advanced small business concern shall not be eligible for any assistance provided to small businesses by the Small Business Act (15 U.S.C. 637 et seq.) or the Small Business

Investment Act of 1958 22 (15 U.S.C. 661 et seq.), unless eligibility is expressly provided through the pilot program established by this Act, and contracts awarded pursuant to the pilot program shall not be counted toward the achievement of the small business prime or subcontracting goals established by the Small Business Act (15 U.S.C. 644).

(B) An advanced small business concern shall enter into a subcontracting plan in accordance with section 8(d) of the Small Business Act (15 U.S.C. 637(d)).

(C) Nothing in this section authorizes a Procurement Center Representative or an employee of the Office of Small Business Programs to provide assistance to advanced small business concerns or to advocate for the restriction of competition to advanced small business concerns.

(c) IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Administrator of the Small Business Administration, shall develop and issue guidance to implement the pilot program. The guidance shall—

(1) identify criteria under which the pilot program is evaluated, including a methodology to collect data during the course of the pilot program to facilitate an assessment at the conclusion of the pilot program;

(2) permit a self-certification for eligibility for participation in the pilot program;

(3) ensure that any self-certification requires the concern involved to meet the requirements of the Small Business Administration regarding ownership, control, and affiliation (as set forth in section 121.103 of title 13 of the Code of Federal Regulations);

(4) establish an appeals process to handle challenges to self-certifications of advanced small business concerns, with the certification of eligibility residing with the Small Business Administration's Office of Hearings and Appeals;

(5) identify a method to reimburse the Small Business Administration for additional costs to the Administration relating to such self-certifications;

(6) establish a methodology for identifying and tracking program participants, including reporting on contracts awarded to program participants using the Federal Procurement Data System; and

(7) ensure that the pilot program does not supersede goals or programs authorized by the Small Business Act (15 U.S.C. 637 et seq.) or the Small Business Investment Act of 1958 22 (15 U.S.C. 661 et seq.) or count toward the achievement of the small business prime or subcontracting goals established by the Small Business Act (15 U.S.C. 644).

(d) REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, and annually thereafter for the duration of the pilot program, the Secretary of Defense shall submit to the appropriate congressional committees a report on the pilot program that includes each of the following:

(1) The number of contracts awarded in the prior year under the pilot program.

(2) The value of the contracts awarded under the pilot program and a description of the work carried out under such contracts.

(3) The number of program participants under the pilot program.

(4) An assessment of the success of the pilot program based on the criteria described in subsection (c)(1).

(5) Such recommendations as the Secretary considers appropriate, including a recommendation

regarding whether to extend the pilot program or terminate it early.

(e) TERMINATION.—The pilot program shall terminate on the date that is three years after the date on which the guidance for the pilot program is issued pursuant to subsection (c).

(f) DEFINITIONS.—In this section:

(1) ADVANCED SMALL BUSINESS CONCERN.—The term ''advanced small business concern'' means an entity that meets the requirements specified in subsection (b)(2)(A).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means each of the following:

(A) The Committees on Armed Services and on Small Business and Entrepreneurship of the Senate.

(B) The Committees on Armed Services and on Small Business of the House of Representatives.

(3) OFFICE OF SMALL BUSINESS PROGRAMS.—The term ''Office of Small Business Programs'' means the Office of Small Business Programs described in section 144(b) of title 10, United States Code.

(4) PILOT PROGRAM.—The term ''pilot program'' means the program established by the Secretary of Defense under subsection (a).

(5) PROCUREMENT CENTER REPRESENTATIVE.—The term ''Procurement Center Representative'' has the meaning provided in section 15 of the Small Business Act (15 U.S.C. 644).

(6) SMALL BUSINESS CONCERN.—The term ''small business concern'' has the meaning provided under section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

SEC. 1612. ROLE OF THE DIRECTORS OF SMALL BUSINESS PROGRAMS IN REQUIREMENTS DEVELOPMENT AND ACQUISITION DECISION 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 in the Department of Defense is a participant in requirements development and acquisition decision 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 serve as an advisor to the Defense Acquisition Board; and

(B) to serve as an advisor to the Information Technology Acquisition Board; and

(2) require coordination between the chiefs 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 during the process for approval of—

(A) a requirements document, as defined in section 2547 of title 10, United States Code; and

(B) acquisition strategies or plans.

SEC. 1613. SMALL BUSINESS ADVOCATE FOR DEFENSE AUDIT AGENCIES.

(a) SMALL BUSINESS ADVOCATE.—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 Advocate for defense audit agencies

"(a) SMALL BUSINESS ADVOCATE.—The Secretary of Defense shall designate within each defense audit agency an official as the Small Business Advocate to have the duties described in subsection (b) and such other responsibilities as may be determined by the Secretary.

"(b) DUTIES.—The Small Business Advocate at a defense audit agency shall—

"(1) advise the Director of the defense audit agency on all 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; and

"(3) collect relevant data and monitor the defense audit agency's conduct of audits of small business concerns, including—

"(A) monitoring the timeliness of audit closeouts for small business concerns; and

"(B) monitoring the responsiveness of the agency to issues or other matters raised by small business concerns; and

"(4) develop and implement processes and procedures to improve the performance of the defense audit agency related to the timeliness of audits of

small business concerns and the responsiveness of the agency to issues or other matters raised by small business concerns.

"(c) 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 chapter 8 of such title is amended by inserting after the item relating to section 203 the following new item:

"204. Small Business Advocate for defense audit agencies.".

SEC. 1614. 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 enter into a contract with a federally funded research and development center to conduct an independent assessment of the Department's procurement performance related to small business concerns.

(b) MATTERS COVERED.—The assessment under subsection (a) shall, at a minimum, include—

(1) a description of 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);

(2) a comparison of the industrial composition of prime contractors participating in such test program and the industrial composition of all prime contractors of the Department of Defense;

(3) a determination of barriers to accurately capturing data on small business prime contracting and subcontracting, including an examination of the reliability of the information technology systems of the Department that are used to track such data;

(4) recommendations for improving the quality and availability of data regarding small business prime contracting and subcontracting performance;

(5) recommendations to improve and inform negotiations regarding small business contract goals for the Department;

(6) an examination of the execution of small business subcontracting plans, including an assessment of the degree to which initial teaming agreements are not maintained through the performance of contracts;

(7) an examination of the extent to which the Department adheres to current policies and guidelines relating to small business prime contracting and subcontracting goals;

(8) recommendations for increasing opportunities for small business concerns owned and controlled by service-disabled veterans (as defined by section 3(q) of the Small Business Act (15 U.S.C. 632(q)) to do business with the Department of Defense;

(9) an examination of the extent to which the Department bundles, consolidates, or otherwise groups requirements into contracts that are unsuitable for award to small businesses, and the effects that such practices have on small business participation;

(10) recommendations for increasing small business prime contracting and subcontracting opportunities with the Department; and

(11) recommendations for steps that can be taken to prevent abuses and ensuring that small business contracts are in fact going to small businesses.

(c) REPORT.—Not later than January 1, 2014, the Secretary shall submit to the congressional defense com-

mittees a report on the independent assessment conducted under this section.

SEC. 1615. ASSESSMENT OF SMALL BUSINESS PROGRAMS TRANSITION.

(a) INDEPENDENT REVIEW AND ASSESSMENT.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall select an appropriate entity outside the Department of Defense to conduct an independent review and assessment of the transition of technologies developed by small business, such as those developed under the Small Business Innovation Research Program, into major weapon systems and major automated information systems for the Department of Defense.

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

(1) An analysis of a representative sample of major weapon systems and major automated information systems to determine the content of the systems from small businesses, including components transitioned from the Small Business Innovation Research Program.

(2) An analysis of established or ad hoc processes to allow program offices to monitor, evaluate,

and transition small business-developed technologies into their program.

(3) Recommendations for developing a systematic and sustained process for monitoring, evaluating, and transitioning small business-developed technologies for use by the entire defense acquisition system of the Department of Defense, including data collection and measures of effectiveness and performance.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the entity conducting the review and assessment under subsection (a) shall submit to the Secretary and the congressional defense committees a report containing—

(A) the results of the review and assessment; and

(B) recommendations for improving the process for managing the transition and integration of technologies developed by small business (including under the Small Business Innovation Research Program) into major weapons systems and major automated information systems.

(2) ADDITIONAL EVALUATION REQUIRED.—Not later than 30 days after the date on which the congressional defense committees receive the report required by paragraph (1), the Secretary shall submit to such committees an evaluation by the Secretary of the results and recommendations contained in such report.

(d) SBIR PROGRAM DEFINED.—In this section, the term ''Small Business Innovation Research Program'' has the meaning provided such term by section 2500(11) of title 10, United States Code.

SEC. 1616. ADDITIONAL RESPONSIBILITIES OF INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE.

(a) REQUIREMENT FOR 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 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 failed an audit or is overdue for a peer review required to be conducted in accordance with subsection (c)(10).''.

SEC. 1617. 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—

(1) 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) by striking subparagraph (A) and inserting the following:

''(A) attend any provisioning conference or similar evaluation session during which a determination may be made with respect to the procurement method to be used to satisfy a requirement, review any acquisition plan with respect to a requirement, and make recommendations regarding procurement method determinations and acquisition plans;'';

(3) 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'';

(4) in subparagraph (C) by striking ''(C) review restrictions on competition'' and inserting the following:

''(C) review barriers to small business participation in Federal contracting'';

(5) by striking subparagraph (D) and inserting the following:

''(D) review any bundled or consolidated solicitation or contract in accordance with this Act;'';

(6) by striking subparagraph (E) and inserting the following:

''(E) have electronic access to procurement records, acquisition plans developed or in development, and other data of the procurement center commensurate with the level of such representative's approve security clearance classification;''; and

(7) by striking subparagraphs (F) and (G) and inserting the following:

''(F) receive, from personnel responsible for reviewing unsolicited proposals, copies of unsolicited proposals from small business con-

cerns and any information on outcomes relating to such proposals;

"(G) participate in any session or planning process and review any documents with respect to a decision to convert an activity performed by a small business concern to an activity performed by a Federal employee;

"(H) be an advocate for the maximum practicable utilization of small business concerns in Federal contracting, including by advocating against the 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) NOTIFICATION AND INCLUSION.—Paragraph (4) of section 15(l) of such Act (15 U.S.C. 644(l)) is amended to read as follows:

"(4) NOTIFICATION AND INCLUSION.—Agency heads shall ensure that procurement center rep-

resentatives are included in applicable acquisition planning processes.''.

(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) by striking subparagraph (A) and inserting the following:

"(A) AUTHORIZATION.—At such times as the Administrator deems appropriate, a procurement center representative shall provide training for contracting officers, other appropriate personnel of the procurement center to which such representative is assigned, and small businesses groups seeking to do business with such procurement center. Such training shall acquaint the participants with the provisions of this subsection and shall instruct the participants in methods designed to further the purposes of this subsection.

"(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."; and

(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''.

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

1 the Small Business Act (15 U.S.C. 636(j)(10)(D)(i)) is
2 amended by inserting after ''to assist such Program Par-
3 ticipant.'' the following: ''The Business Opportunity Spe-
4 cialist shall have a Level I Federal Acquisition Certifi-
5 cation in Contracting (or any successor certification) or
6 the equivalent Department of Defense certification, except
7 that a Business Opportunity Specialist serving at the time
8 of the date of enactment of the Small Business Oppor-
9 tunity Act of 2012 may continue to serve as a Business
10 Opportunity Specialist for a period of 5 years beginning
11 on that date of enactment without such a certification.''.
12 (d) GAO REPORT.—Not later than 365 days after
13 the date of enactment of this part, the Comptroller Gen-
14 eral of the United States shall conduct a study and submit
15 a report to the Committee on Small Business of the House
16 of Representatives and the Committee on Small Business
17 and Entrepreneurship of the Senate on the relationship
18 between the size and quality of the acquisition workforce
19 and the Federal government's ability to maximize the utili-
20 zation of small businesses in Federal procurement. The
21 report shall specifically address the following:
22 (1) The extent to which training on small busi-
23 ness contracting laws affects a contracting officer's
24 determination to use one of the contracting authori-
25 ties provided in the Small Business Act.

(2) The relationship between a robust Federal acquisition workforce and small business success in obtaining Federal contracting opportunities.

(3) The effect on economic growth if small businesses experienced a significant reduction in small business procurement activities.

(4) The effect of the anticipated acceleration of retirements by the acquisition workforce on small business procurement opportunities.

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) enumerate opportunities for the participation of small business concerns during all acquisition planning processes and in all acquisition plans;

''(B) invite the participation of the appropriate Director of Small and Disadvantaged Business Utilization in all acquisition planning processes and provide that Director access to all acquisition plans in development; and

"(C) invite the participation of the appropriate procurement center representative in all acquisition planning processes and provide that representative access to all acquisition plans in development.".

PART II—GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS

SEC. 1631. GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS.

(a) IN GENERAL.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)) is amended by striking the subsection enumerator and inserting the following:

"(g) GOALS FOR PROCUREMENT CONTRACTS AWARDED TO SMALL BUSINESS CONCERNS.—".

(b) GOVERNMENTWIDE GOALS.—Paragraph (1) of section 15(g) of such Act (15 U.S.C. 644(g)) is amended to read as follows:

"(1) GOVERNMENTWIDE GOALS.—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 eco-

nomically disadvantaged individuals, and small business concerns owned and controlled by women in accordance with the following:

"(A) The Governmentwide goal for participation by small business concerns shall be established at not less than 25 percent of the total value of all prime contract awards for each fiscal year and 40 percent of the total value of all subcontract awards for each fiscal year.

"(B) 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 at not less than 3 percent of the total value of all subcontract awards for each fiscal year.

"(C) 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 at not less than 3 percent of the total value of all subcontract awards for each fiscal year.

"(D) The Governmentwide goal for participation by small business concerns owned and controlled by socially and economically dis-

advantaged individuals shall be established at not less than 5 percent of the total value of all prime contract and at not less than 5 percent of the total value of all subcontract awards for each fiscal year.

"(E) 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 at not less than 5 percent of the total value of all subcontract awards for each fiscal year.".

(c) AGENCY GOALS.—Paragraph (2) of section 15(g) of such Act (15 U.S.C. 644(g)) is amended to read as follows:

"(2) AGENCY GOALS.—

"(A) ESTABLISHMENT.—The head of each Federal agency shall annually establish, for the agency that individual heads, 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.

"(B) RELATIONSHIP TO GOVERNMENT-WIDE GOALS.—

"(i) SCOPE.—The goals established by the head of a Federal agency under subparagraph (A) shall be in the same format as the goals established by the President under paragraph (1) and shall address both prime contract and subcontract awards.

"(ii) REQUIREMENT PERTAINING TO AGENCY GOALS.—With respect to each goal for a fiscal year established under subparagraph (A) for a category of small business concern, the participation percentage applicable to such goal may not be less than the participation percentage applicable to the Governmentwide goal for such fiscal year established under paragraph (1) for such category.

"(C) CONSULTATION REQUIRED.—

"(i) IN GENERAL.—.In establishing goals under subparagraph (A), the head of

each Federal agency shall consult with the Administrator.

"(ii) DISAGREEMENTS.—Except as provided by clause (iii), if the Administrator and the head of a Federal agency fail to agree on a goal established under subparagraph (A), the disagreement shall be submitted to the Administrator for Federal Procurement Policy for final determination.

"(iii) AGENCY GOALS OF THE DEPARTMENT OF DEFENSE.—In the case of a goal proposed by the Secretary of Defense that is lower than a goal established during the preceding fiscal year for the Department of the Defense and for which the Administrator does not agree, the disagreement shall be submitted to the Administrator for Federal Procurement Policy for final determination.

"(D) PLAN FOR ACHIEVING GOALS.—After establishing goals under subparagraph (A) for a fiscal year, the head of each Federal agency shall develop a plan for achieving such goals,

which shall apportion responsibilities among the agency's acquisition executives and officials.

"(E) EXPANDED PARTICIPATION.—In establishing goals under subparagraph (A), 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 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.

"(F) CONSIDERATION.—The head of each Federal agency, in attempting to attain expanded participation under subparagraph (E), 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).

"(G) COMMUNICATION REGARDING GOALS.—

"(i) IMPORTANCE OF ACHIEVING GOALS.—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) PROCUREMENT EMPLOYEES OR PROGRAM MANAGERS DESCRIBED.—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.".

(d) ENFORCEMENT; DETERMINATIONS OF THE TOTAL VALUE OF CONTRACT AWARDS.—Section 15(g) of the Small Business Act (15 U.S.C. 644(g)), as amended by this part, is further amended by adding at the end the following:

"(3) ENFORCEMENT.—If the Administrator does not issue the report required in subsection (h)(2) on or before the date that is 120 days after

the end of the prior fiscal year, the Administrator may not carry out or establish any pilot program until the date on which the Administrator issues the report.

"(4) DETERMINATIONS OF THE TOTAL VALUE OF CONTRACT AWARDS.—For purposes of the goals established under paragraphs (1) and (2), the total value of contract awards for a fiscal year may not be determined in a manner that excludes the value of a contract based on—

"(A) where the contract is awarded;

"(B) where the contract is performed;

"(C) whether the contract is mandated by Federal law to be performed by an entity other than a small business concern;

"(D) whether funding for the contract is made available in an appropriations Act, if the contract is subject to competitive procedures under chapter 33 of title 41, United States Code; or

"(E) whether the contract is subject to the Federal Acquisition Regulation.".

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)(A) 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 website, 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)(A) for such fiscal year was achieved;

"(D) the reasons for any failure to achieve a goal established under paragraph (1) or (2)(A) 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;

"(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 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

1 economically disadvantaged individ-
2 uals; and
3 ''(V) through unrestricted com-
4 petition; and
5 ''(vi) small business concerns owned
6 by Native Hawaiian Organization—
7 ''(I) in the aggregate;
8 ''(II) through sole source con-
9 tracts;
10 ''(III) through competitions re-
11 stricted to small business concerns;
12 ''(IV) through competitions re-
13 stricted to small business concerns
14 owned and controlled by socially and
15 economically disadvantaged individ-
16 uals; and
17 ''(V) through unrestricted com-
18 petition; and
19 ''(vii) small business concerns owned
20 by an Alaska Native Corporation—
21 ''(I) in the aggregate;
22 ''(II) through sole source con-
23 tracts;
24 ''(III) through competitions re-
25 stricted to small business concerns;

1 "(IV) through competitions re-
2 stricted to small business concerns
3 owned and controlled by socially and
4 economically disadvantaged individ-
5 uals; and
6 "(V) through unrestricted com-
7 petition; and
8 "(viii) small business concerns owned
9 and controlled by women—
10 "(I) in the aggregate;
11 "(II) through competitions re-
12 stricted to small business concerns;
13 "(III) through competitions re-
14 stricted using the authority under sec-
15 tion 8(m)(2);
16 "(IV) through competitions re-
17 stricted using the authority under sec-
18 tion 8(m)(2) and in which the waiver
19 authority under section 8(m)(3) was
20 used; and
21 "(V) through unrestricted com-
22 petition; and
23 "(F) for the Federal Government and each
24 Federal agency, the number, dollar amount,
25 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.''.

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) EVALUATION OF EXECUTIVES.—The head of an agency shall ensure that evaluations of 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, include consideration of the agency's success in achieving small business contracting goals and percentages. Such

evaluations shall, as a minimum, consider the extent to which the executive—

(1) promotes a climate or environment that is responsive to small business concerns;

(2) communicates the importance of achieving the agency's small business contracting goals; and

(3) encourages 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 PROGRAM

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 46; 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) of this Act (as in effect on the date of enactment of the National Defense Authorization Act for Fiscal Year 2013), 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 the National Defense Authorization Act for Fiscal Year 2013, 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 proteges against actions by the mentor that—

"(i) may adversely affect the proteges status as a small business; 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 the National Defense Authorization Act for Fiscal Year 2013.

"(c) REPORTING.—

"(1) IN GENERAL.—Not later than 2 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2013, and annually thereafter, the Administrator shall submit to the Committee on Small Business of the House of Rep-

resentatives 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) must 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 with 180 days of receipt.".

SEC. 1642. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.

Not later than the date that is 2 years after the agencies operating subject to section 45(b)(4)(C) of the Small Business Act have their plans approved or denied by the Administrator, the Comptroller General of the United States shall conduct a study to—

(1) update the study required by section 1345 of the Small Business Jobs Act of 2010 (Pub. Law 111–240);

(2) examine whether potential affiliation issues between mentors and proteges under the prior programs have been resolved by enactment of this Act; and

(3) examine whether the regulations issued pursuant to section 45(b)(3)(I) of the Small Business Act have increased opportunities for mentor-protege pairs, and if they have decreased the paperwork required for such pairs participating in programs at multiple agencies.

PART IV—TRANSPARENCY IN SUBCONTRACTING

Subpart A—Limitations on Subcontracting

SEC. 1651. LIMITATIONS ON SUBCONTRACTING.

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. 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 more than 1 of paragraphs (1) through (2)—

"(A) shall determine for which category of services or supplies, described in 1 of paragraphs (1) through (4), the greatest percentage of the contract amount 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—

"(i) 50 percent of that amount, if the category of services or supplies applicable under subparagraph (A) is described in paragraph (1); and

"(ii) 50 percent of that amount, if the category of services or supplies applicable under subparagraph (A) is described in paragraph (2); 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.—

"(1) IN GENERAL.—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.

"(2) UNIFORMITY.—A change to a percentage under paragraph (1) shall apply to all covered small business concerns.

"(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 (2).

"(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 45 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 45 is violated.".

SEC. 1653. CONFORMING AMENDMENTS.

(a) HUBZONES.—Section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) is amended—

(1) 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 45 are satisfied; and'';

(2) by striking subparagraphs (B) and (C); and

(3) by redesignating subparagraph (D) as subparagraph (B).

(b) 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 45.''.

(c) 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 45.''.

SEC. 1654. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Ad-

ministration shall issue guidance with respect to compliance with the changes made to the Small Business Act by the amendments in this part, with opportunities for notice and comment.

Subpart B—Subcontracting Plans

SEC. 1655. SUBCONTRACTING PLANS.

(a) SUBCONTRACTING REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(A) by striking ''(6) Each subcontracting plan'' and inserting the following:

''(6) SUBCONTRACTING PLAN REQUIREMENTS.—Each subcontracting plan'';

(B) by amending subparagraph (E) to read as follows:

''(E) assurances that the offeror or bidder will—

''(i) submit—

''(I) not later than 180 days after the date on which performance under the applicable contract begins, and every 180 days thereafter until contract performance ends, a report that describes all subcontracting ac-

tivities under the contract during the preceding 180-day period;

"(II) not later than 1 year after the date on which performance under the applicable contract begins, and annually thereafter until contract performance ends, a report that describes all subcontracting activities under the contract that have occurred before the date on which the report is submitted; and

"(III) not later than 30 days after the date on which performance under the applicable contract ends, a report that describes all subcontracting activities under the contract; and

"(ii) cooperate with any study or survey required by the applicable Federal agency or the Administration to determine the extent of compliance by the offeror or bidder with the subcontracting plan;"; and

(C) by moving the margins for subparagraphs (A), (B), (C), (D), and (F) 2 ems to the right (so that the align with subparagraph (E),

as amended by subparagraph (B) of this paragraph).

(2) REPORTING SYSTEM MODIFICATION.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this part, the Administrator of the Small Business Administration shall take such actions as are necessary to ensure that the Federal subcontracting reporting system to which covered reports are submitted is modified to notify the Administrator, the appropriate contracting officer, and the appropriate Director of Small and Disadvantaged Business Utilization if an entity fails to submit a required covered report. If the Administrator does not modify the subcontracting reporting system on or before the date that is 1 year after the date of enactment of this part, the Administrator may not carry out or establish any pilot program until the date the Administrator modifies the reporting system.

(B) COVERED REPORT DEFINED.—In this paragraph, the term ''covered report'' means a report submitted in accordance with assurances

provided under section 8(d)(6)(E) of the Small Business Act (15 U.S.C. 637(d)(6)(E)).

(b) FAILURE TO SUBMIT SUBCONTRACTING REPORTS AS BREACH OF CONTRACT.—Section 8(d)(8) of such Act (15 U.S.C. 637(d)(8)) is amended—

(1) by striking ''(8) The failure'' and inserting the following:

''(8) MATERIAL BREACH.—The failure'';

(2) in subparagraph (A) by striking ''subsection, or'' and inserting ''subsection,'';

(3) in subparagraph (B) by striking ''subcontract,'' and inserting ''subcontract, or'';

(4) by inserting after subparagraph (B) the following:

''(C) assurances provided under paragraph (6)(E),''; and

(5) by moving the margins of subparagraphs (A), (B), and the matter following subparagraph (B) 2 ems to the right.

(c) AUTHORITY OF SMALL BUSINESS ADMINISTRATION.—Section 8(d)(10) of such Act (15 U.S.C. 637(d)(10)) is amended—

(1) by striking ''(10) In the case of'' and inserting the following:

"(10) AUTHORITY OF ADMINISTRATION.—In the case of";

(2) in subparagraph (B) by striking ", which shall be advisory in nature,";

(3) in subparagraph (C) 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

(4) by moving the margins of subparagraphs (A) through (C) 2 ems to the right.

(d) APPEALS.—Section 8(d) of such Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

"(13) REVIEW AND ACCEPTANCE OF SUBCONTRACTING PLANS.—

"(A) IN GENERAL.—Except as provided in subparagraph (E), if a procurement center representative or commercial market representative determines that a subcontracting plan required under paragraph (4) or (5) fails to provide the maximum practicable opportunity for covered small business concerns to participate in the performance of the contract to which the plan applies, such representative may delay accept-

ance of the plan in accordance with subparagraph (B).

"(B) PROCESS.—

"(i) IN GENERAL.—Except as provided in clause (ii), a procurement center representative or commercial market representative who makes the determination under subparagraph (A) with respect to a subcontracting plan may delay acceptance of the plan for a 30-day period by providing written notice of such determination to head of the procuring activity of the contracting agency. Such notice shall include recommendations for altering the plan to provide the maximum practicable opportunity described in that subparagraph.

"(ii) EXCEPTION.—In the case of the Department of Defense, a procurement center representative or commercial market representative who makes the determination under subparagraph (A) with respect to a subcontracting plan may delay acceptance of the plan for a 15-day period by providing written notice of such determina-

tion to appropriate personnel of the Department of Defense. Such notice shall include recommendations for altering the plan to provide the maximum practicable opportunity described in that subparagraph. The authority of a procurement center representative or commercial market representative to delay acceptance of a subcontracting plan as provided in subparagraph (A), does not include the authority to delay the award or performance of the contract concerned.

"(C) DISAGREEMENTS.—If a procurement center representative or commercial market representative delays the acceptance of a subcontracting plan under subparagraph (B) and does not reach agreement with head of the procuring activity of the contracting agency to alter the plan to provide the maximum practicable opportunity described in subparagraph (A) not later than 30 days from the date written notice was provided, the disagreement shall be submitted to the head of the contracting agency by the Administrator for a final determination.

"(D) COVERED SMALL BUSINESS CONCERNS DEFINED.—In this paragraph, the term 'covered small business concerns' means small business concerns, qualified HUBZone small business concerns, small business concerns owned and controlled by veterans, small business concerns owned and controlled by service-disabled veterans, small business concerns owned and controlled by socially and economically disadvantaged individuals, and small business concerns owned and controlled by women.

"(E) EXCEPTION.—The procurement center representative or commercial market representative may not delay the acceptance of a subcontracting plan if the appropriate personnel of the contracting agency certify that the agency's need for the property or services is of such an unusual and compelling urgency that the United States would be seriously injured unless the agency is permitted to accept the subcontracting plan.".

SEC. 1656. 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. 1657. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue guidance with respect to the changes made to the Small Business Act, with opportunity for notice and comment.

Subpart C—Publication of Certain Documents

SEC. 1658. PUBLICATION OF CERTAIN DOCUMENTS.

The Small Business Act (15 U.S.C. 631 et seq.), as amended by this part, is further amended by inserting after section 45 the following:

''SEC. 46. PUBLICATION OF CERTAIN DOCUMENTS.

''A Federal agency, other than the Department of Defense, may only convert a function that is being performed by a small business concern to performance by a Federal employee if the agency has made publicly available the procedures and methodologies of the agency 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 crit-

ical agency function; and procedures and methodologies for estimating and comparing costs.''.

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 RULE MAKING.—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 rule making 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 rulemaking; 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 rulemaking 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 four digit North American Industrial Classification 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 it creates pursuant to paragraph (2), and shall assign the appropriate size standard to each North American Industrial Classification System Code''.

PART VI—CONTRACT BUNDLING

SEC. 1671. CONSOLIDATION OF PROVISIONS RELATING TO CONTRACT BUNDLING.

Section 44 of the Small Business Act (15 U.S.C. 657q) is amended to read as follows:

''SEC. 44. CONTRACT BUNDLING.

''(a) DEFINITIONS.—In this Act:

''(1) BUNDLED CONTRACT.—The term 'bundled contract'—

''(A) means a contract that is entered into to meet procurement requirements that are combined in a bundling of contract require-

ments, without regard to whether a study of the effects of the solicitation on Federal officers or employees has been made; and

"(B) does not include—

"(i) a contract with an aggregate dollar value below the dollar threshold; or

"(ii) a single award contract for the acquisition of a weapons system acquired through a major defense acquisition.

"(2) BUNDLING METHODOLOGY.—The term 'bundling methodology' means—

"(A) a solicitation to obtain offers for a single contract or a multiple award contract;

"(B) a solicitation of offers for the issuance of a task or a delivery order under an existing single or multiple award contract; or

"(C) the creation of any new procurement requirements that permits a combination of contract requirements, including any combination of contract requirements or order requirements.

"(3) BUNDLING OF CONTRACT REQUIREMENTS.—The term 'bundling of contract requirements', with respect to the contract requirements of a Federal agency—

"(A) means the use of any bundling methodology to satisfy 2 or more procurement requirements for new or existing goods or services provided to or performed for the Federal agency, including any construction services, that is likely to be unsuitable for award to a small-business concern due to—

"(i) the diversity, size, or specialized nature of the elements of the performance specified;

"(ii) the aggregate dollar value of the anticipated award;

"(iii) the geographical dispersion of the contract performance sites; or

"(iv) any combination of the factors described in clauses (i), (ii), and (iii); and

"(B) does not include the use of a bundling methodology for an anticipated award with an aggregate dollar value below the dollar threshold.

"(4) CHIEF ACQUISITION OFFICER.—The term 'Chief Acquisition Officer' means the employee of a Federal agency designated as the Chief Acquisition Officer for the Federal agency under section 1702(a) of title 41, United States Code.

"(5) CONTRACT.—The term 'contract' includes, for purposes of this section, any task order made pursuant to an indefinite quantity, indefinite delivery contract.

"(6) CONTRACT BUNDLING.—The term 'contract bundling' means the process by which a bundled contract is created.

"(7) DOLLAR THRESHOLD.—The term 'dollar threshold' means—

"(A) in the case of a contract for construction, $5,000,000; and

"(B) in any other case, $2,000,000.

"(8) MAJOR DEFENSE ACQUISITION PROGRAM.—The term 'major defense acquisition program' has the meaning given in section 2430(a) of title 10, United States Code.

"(9) PREVIOUSLY BUNDLED CONTRACT.—The term 'previously bundled contract' means a contract that is the successor to a contract that required a bundling analysis, contract for which any of the successor contract were designated as a consolidated contract or bundled contract in the Federal procurement database, or a contract for which the Administrator designated the prior contract as a bundled contract.

"(10) PROCUREMENT ACTIVITY.—The term 'procurement activity' means the Federal agency or office thereof acquiring goods or services.

"(11) PROCUREMENT REQUIREMENT.—The term 'procurement requirement' means a determination by an agency that the acquisition of a specified good or service is needed to satisfy the mission of the agency.

"(12) SENIOR PROCUREMENT EXECUTIVE.—The term 'senior procurement executive' means an official designated under section 1702(c) of title 41, United States Code, as the senior procurement executive for a Federal agency.

"(13) TRADE ASSOCIATION.—The term 'trade association' means any entity that is described in paragraph (3), (6), (12), or (19) of section 501(c) of the Internal Revenue Code of 1986 and which is exempt from tax under section 501(a) of such Code.

"(b) POLICY.—The head of each Federal agency shall ensure that the decisions made by the Federal agency regarding contract bundling are made with a view to providing small business concerns with the maximum practicable opportunities to participate as prime contractors and subcontractors in the procurements of the Federal agency.

"(c) CONTRACT BUNDLING.—

"(1) PROPOSED PROCUREMENTS.—Paragraphs (2) through (4) shall apply to a proposed procurement if the proposed procurement—

"(A) one or more small business concerns would suffer economic harm or disruption of its business operations, including the potential loss of an existing contract, as a direct or indirect result of the contract bundling;

"(B) includes, in its statement of work, goods or services—

"(i)(I) currently being performed by a small business; and

"(II) if the proposed procurement is in a quantity or estimated dollar value the magnitude of which renders small business prime contract participation unlikely; or

"(ii)(I) that are of a type that the Administrator through market research can demonstrate that two or more small businesses are capable of performing; and

"(II) if the statement of work proposes combining the goods or services identified in subclause (I) with other require-

ments for goods or services into the solicitation of offers;

"(C) is for construction and—

"(i) seeks to package or combine discrete construction projects; or

"(ii) the value of the goods or services subject to the contract exceeds the dollar threshold; or

"(D) is determined by the Administrator to have a solicitation that involves an unnecessary or unjustified bundling of contract requirements.

"(2) RESPONSIBILITY OF THE PROCUREMENT ACTIVITY.—At least 45 days prior to the issuance of a solicitation, the Procurement Activity shall notify and provide a copy of the proposed procurement to the procurement center representative assigned to the Procurement Activity. The 45-day notification process under this paragraph shall occur concurrently with other processing steps required prior to issuance of the solicitation. The notice shall include a statement as to why the agency has determined that contract bundling is necessary and justified and shall also describe why the proposed acquisition can-

not be offered so as to make small business participation likely. Such statement shall address—

"(A) why the proposed acquisition cannot be further divided into reasonably small lots or discrete tasks in order to permit offers by small business concerns;

"(B) if applicable, a list of the incumbent contractors disaggregated by and including names, addresses, and whether or not the contractor is a small business concern;

"(C) a description of the industries that might be interested in bidding on the contract requirements;

"(D) an assessment of the impact on small businesses that had bid on previous procurement requirements that are included in the bundling of contract requirements;

"(E) delineating the number of existing small business concerns whose contracts will cease if the contract bundling proceeds;

"(F) if delivery schedule was a factor in the decision to bundle, an explanation as to why a schedule could not be developed that would encourage small business participation; and

"(G) in the case of a construction contract, why construction cannot be procured as separate discrete projects.

"(3) PUBLICATION OF NOTICE STATEMENT.—Concurrently, the statement required in paragraph (2) shall be published in the Federal contracting opportunities database.

"(4) RECOMPETITION OF A PREVIOUSLY BUNDLED CONTRACT.—If the proposed procurement is a previously bundled contract, that is to be recompeted as a bundled contract, the Administrator shall determine, with the assistance of the agency proposing the procurement—

"(A) the amount of savings and benefits (in accordance with subsection (d)) achieved under the bundling of contract requirements;

"(B) whether such savings and benefits will continue to be realized if the contract remains bundled, and whether such savings and benefits would be greater if the procurement requirements were divided into separate solicitations suitable for award to small business concerns;

"(C) the dollar value of subcontracts awarded to small business concerns under the

bundled contract, disaggregated by North American Industrial Classification System Code;

"(D) the percentage of subcontract dollars awarded to small businesses under the bundled contract, disaggregated by North American Industrial Classification System Code; and

"(E) the dollar amount and percentage of prime contract dollars awarded to small businesses in the primary North American Industrial Classification System Code for that bundled contract during each of the two fiscal years preceding the award of the bundled contract and during each fiscal year of the performance of the bundled contract.

"(5) FAILURE TO PROVIDE NOTICE.—

"(A) NO NOTIFICATION RECEIVED.—If no notification of the proposed procurement or accompanying statement is received, but the Administrator determines that the proposed procurement is a proposed procurement described in paragraph (1), then the Administrator shall require that such a statement of work be completed by the Procurement Activity and sent to the procurement center representative and post-

pone the solicitation process for at least 10 days but not more than 45 days to allow the Administrator to review the statement and make recommendations as described in this section before the procurement process is continued.

"(B) NO WORK CONTINUED.—If the Administrator requires a Procurement Activity to provide a statement of work pursuant to subparagraph (A), the Procurement Activity shall not be permitted to continue with the procurement until such time as the Procurement Activity complies with the requirements of subparagraph (A).

"(6) RESPONSIBILITY OF THE PROCUREMENT CENTER REPRESENTATIVE.—Within 15 days after receipt of the proposed procurement and accompanying statement, if the procurement center representative believes that the procurement as proposed will render small business prime contract participation unlikely, the representative shall recommend to the Procurement Activity alternative procurement methods which would increase small business prime contracting opportunities.

"(7) DISAGREEMENT BETWEEN THE ADMINISTRATOR AND THE PROCUREMENT ACTIVITY.—

"(A) IN GENERAL.—If the Administrator determines that a small business concern would be adversely affected, directly or indirectly, by the proposed procurement, or if a small business concern or a trade association of which that small business concern is a member so requests, the Administrator may take action under this paragraph to further the interests of small businesses.

"(B) APPEAL TO AGENCY HEAD.—The proposed procurement shall be submitted for determination to the head of the contracting agency by the Administrator.

"(C) APPEAL BY AFFECTED SMALL BUSINESS CONCERN TO GAO.—For purposes of subchapter V of chapter 35 of title 31, United States Code, if a protest is submitted to the Comptroller General under that subchapter alleging a violation of this section of the Small Business Act, a trade association representing small business concerns shall be considered an interested party.

"(d) MARKET RESEARCH.—

"(1) IN GENERAL.—Before proceeding with an acquisition strategy that could lead to bundled contracts, the head of an agency shall conduct market research to determine whether bundling of the requirements is necessary and justified.

"(2) FACTORS.—For purposes of subsection (c)(1), a bundled contract is necessary and justified if the bundling of contract requirements will result in substantial measurable benefits in excess of those benefits resulting from a procurement of the contract requirements that does not involve contract bundling.

"(3) BENEFITS.—For the purposes of bundling of contract requirements, benefits described in paragraph (2) may include the following:

"(A) Cost savings.

"(B) Quality improvements.

"(C) Reduction in acquisition cycle times.

"(D) Better terms and conditions.

"(E) Any other benefits.

"(4) REDUCTION OF COSTS NOT DETERMINATIVE.—For purposes of this subsection:

"(A) Cost savings shall not include any reduction in the use of military interdepartmental purchase requests or any similar transfer funds

among Federal agencies for the use of a contract issued by another Federal agency.

"(B) The reduction of administrative or personnel costs alone shall not be a justification for bundling of contract requirements unless the cost savings are expected to be substantial in relation to the dollar value of the procurement requirements to be bundled.

"(5) LIMITATION ON ACQUISITION STRATEGY.—The head of a Federal agency may not carry out an acquisition strategy that includes bundled contracts valued in excess of the dollar threshold, unless the senior procurement executive or, if applicable, Chief Acquisition Officer, for the Federal agency, certifies to the head of the Federal agency that steps will be taken to include small business concerns in the acquisition strategy prior to the implementation of such acquisition strategy.

"(e) STRATEGY SPECIFICATIONS.—If the head of a contracting agency determines that an acquisition plan or proposed procurement strategy will result in a bundled contract, the proposed acquisition plan or procurement strategy shall—

"(1) identify specifically the benefits anticipated to be derived from the bundling of contract requirements;

"(2) set forth an assessment of the specific impediments to participation by small business concerns as prime contractors that result from the contract bundling and specify actions designed to maximize small business participation as subcontractors (including suppliers) at various tiers under the contract or contracts that are awarded to meet the requirements; and

"(3) include a specific determination that the anticipated measurable benefits of the proposed bundled contract justify its use.

"(f) CONTRACT TEAMING.—In the case of a solicitation of offers for a bundled contract that is issued by the head of an agency, a small-business concern may submit an offer that provides for use of a particular team of subcontractors for the performance of the contract. The head of the agency shall evaluate the offer in the same manner as other offers, with due consideration to the capabilities of all of the proposed subcontractors. If a small business concern teams under this paragraph, it shall not affect its status as a small business concern for any other purpose.

1 "(g) DATABASE, ANALYSIS, AND ANNUAL REPORT
2 REGARDING CONTRACT BUNDLING.—
3 "(1) DATABASE.—Not later than 180 days
4 after the date of the enactment of this subsection,
5 the Administrator shall develop and shall thereafter
6 maintain a database containing data and informa-
7 tion regarding—
8 "(A) each bundled contract awarded by a
9 Federal agency; and
10 "(B) each small business concern that has
11 been displaced as a prime contractor as a result
12 of the award of such a contract.
13 "(2) ANALYSIS.—For each bundled contract
14 that is to be recompeted, the Administrator shall de-
15 termine—
16 "(A) the amount of savings and benefits
17 realized, in comparison with the savings and
18 benefits anticipated by the analysis required
19 under subsection (d) prior to the contract
20 award; and
21 "(B) whether such savings and benefits
22 will continue to be realized if the contract re-
23 mains bundled, and whether such savings and
24 benefits would be greater if the procurement re-
25 quirements were divided into separate solicita-

tions suitable for award to small business concerns.

"(3) ANNUAL REPORT ON CONTRACT BUNDLING.—

"(A) IN GENERAL.—Not later than 1 year after the date of the enactment of this paragraph, and annually in March thereafter, the Administrator shall transmit a report on contract bundling to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate.

"(B) CONTENTS.—Each report transmitted under subparagraph (A) shall include—

"(i) data on the number, arranged by industrial classification, of small business concerns displaced as prime contractors as a result of the award of bundled contracts by Federal agencies; and

"(ii) a description of the activities with respect to previously bundled contracts of each Federal agency during the preceding year, including—

"(I) data on the number and total dollar amount of all contract requirements that were bundled; and

"(II) with respect to each bundled contract, data or information on—

"(aa) the justification for the bundling of contract requirements;

"(bb) the cost savings realized by bundling the contract requirements over the life of the contract;

"(cc) the extent to which maintaining the bundled status of contract requirements is projected to result in continued cost savings;

"(dd) the extent to which the bundling of contract requirements complied with the contracting agency's small business subcontracting plan, including the total dollar value awarded to small business concerns as sub-

contractors and the total dollar value previously awarded to small business concerns as prime contractors; and

"(ee) the impact of the bundling of contract requirements on small business concerns unable to compete as prime contractors for the consolidated requirements and on the industries of such small business concerns, including a description of any changes to the proportion of any such industry that is composed of small business concerns.

"(h) BUNDLING ACCOUNTABILITY MEASURES.—

"(1) TEAMING REQUIREMENTS.—Each Federal agency shall include in each solicitation for any multiple award contract above the dollar threshold a provision soliciting bids from any responsible source, including responsible small business concerns and teams or joint ventures of small business concerns.

"(2) POLICIES ON REDUCTION OF CONTRACT BUNDLING.—

"(A) IN GENERAL.—Not later than 270 days after the date of enactment of this subparagraph, the Federal Acquisition Regulatory Council, established under section 1302(a) of title 41, United States Code, shall amend the Federal Acquisition Regulation issued under section 1303 of such title to—

"(i) establish a Government-wide policy regarding contract bundling, including regarding the solicitation of teaming and joint ventures; and

"(ii) require that the policy established under clause (i) be published on the website of each Federal agency.

"(B) RATIONALE FOR CONTRACT BUNDLING.—Not later than 30 days after the date on which the head of a Federal agency submits the report required under section 15(h), the head of the Federal agency shall publish on the website of the Federal agency a list and rationale for any bundled contract for which the Federal agency solicited bids or that was awarded by the Federal agency.".

SEC. 1672. REPEAL OF REDUNDANT PROVISIONS.

(a) CERTAIN PROVISIONS REGARDING CONTRACT BUNDLING REPEALED.—

(1) Section 15(a) of the Small Business Act (15 U.S.C. 644(a)), is amended by striking ''If a proposed procurement includes'' and all that follows through ''the matter shall be submitted for determination to the Secretary or the head of the appropriate department or agency by the Administrator.''.

(2) All references in law to such sentences as they were in effect on the date that is one day prior to the effective date of this Act shall be deemed to be references to section 44(d), as added by this part.

(b) CERTAIN PROVISIONS REGARDING MARKET RESEARCH REPEALED.—

(1) Paragraphs (2) through (4) of section 15(e) of the Small Business Act (15 U.S.C. 644(e)) are repealed.

(2) All references in law to such paragraphs, as in effect on the date that is one day prior to the effective date of this Act, shall be deemed to be references to subsections (d) through (f), respectively, of section 44 of the Small Business Act, as added by this section.

(c) CERTAIN PROVISIONS REGARDING CONTRACT BUNDLING DATABASE REPEALED.—

(1) Paragraph (1) of section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is repealed.

(2) Paragraphs (2) through (4) of section 15(p) of the Small Business Act (15 U.S.C. 644(p)) are repealed. All references in law to such paragraphs, as in effect on the date that is one day prior to the effective date of this Act, shall be deemed to be references to paragraphs (1) through (3), respectively, of section 44(h) of the Small Business Act, as added by this part.

(d) CERTAIN PROVISIONS REGARDING BUNDLING ACCOUNTABILITY MEASURES REPEALED.—

(1) Paragraphs (1) and (2) of section 15(q) of the Small Business Act (15 U.S.C. 644(q)) are repealed.

(2) All references in law to such paragraphs, as in effect on the date that is one day prior to the effective date of this Act, shall be deemed to be references to paragraphs (1) and (2), respectively, of section 44(i) of the Small Business Act, as added by this part.

(e) CERTAIN PROVISIONS REGARDING.—Subsection (o) of section 3 of the Small Business Act (15 U.S.C.) is repealed.

SEC. 1673. 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.—''.

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 reliance on a written advisory opinion from a licensed attorney who is not an employee of the defendant.''.

(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. OFFICE OF HEARINGS AND APPEALS.

(a) CHIEF HEARING OFFICER.—Section 4(b)(1) of the Small Business Act is amended by adding at the end the following: ''One shall be designated at the time of his or her appointment as the Chief Hearing Officer, who shall head and administer the Office of Hearings and Appeals within the Administration.''.

(b) OFFICE OF HEARINGS AND APPEALS ESTABLISHED IN ADMINISTRATION.—Section 5 of the Small Business Act (15 U.S.C. 634) is amended by adding at the end the following:

''(i) OFFICE OF HEARINGS AND APPEALS.—

''(1) IN GENERAL.—There is established in the Administration an Office of Hearings and Appeals—

''(A) to impartially decide such matters, where Congress designates that a hearing on the record is required or which the Administrator designates by regulation or otherwise; and

"(B) which shall contain the Administration's Freedom of Information/Privacy Acts Office.

"(2) CHIEF HEARING OFFICER.—The Chief Hearing Officer shall be a career member of the Senior Executive Service and an attorney duly licensed by any State, commonwealth, territory, or the District of Columbia.

"(A) DUTIES.—The Chief Hearing Officer shall—

"(i) serve as the Chief Administrative Law Judge; and

"(ii) be responsible for the operation and management of the Office of Hearings and Appeals, pursuant to the rules of practice established by the Administrator.

"(B) ALTERNATIVE DISPUTE RESOLUTION.—The Chief Hearing Officer may also assign a matter for mediation or other means of alternative dispute resolution.

"(3) ADMINISTRATIVE LAW JUDGES.—

"(A) IN GENERAL.—An administrative law judge shall be an attorney duly licensed by any State, commonwealth, territory, or the District of Columbia.

"(B) CONDITIONS OF EMPLOYMENT.—(i) An administrative law judge shall serve in the excepted service as an employee of the Administration under section 2103 of title 5, United States Code, and under the supervision of the Chief Hearing Officer.

"(ii) Administrative law judge positions shall be classified at Senior Level, as such term is defined in section 5376 of title 5, United States Code.

"(iii) Compensation for administrative law judge positions shall be set in accordance with the pay rates of section 5376 of title 5, United States Code.

"(C) TREATMENT OF CURRENT PERSONNEL.—An individual serving as a Judge in the Office of Hearings and Appeals (as that position and office are designated in section 134.101 of title 13, Code of Federal Regulations (as in effect on January 1, 2012)) on the effective date of this subsection shall be considered as qualified to be and redesignated as administrative law judges.

"(D) POWERS.—An administrative law judge shall have the authority to conduct hear-

ings in accordance with sections 554, 556, and 557 of title 5, United States Code.''.

SEC. 1683. REQUIREMENT 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) REVISION TO FAR.—Not later than 270 days after the date of enactment of this part, the Federal Acquisition Regulation shall be revised to implement the amendment made by this section.

(c) 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.

(d) PUBLICATION OF PROCEDURES REGARDING SUSPENSION AND DEBARMENT.—Not later than 270 days after the date of enactment of this part, the Administrator shall publish on the Administration's Web site the standard operating procedures for suspension and debarment

in effect, and the name and contact information for the individual designated by the Administrator as the senior individual responsible for suspension and debarment proceedings.

SEC. 1684. 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 Dis-

advantaged 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) SMALL BUSINESS TECHNICAL ADVISERS.—Section 15(k)(8)(B) of such Act (15 U.S.C. 644(k)(8)(B)) is amended—

(1) by striking ''and 15 of this Act,'' and inserting '', 15, and 44 of this Act;''; and

(2) by inserting after ''of this Act'' the following: ''(giving priority in assigning to small business that are in metropolitan statistical areas for

which the unemployment rate is higher than the national average unemployment rate for the United States)''.

(d) 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.".

(e) REQUIREMENT OF CONTRACTING 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 insert the following: ", with experience serving in any combination of the fol-

lowing roles: 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''.

(f) 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) 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—EARLY STAGE SMALL BUSINESS CONTRACTING

SEC. 1693a. PROGRAM TO PROVIDE FEDERAL CONTRACTS TO EARLY STAGE SMALL BUSINESSES.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by adding at the end the following:

''SEC. 46. PROGRAM TO PROVIDE FEDERAL CONTRACTS TO EARLY STAGE SMALL BUSINESSES.

''(a) ESTABLISHMENT.—The Administrator shall establish and carry out a program in accordance with the requirements of this section to provide improved access to Federal contract opportunities for early stage small business concerns.

''(b) PROCUREMENT CONTRACTS.—

''(1) IN GENERAL.—In carrying out subsection (a), the Administrator, in consultation with other Federal agencies, shall identify procurement contracts of Federal agencies for award under the program.

''(2) CONTRACT AWARDS.—Under the program established pursuant to this section, the award of a procurement contract of a Federal agency identified

by the Administrator pursuant to paragraph (1) shall be made by the agency to an eligible program participant selected, and determined to be responsible, by the agency.

"(3) COMPETITION.—

"(A) SOLE SOURCE.—A contracting officer may award a sole source contract under this program if such concern is determined to be a responsible contractor with respect to performance of such contract opportunity and the contracting officer does not have a reasonable expectation that 2 or more early stage small business concerns will submit offers for the contracting opportunity and in the estimation of the contracting officer, the contract award can be made at a fair and reasonable price.

"(B) RESTRICTED COMPETITION.—A contracting officer may award contracts on the basis of competition restricted to early stage small business concerns if the contracting officer has a reasonable expectation that not less than 2 early stage small business concerns will submit offers and that the award can be made at a fair market price.

"(4) CONTRACT VALUE.—Contracts shall be awarded under this program if its value is greater than $3,000 and less than half the upper threshold of section 15(j)(1) of the Small Business Act.

"(c) ELIGIBILITY.—Only an early stage small business concern shall be eligible to compete for a contract to be awarded under the program. The Administrator shall certify that a small business concern is an early stage small business concern, or the Administrator shall approve a Federal agency, a State government, or a national certifying entity to certify that the business meets the eligibility criteria of an early stage small business concern.

"(d) TECHNICAL ASSISTANCE.—The Administrator shall provide early stage small business concerns with technical assistance and counseling with regard to—

"(1) applying for and competing for Federal contracts; and

"(2) fulfilling the administrative responsibilities associated with the performance of a Federal contract.

"(e) ATTAINMENT OF CONTRACT GOALS.—All contract awards made under the program shall be counted toward the attainment of the goals specified in section 15(g) of the Small Business Act.

"(f) REGULATIONS.—The Administrator shall—

"(1) issue proposed regulations to carry out this section not later than 180 days after the date of enactment of this Act; and

"(2) issue final regulations to carry out this section not later than 270 days after the date of enactment of this Act.

"(g) REPORT TO CONGRESS.—Not later than April 30, 2015, the Administrator shall transmit to the Congress a report on the performance of the program.

"(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) PROGRAM.—The term 'program' means a program established pursuant to subsection (a).

"(2) EARLY STAGE SMALL BUSINESS CONCERN.—The term 'early stage small business concern' means a small business concern that—

"(A) has not more than 15 employees; and

"(B) has average annual receipts that total not more than $1,000,000, except if the concern is in an industry with an average annual revenue standard that is less than $1,000,000, as defined by the North American Industry Classification System.".

(b) REPEAL OF SIMILAR PROGRAM.—Section 304 of the Small Business Administration Reauthorization and

Amendments Act of 1994 (15 U.S.C. 644 note) is repealed.

PART X—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 ''$2,000,000'' and inserting ''$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 Admin-

1 istration shall reimburse the surety, as provided in sub-
2 section (c) of this section, except that the Administration
3 shall be relieved of liability (in whole or in part within
4 the discretion of the Administration) if—

5 ''(1) the surety obtained such guarantee or
6 agreement, or applied for such reimbursement, by
7 fraud or material misrepresentation,

8 ''(2) the total contract amount at the time of
9 execution of the bond or bonds exceeds $6,500,000,

10 ''(3) the surety has breached a material term or
11 condition of such guarantee agreement, or

12 ''(4) the surety has substantially violated the
13 regulations promulgated by the Administration pur-
14 suant to subsection (d).''; and

15 (2) by adding at the end the following:

16 ''(j) For bonds made or executed with the prior ap-
17 proval of the Administration, the Administration shall not
18 deny liability to a surety based upon material information
19 that was provided as part of the guaranty application.''.

20 (c) SIZE STANDARDS.—Section 410 of the Small
21 Business Investment Act of 1958 (15 U.S.C. 694a) is
22 amended by adding at the end the following:

23 ''(9) Notwithstanding any other provision of law or
24 any rule, regulation, or order of the Administration, for
25 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. ASSESSMENT OF OUTREACH FOR SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN AND MINORITIES REQUIRED BEFORE CONVERSION OF CERTAIN FUNCTIONS TO CONTRACTOR PERFORMANCE.

No Department of Defense function that is performed by Department of Defense civilian employees and is tied to a certain military base may be converted to performance by a contractor until the Secretary of Defense conducts an assessment to determine if the Department of Defense has carried out sufficient outreach programs to assist small business concerns owned and controlled by women (as such term is defined in section 8(d)(3)(D) of the Small Business Act) and small business concerns owned and controlled by socially and economically disadvantaged individuals (as such term is defined in section 8(d)(3)(C) of the Small Business Act) that are located in the geographic area near the military base.

SEC. 1697. LIMITATION ON CONTRACTING.

No agency may enter into a contract using procedures that do not give to small business concerns owned and controlled by veterans (as that term is defined in section 3(q)(3) of the Small Business Act (15 U.S.C. 632(q)(3)) that are included in the database under section 8127(f) of title 38, United States Code, any preference available with respect to such contract, except for a preference given to small business concerns owned and controlled by service-disabled veterans (as that term defined in section 3(q)(2) of the Small Business Act (15 U.S.C. 632(q)(2)).

TITLE XVII—END TRAFFICKING IN GOVERNMENT CONTRACTING

SEC. 1701. SHORT TITLE.

This title may be cited as the ''End Trafficking in Government Contracting Act of 2012''.

SEC. 1702. 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. 1703. CONTRACTING REQUIREMENTS.

Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)) is amended by striking ''if the grantee or any subgrantee,'' 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 1705(c) of the End Trafficking in Government Contracting Act of 2012, 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:

"(1) Destroying, concealing, removing, or confiscating an employee's immigration documents without the employee's consent.

"(2) Failing to repatriate an employee upon the end of employment, unless—

"(A) exempted from the duty to repatriate the employee by the Federal department or agency providing or entering into the grant, contract, or cooperative agreement; or

"(B) 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.

"(3) 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.

"(4) Charging recruited employees exorbitant placement 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.

"(5) Providing inhumane living conditions.".

SEC. 1704. 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 valued at $1,000,000 or more if performance will substantially be conducted overseas, 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 1703, 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) PERFORMANCE SUBSTANTIALLY OVERSEAS.—For purposes of subsection (a), a grant, contract, or cooperative agreement shall be considered to be performed substantially overseas 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.

SEC. 1705. MONITORING AND INVESTIGATION OF TRAFFICKING IN PERSONS.

(a) INVESTIGATION.—If the contracting or grant officer of an executive agency for a grant, contract, or cooperative agreement receives credible evidence 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 1703, including a report from a contracting officer representative, an inspector general, an auditor, an alleged victim or victim's representative, or any other credible source, the contracting or grant officer shall, before exercising any option to renew such grant, contract, or cooperative agreement, request that the agency's Office of Inspector General immediately initiate an investigation of the allegation or allegations contained in the report. If the agency's Office of Inspector General is unable to conduct a timely investigation, the suspension and debarment office or another investigative unit of the agency shall conduct the investigation.

(b) REPORT.—Upon completion of an investigation under subsection (a), the office or unit that conducted the investigation shall submit to the contracting or grant officer and, if such investigation was not conducted by the agency's Office of Inspector General, to the agency's Office of Inspector General, a report on the investigation, including conclusions about whether credible evidence ex-

1 ists that the recipient of a grant, contract, or cooperative
2 agreement; any subcontractor or subgrantee of the recipi-
3 ent; or any agent of the recipient or of such a subcon-
4 tractor or subgrantee, engaged in any of the activities de-
5 scribed in section 106(g) of the Trafficking Victims Pro-
6 tection Act of 2000 (22 U.S.C. 7104(g)), as amended by
7 section 1703.

8 (c) REMEDIAL ACTIONS.—

9 (1) IN GENERAL.—If a contracting or grant of-
10 ficial determines that a recipient of a grant, con-
11 tract, or cooperative agreement, or any subcon-
12 tractor or subgrantee of the recipient, has engaged
13 in any of the activities described in such section
14 106(g), the contracting or grant officer shall con-
15 sider taking one or more of the following remedial
16 actions:

17 (A) Requiring the recipient to remove an
18 employee from the performance of work under
19 the grant, contract, or cooperative agreement.

20 (B) Requiring the recipient to terminate a
21 subcontract or subgrant.

22 (C) Suspending payments under the grant,
23 contract, or cooperative agreement.

24 (D) Withholding award fees, consistent
25 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.

(H) Referring the matter to the Department of Justice for prosecution under any applicable law.

(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 contracting or grant official may consider whether the contractor or grantee had a plan in place under section 1704, 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.

(d) INCLUSION OF REPORT CONCLUSIONS IN FAPIIS.—The contracting or grant officer shall ensure that relevant findings contained in the report under subsection (b) are included in the Federal Awardee Performance and Integrity Information System (FAPIIS). These findings shall be considered relevant past performance data for the purpose of awarding future contracts, grants, or cooperative agreements.

SEC. 1706. 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 evidence 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 1703; and

(2) fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

SEC. 1707. EXPANSION OF FRAUD IN FOREIGN LABOR CONTRACTING TO INCLUDE WORK OUTSIDE THE UNITED STATES.

Section 1351 of title 18, United States Code, is amended—

(1) by striking ''whoever knowingly'' and inserting ''(a) WORK INSIDE THE UNITED STATES.—Whoever knowingly''; 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 work performed on a United States Government contract performed outside the United States, or on a United States military installation or mission or other property or premises owned or controlled by the United States Government, by means of materially false or fraudulent pretenses, representations, or promises regarding that em-

ployment, shall be fined under this title or imprisoned for not more than 5 years, or both.''.

SEC. 1708. 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 (iii), by inserting ''and'' at the end after the semicolon; and

(2) by adding at the end the following new clause:

''(iv) all trafficking in persons activities of contractors reported to the Under Secretary of Defense for Acquisition, Technology, and Logistics;''.

SEC. 1709. RULE OF CONSTRUCTION.

Excluding section 1707, 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 1703.

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 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 Se-

curity 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.

SEC. 2003. EFFECTIVE DATE.

Titles XXI through XXVII and title XXIX shall take effect on the later of—

(1) October 1, 2012; or

(2) the date of the enactment of this Act.

TITLE XXI—ARMY MILITARY CONSTRUCTION

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 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 construc-

1 tion projects for the installations or locations inside the
2 United States, and in the amounts, set forth in the fol-
3 lowing 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	$52,000,000
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	$98,000,000
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	Arlington	$84,000,000
	Fort Belvoir	$94,000,000
	Fort Lee	$81,000,000
Washington	Joint Base Lewis-McChord	$164,000,000
	Yakima	$5,100,000

4 (b) OUTSIDE THE UNITED STATES.—Using amounts
5 appropriated pursuant to the authorization of appropria-
6 tions in section 2103 and available for military construc-
7 tion projects outside the United States as specified in the
8 funding table in section 4601, the Secretary of the Army
9 may acquire real property and carry out military construc-
10 tion 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
Kwajalein Atoll	Kwajalein Atoll	$62,000,000

SEC. 2102. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2103 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.

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.

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 Authoriza-

tion 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
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''.

TITLE XXII—NAVY MILITARY CONSTRUCTION

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
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.—The Secretary of the Navy shall not enter into an award for a military construction project in Romania until after the date on which the Secretary submits a NATO prefinancing request for consideration of the military construction project.

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) Wash-

ington, 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 Authorizations

State	Installation or Location	Project	Amount
California	Marine Corps Base, Camp Pendelton.	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	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.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military construction projects inside the United States as specified in the

1 funding table in section 4601, the Secretary of the Air
2 Force may acquire real property and carry out military
3 construction projects for the installations or locations in-
4 side the United States, and in the amounts, set forth in
5 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

6 (b) OUTSIDE THE UNITED STATES.—Using amounts
7 appropriated pursuant to the authorization of appropria-
8 tions in section 2304 and available for military construc-
9 tion projects outside the United States as specified in the
10 funding table in section 4601, the Secretary of the Air
11 Force may acquire real property and carry out military
12 construction projects for the installations or locations out-
13 side the United States, and in the amounts, set forth in
14 the following table:

Air Force: Outside the United States

Country	Installation or Location	Amount
Greenland	Thule Air Base	$63,500,000
Guam	Andersen Air Force Base	$128,000,000
Italy	Aviano Air Base	$9,400,000
Worldwide, Unspecified	Unspecified Worldwide Locations	$34,657,000

SEC. 2302. FAMILY HOUSING.

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 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.

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.

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.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropria-

1 tions in section 2403(a) and available for military con-
2 struction projects inside the United States as specified in
3 the funding table in section 4601, the Secretary of De-
4 fense may acquire real property and carry out military
5 construction projects for the installations or locations in-
6 side the United States, and in the amounts, set forth in
7 the following table:

Defense Agencies: Inside the United States

State	Installation or Location	Amount
Arizona	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
CONUS Classified	Classified Location	$59,577,000
Delaware	Dover Air Force Base	$2,000,000
Florida	Eglin Air Force Base	$41,965,000
	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	$100,422,000
	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	Dam Neck	$11,000,000
	Joint Expeditionary Base Little Creek-Fort Story	$11,132,000
	Norfolk	$8,500,000
Washington	Fort Lewis	$50,520,000

8 (b) OUTSIDE THE UNITED STATES.—Using amounts
9 appropriated pursuant to the authorization of appropria-

tions 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
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	$157,900,000
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

1 or locations inside the United States, and in the amounts,
2 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

3 (b) OUTSIDE THE UNITED STATES.—Using amounts
4 appropriated pursuant to the authorization of appropria-
5 tions in section 2403 and available for energy conservation
6 projects outside the United States as specified in the fund-
7 ing table in section 4601, the Secretary of Defense may
8 carry out energy conservation projects under chapter 173
9 of title 10, United States Code, for the installations or
10 locations outside the United States, and in the amounts,
11 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.—The Secretary of Defense shall not enter into an award for a military construction project in Romania until after the date on which the Secretary submits a NATO prefinancing request for consideration of the military construction project.

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.—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 Bar-

racks, Germany, by striking "$750,000,000" in the amount column and inserting "$850,000,000".

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.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2012, for mili-

tary construction and land acquisition for chemical demilitarization as specified in the funding table in section 4601.

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.

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.

(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	$27,200,000
Michigan	Camp Grayling	$17,000,000

Army National Guard: Inside the United States—Continued

State	Location	Amount
Minnesota	Camp Ripley	$17,000,000
	St. Paul	$17,000,000
Missouri	Fort Leonard Wood	$18,000,000
	Kansas City	$1,900,000
	Monett	$820,000
	Perryville	$700,000
Montana	Miles City	$11,000,000
New Jersey	Sea Girt	$34,000,000
New York	Stomville	$24,000,000
Ohio	Chillcothe	$3,100,000
	Delaware	$12,000,000
Oklahoma	Camp Gruber	$25,000,000
Utah	Camp Williams	$36,000,000
Vermont	North Hyde Park	$4,397,000
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 fund-

ing 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	$78,300,000
	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
Pennsylvania	Conneant Lake	$4,800,000
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

Navy Reserve and Marine Corps Reserve—Continued

State	Location	Amount
Texas	Fort Worth	$11,256,000

1 **SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUC-**
2 **TION AND LAND ACQUISITION PROJECTS.**

3 Using amounts appropriated pursuant to the author-
4 ization of appropriations in section 2606 and available for
5 the National Guard and Reserve as specified in the fund-
6 ing table in section 4601, the Secretary of the Air Force
7 may acquire real property and carry out military construc-
8 tion projects for the Air National Guard locations inside
9 the United States, and in the amounts, set forth in the
10 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
Tennessee	McGee-Tyson Airport	$18,000,000
Wyoming	Cheyenne Municipal Airport	$6,486,000

11 **SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUC-**
12 **TION AND LAND ACQUISITION PROJECTS.**

13 Using amounts appropriated pursuant to the author-
14 ization of appropriations in section 2606 and available for
15 the National Guard and Reserve as specified in the fund-
16 ing table in section 4601, the Secretary of the Air Force
17 may acquire real property and carry out military construc-
18 tion projects for the Air Force Reserve locations inside

the United States, and in the amounts, set forth in the following table:

Air Force Reserve

State	Location	Amount
California	March Air Reserve Base	$16,900,000
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 instead 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 instead 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 instead 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 con-

1 struction of a Readiness Center, the Secretary of the Army
2 may construct up to 119,510 square feet of a Readiness
3 Center.

4 (d) AUTHORITY TO CARRY OUT ARMY NATIONAL
5 GUARD PROJECT, KALAELOA, HAWAII.—In the case of
6 the authorization contained in the table in section 2601
7 of the Military Construction Authorization Act for Fiscal
8 Year 2011 (division B of Public Law 111–383; 124 Stat.
9 4451) for Kalealoa, Hawaii, for construction of a Com-
10 bined Support Maintenance Shop, the Secretary of the
11 Army may construct up to 137,548 square feet of a Com-
12 bined Support Maintenance Shop.

13 (e) AUTHORITY TO CARRY OUT ARMY NATIONAL
14 GUARD PROJECT, WICHITA, KANSAS.—In the case of the
15 authorization contained in the table in section 2601 of the
16 Military Construction Authorization Act for Fiscal Year
17 2011 (division B of Public Law 111–383; 124 Stat. 4451)
18 for Wichita, Kansas, for construction of a Field Mainte-
19 nance Shop, the Secretary of the Army may construct up
20 to 62,102 square feet of Field Maintenance Shop.

21 (f) AUTHORITY TO CARRY OUT ARMY NATIONAL
22 GUARD PROJECT, MINDEN, LOUISIANA.—In the case of
23 the authorization contained in the table in section 2601
24 of the Military Construction Authorization Act for Fiscal
25 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.

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 Authorization

State	Installation or Location	Project	Amount
Mississippi	Gulfport-Biloxi 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.

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 ____(b) of the National Defense Authorization Act for Fiscal Year 2013.

"(3) Funds that the Secretary may, subject to approval in an appropriation Act, transfer to the Ac-

count 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 in-

stallation closed or realigned under this part or the 1988 BRAC law.

"(3) PROHIBITION ON USE OF ACCOUNT FOR NEW MILITARY CONSTRUCTION.—Except as provided in paragraph (1), funds in the Account may not be used, directly or by transfer to another appropriations account, to carry out a military construction project, including a minor military construction project, under section 2905(a) or any other provision of law at a military installation closed or realigned under this part or the 1988 BRAC law.

"(d) DISPOSAL OR TRANSFER OF COMMISSARY STORES AND PROPERTY PURCHASED WITH NONAPPROPRIATED FUNDS.—

"(1) DEPOSIT OF PROCEEDS IN RESERVE ACCOUNT.—If any real property or facility acquired, constructed, or improved (in whole or in part) with commissary store funds or nonappropriated funds is transferred or disposed of in connection with the closure or realignment of a military installation under this part, a portion of the proceeds of the transfer or other disposal of property on that installation shall be deposited in the reserve account established under section 204(b)(7)(C) of the 1988 BRAC law.

"(2) The amount so deposited under paragraph (1) shall be equal to the depreciated value of the investment made with such funds in the acquisition, construction, or improvement of that particular real property or facility. The depreciated value of the investment shall be computed in accordance with regulations prescribed by the Secretary of Defense.

"(3) USE OF RESERVE FUNDS.—Subject to the limitation contained in section 204(b)(7)(C)(iii) of the 1988 BRAC law, amounts in the reserve account are hereby made available to the Secretary, without appropriation and until expended, for the purpose of acquiring, constructing, and improving—

"(A) commissary stores; and

"(B) real property and facilities for nonappropriated fund instrumentalities.

"(e) ANNUAL REPORTS.—

"(1) ANNUAL ACCOUNTING.—No later than 60 days after the end of each fiscal year in which the Secretary carries out activities under this part, the Secretary shall transmit a report to the congressional defense committees containing an accounting of—

"(A) the amount and nature of credits to, and expenditures from, the Account during such fiscal year; and

"(B) the amount and nature of anticipated deposits to be made into, and the anticipated expenditures to be made from, the Account during the first fiscal year commencing after the submission of the report.

"(2) SPECIFIC ELEMENTS OF REPORT.—The report for a fiscal year shall include the following:

"(A) The obligations and expenditures from the Account during the fiscal year, identified by subaccount and installation, for each military department and Defense Agency.

"(B) The fiscal year in which appropriations or transfers for such expenditures were made and the fiscal year in which funds were obligated for such expenditures.

"(C) An estimate of the net revenues to be received from property disposals under this part or the 1988 BRAC law to be completed during the first fiscal year commencing after the submission of the report.

"(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 Re-

alignment 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) 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)''.

(3) 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 2905(g)(2), by striking ''Closure Account 1990'' and inserting ''Closure Account''.

(4) 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. AIR ARMAMENT CENTER, EGLIN AIR FORCE BASE.

The Secretary of the Air Force shall retain an Air Armament Center at Eglin Air Force Base, Florida, in name and function, 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 regarding such military installation contained in the report transmitted by the President to Congress in accordance with section 2914(e) 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), 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.

SEC. 2713. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round, and none of the funds appropriated pursuant to the authorization of appropriations contained in this Act

may be used to propose, plan for, or execute an additional BRAC round.

SEC. 2714. CONSIDERATION OF UNITED STATES MILITARY BASES LOCATED OVERSEAS IN CRITERIA USED TO CONSIDER AND RECOMMEND MILITARY INSTALLATIONS FOR CLOSURE OR REALIGNMENT.

Section 2687(b)(1)(B) of title 10, United States Code, is amended—

(1) by striking ''and'' at the end of clause (i); and

(2) by adding at the end the following new clause:

''(iii) the anticipated continuing need for and availability of military bases outside the United States, taking into account current restrictions on the use of military bases outside the United States and the potential for future prohibitions or restrictions on the use of such bases; and''.

TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. PREPARATION OF MILITARY INSTALLATION MASTER PLANS.

(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. Military installation master plans

"(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 military installation under the jurisdiction of the Secretary shall ensure 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.—

"(1) COOPERATION WITH METROPOLITAN PLANNING ORGANIZATIONS.—The transportation component of an installation master plan shall be

developed and updated in cooperation with the metropolitan planning organization designated for the metropolitan planning area in which the military installation is located.

"(2) DEFINITIONS.—In this subsection, 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.

"(3) TRANSIT SERVICES.—The installation master plan for a military installation shall also address operating costs for transit service and travel demand measures on the installation.".

SEC. 2802. SUSTAINMENT OVERSIGHT AND ACCOUNTABILITY FOR MILITARY HOUSING PRIVATIZATION PROJECTS AND RELATED ANNUAL REPORTING REQUIREMENTS.

(a) SUSTAINMENT OVERSIGHT AND ACCOUNTABILITY FOR PRIVATIZATION PROJECTS.—

(1) OVERSIGHT AND ACCOUNTABILITY MEASURES.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2885 the following new section:

"§ 2885a. Oversight and accountability for privatization projects: sustainment

"(a) OVERSIGHT AND ACCOUNTABILITY MEASURES.—Each Secretary concerned shall prescribe regulations to effectively oversee and manage a military housing privatization project carried out under this subchapter during the sustainment phase of the project following completion of the construction or renovation of the housing units. The regulations shall include the following requirements for each privatization project:

"(1) The financial health and performance of the military housing privatization project, including the debt-coverage ratio of the project and occupancy rates for the constructed or renovated housing units.

"(2) A resident satisfaction assessment of the privatization project.

"(3) An assessment of the backlog of maintenance and repair.

"(b) REQUIRED QUALIFICATIONS.—The Secretary concerned or designated representative shall ensure that the project owner, developer, or general contractor that is selected for each military housing privatization initiative project has sustainment experience commensurate with that required to maintain the project.".

(2) CONFORMING AMENDMENT.—Section 2885(a) of such title is amended in the matter pre-

ceding 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''.

(3) CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of section 2885 of such title is amended to read as follows:

"§ 2885. Oversight and accountability for privatization projects: construction".

(B) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter IV of chapter 169 of such title is amended by striking the item relating to section 2885 and inserting the following new items:

''2885. Oversight and accountability for privatization projects: construction.
''2885a. Oversight and accountability for privatization projects: sustainment.''.

(b) ANNUAL REPORTING REQUIREMENTS.—Section 2884(b) of such title is amended—

(1) by striking paragraphs (2), (3), (4), and (7);

(2) by redesignating paragraphs (5), (6), and (8) as paragraphs (2), (3), and (4), respectively; and

(3) by adding at the end the following new paragraphs:

"(5) A trend analysis of the backlog of maintenance and repair for each privatization project, including the total cost of the operation, maintenance, and repair costs associated with each project.

"(6) If the debt associated with a privatization project exceeds net operating income or the occupancy rates for the constructed or renovated housing units are below 75 percent for any sustained period of more than one year, a report regarding the plan to mitigate the financial risk of the project.".

SEC. 2803. ONE-YEAR EXTENSION OF AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS OUTSIDE THE UNITED STATES.

Subsection (h) of 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(a)(2) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1685), is amended—

(1) in paragraph (1), by striking "September 30, 2012" and inserting "September 30, 2013"; and

(2) in paragraph (2), by striking "fiscal year 2013" and inserting "fiscal year 2014".

SEC. 2804. TREATMENT OF CERTAIN DEFENSE NUCLEAR FACILITY CONSTRUCTION PROJECTS AS MILITARY CONSTRUCTION PROJECTS.

(a) FINDINGS.—Congress finds the following:

(1) According to a memorandum of agreement between the Secretary of Defense and the Secretary of Energy dated May 2010 and a subsequent addendum to such memorandum, the Secretary of Defense plans to transfer $8,300,000,000 of the budgetary authority of the Department of Defense to the Administrator for Nuclear Security of the National Nuclear Security Administration between fiscal years 2011 and 2016 to fund activities of the Administration that the Secretary determines to be high priorities.

(2) Such funding has directly supported defense activities at the National Nuclear Security Administration, including design and construction activities for the Chemistry and Metallurgy Research Building Replacement project and the Uranium Processing Facility project specified in paragraphs (2) and (3) of subsection (b).

(b) COVERED FACILITIES.—This section applies to the following construction projects of the National Nuclear Security Administration:

(1) Any project to build a nuclear facility, initiated on or after October 1, 2013, that is estimated to cost in excess of $1,000,000,000 and is intended to be primarily utilized to support the nuclear weapons activities of the National Nuclear Security Administration.

(2) The Chemistry and Metallurgy Research Building Replacement project, Los Alamos, New Mexico.

(3) The Uranium Processing Facility project, Oak Ridge, Tennessee.

(c) TREATMENT AS MILITARY CONSTRUCTION PROJECTS.—In the case of the construction projects of the National Nuclear Security Administration specified in subsection (b), the projects are deemed to be military construction projects to be carried out with respect to a military installation and therefore subject to the following:

(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 with respect to the Defense Agencies.

(2) Annual Acts authorizing military construction projects (and authorizing the appropriation of funds therefor) for a fiscal year.

(d) MILITARY CONSTRUCTION AUTHORIZATION FOR CERTAIN DEFENSE NUCLEAR FACILITY PROJECTS.—The Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations, and in the amounts, set forth in the following table:

Defense Nuclear Facility Projects

State	Installation or Location	Amount
New Mexico	Los Alamos	$3,500,000,000
Tennessee	Oak Ridge	$4,200,000,000

(e) REGULATION, REQUIREMENTS, AND COORDINATION.—For each project specified in subsection (b)—

(1) the Administrator for Nuclear Security of the National Nuclear Security Administration and the Secretary of Energy shall retain authority to regulate design and construction activities pursuant to the Atomic Energy Act and other applicable laws;

(2) the Secretary of Defense shall coordinate with the Administrator for Nuclear Security regarding requirements for the facility; and

(3) the Administrator for Nuclear Security shall make available to the Secretary of Defense the ex-

pertise of the National Nuclear Security Administration to support design and construction activities.

(f) TRANSFER OF FACILITIES.—Upon completion of construction of a project specified in subsection (b), the Secretary of Defense shall negotiate with the Administrator for Nuclear Security of the National Nuclear Security Administration to transfer the constructed facility to the authority of the Administrator for operations.

(g) SENSE OF CONGRESS.—It is the sense of Congress that during fiscal year 2014 and thereafter, the budgetary authority provided by the Secretary of Defense to the Administrator for Nuclear Security of the National Nuclear Security Administration under the memorandum described in subsection (a)(1) should be reduced by the amount needed to fund the design and construction of the projects specified in paragraphs (2) and (3) of subsection (b).

(h) INFORMATION TRANSFER AND LEGAL EFFECT OF TRANSFER.—Not later than September 30, 2013, the Administrator for Nuclear Security of the National Nuclear Security Administration shall transfer to the Secretary of Defense all information in the possession of the Administrator related to architectural and engineering services and construction design for the construction projects specified in subsection (b). All environmental im-

pact statements and legal rulings in effect before that date related to the projects shall be considered valid upon transfer of responsibility for the projects to the Secretary of Defense under subsection (c).

(i) EFFECTIVE DATE.—This section shall apply to the construction projects specified in subsection (b) effective for fiscal year 2014 and fiscal years thereafter.

SEC. 2805. EXECUTION OF CHEMISTRY AND METALLURGY RESEARCH BUILDING REPLACEMENT NUCLEAR FACILITY AND LIMITATION ON ALTERNATIVE PLUTONIUM STRATEGY.

(a) POLICY.—It is the policy of the United States to create and sustain the capability to produce plutonium pits for nuclear weapons, and to ensure sufficient plutonium pit production capacity, to respond to technical challenges in the existing nuclear weapons stockpile or geopolitical developments.

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

(1) successful and timely construction of the Chemistry and Metallurgy Research Building Replacement nuclear facility in Los Alamos, New Mexico, is critical to achieving the policy expressed in subsection (a) and that such facility should achieve full operational capability by fiscal year 2024;

(2) prior-year funds for the Chemistry and Metallurgy Research Building Replacement nuclear facility, up to $160,000,000 being available, should be applied to continue design and construction of this facility in fiscal year 2013; and

(3) during fiscal year 2014 and thereafter, the budgetary authority provided by the Secretary of Defense to the Administrator for Nuclear Security of the National Nuclear Security Administration under the memorandum of agreement between the Secretary of Defense and the Secretary of Energy dated May 2010 should be reduced by the amount needed to fund the design and construction of the Chemistry and Metallurgy Research Building Replacement nuclear facility under the military construction authorities provided in section 2804.

(c) FUTURE BUDGET REQUESTS.—The Secretary of Defense, in coordination with the Administrator for Nuclear Security of the National Nuclear Security Administration, shall request such funds in fiscal year 2014 and subsequent fiscal years under the military construction authorities of section 2804 to ensure the Chemistry and Metallurgy Research Building Replacement nuclear facility achieves full operational capability by fiscal year 2024.

(d) 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 Chemistry and Metallurgy Research Building Replacement nuclear facility by fiscal year 2024.

SEC. 2806. USE OF PROJECT LABOR AGREEMENTS IN MILITARY CONSTRUCTION PROJECTS AND MILITARY FAMILY HOUSING PROJECTS.

(a) REQUIREMENTS.—Section 2852 of title 10, United States Code, is amended by adding at the end the following new subsection:

''(d)(1) The Secretary of Defense and the Secretaries of the military departments, when awarding a construction contract on behalf of the Government, in any solicitations, bid specifications, project agreements, or other controlling documents, shall not—

''(A) require or prohibit bidders, offerors, contractors, or subcontractors to enter into or adhere to agreements with one or more labor organizations; and

''(B) discriminate against or give preference to bidders, offerors, contractors, or subcontractors

based on their entering or refusing to enter into such an agreement.

"(2) Nothing in this subsection shall prohibit a contractor or subcontractor from voluntarily entering into an agreement with one or more labor organizations, as protected by the National Labor Relations Act (29 U.S.C. 151 et seq.).".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply to construction contracts awarded before the date of the enactment of this Act.

Subtitle B—Real Property and Facilities Administration

SEC. 2811. AUTHORITY OF MILITARY MUSEUMS TO ACCEPT GIFTS AND SERVICES AND TO ENTER INTO LEASES AND COOPERATIVE AGREEMENTS.

(a) MUSEUM SUPPORT AUTHORITY.—Chapter 155 of title 10, United States Code, is amended by inserting after section 2608 the following new section:

"§ 2609. Military museum programs: acceptance of gifts and other support

"(a) ACCEPTANCE OF SERVICES.—Notwithstanding section 1342 of title 31, the Secretary concerned may accept services from a nonprofit entity to support a military museum program under the jurisdiction of the Secretary.

"(b) LIMITATION ON USE OF GIFT FUNDS.—A gift made for the purpose of assisting in the development, operation, maintenance, or management of, or for the acquisition of collections for, a military museum program and deposited into one of the general gift funds specified in section 2601(c) of this title shall be available only for the military museum program and the purpose for which the gift was made.

"(c) SOLICITATION OF GIFTS.—Under regulations prescribed under this section, the Secretary concerned may solicit from any person or public or private entity, for the use and benefit of a military museum program, a gift of books, manuscripts, works of art, historical artifacts, drawings, plans, models, condemned or obsolete combat materiel, or other personal property.

"(d) LEASING AUTHORITY.—(1) In accordance with section 2667 of this title, the Secretary concerned may lease real and personal property of a military museum program to a nonprofit entity for purposes related to the military museum program.

"(2) A lease under this subsection may not include any part of the collection of a military museum program.

"(e) COOPERATIVE AGREEMENTS.—The Secretary concerned may enter into a cooperative agreement with

a nonprofit entity for purposes related to support of a military museum program.

"(f) EMPLOYEE STATUS.—For purposes of this section, employees or personnel of a nonprofit entity may not be considered to be employees of the United States.

"(g) REGULATIONS.—(1) The Secretary of Defense shall prescribe regulations to implement this section. The regulations shall apply uniformly throughout the Department of Defense.

"(2) The regulations shall provide that solicitation of a gift, acceptance of a gift (including a gift of services), or use of a gift under this section may not occur if the nature or circumstances of the solicitation, acceptance, or use would compromise the integrity or the appearance of integrity of any program of the Department of Defense or any individual involved in such program.

"(h) DEFINITIONS.—In this section:

"(1) The term 'military museum program' may include an individual museum.

"(2) The term 'nonprofit entity' means an exempt organization under section 501(c)(3) of the Internal Revenue Code of 1986 whose primary purpose is supporting a military museum program.

"(3) The term 'Secretary concerned' includes the Secretary of Defense with respect to matters concerning the Defense Agencies.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2608 the following new item:

"2609. Military museum programs: acceptance of gifts and other support.".

SEC. 2812. 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. 2813. INDEMNIFICATION OF TRANSFEREES OF PROPERTY AT ANY CLOSED MILITARY INSTALLATION.

Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 2687 note) is amended—

(1) in subsection (a)(1), by striking ''pursuant to a base closure law'' and inserting ''after October 24, 1988, the date of the enactment of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note)''; and

(2) in subsection (f), by striking paragraph (3).

SEC. 2814. IDENTIFICATION REQUIREMENT FOR ENTRY ON MILITARY INSTALLATIONS.

(a) IDENTIFICATION REQUIREMENT FOR MILITARY INSTALLATIONS.—

(1) MINIMUM IDENTIFICATION REQUIRED.—

(A) IN GENERAL.—Beginning on the day that is 120 days after the date of the enactment of this Act, the Secretary concerned may not permit a person who is 18 years old or older to enter a military installation in the United States unless such person presents, as determined by an authentication procedure that meets the minimum procedural requirements identified by the Secretary of Defense in paragraph (4), at a minimum—

(i) a valid Federal or State government issued photo identification card;

(ii) a valid Common Access Card; or

(iii) a valid uniformed services identification card.

(B) EXCEPTION FOR CERTAIN FOREIGN PASSPORTS.—The Secretary concerned may permit a person to enter a military installation in the United States if such person presents a valid foreign passport, as determined by an authentication procedure that meets the minimum procedural requirements identified by the Secretary of Defense in paragraph (4), if—

(i) such person is visiting such military installation on official business between the Armed Forces and the armed forces of a foreign country; or

(ii) such person is visiting a member of the uniformed services or a civilian employee of the Department of Defense on such military installation.

(2) EXPIRED OR FRAUDULENT IDENTIFICATION.—The Secretary concerned shall confiscate any form of identification that the Secretary determines, using an authentication procedure that meets the minimum procedural requirements identified by the Secretary of Defense in paragraph (4), to be expired or fraudulent.

(3) COORDINATION AMONG MILITARY INSTALLATIONS OF A STATE.—The Secretary concerned shall keep a list and shall inform the personnel at any other military installation in the State of such military installation of the name of any person—

(A) who attempts to help a person required to present a valid form of identification under paragraph (1) to enter a military installation in the United States without such required identification; or

(B) who attempts to enter a military installation military installation in the United States with a form of identification that the Secretary concerned determines to be expired or fraudulent under paragraph (2).

(4) PROCEDURAL REQUIREMENTS FOR IDENTIFICATION VERIFICATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall identify the minimum procedural requirements for the Secretary concerned to authenticate the forms of identification in paragraph (1) for a person entering a military installation in the United States. In identifying such requirements, the Secretary of Defense shall identify minimum procedural requirements to ensure that individuals

who need to enter a military installation in the United States to perform work under a contract awarded by the Department of Defense present a valid form of identification under paragraph (1).

(b) DEFINITIONS.—

(1) COMMON ACCESS CARD.—In this section, the term ''Common Access Card'' means the standard identification card issued by the Secretary of Defense to active-duty military personnel, Selected Reserve personnel, Department of Defense civilian employees, and certain persons awarded contracts by the Secretary of Defense.

(2) SECRETARY CONCERNED.—In this section, the term ''Secretary concerned'' has the meaning given the term in section 101(a) of title 10, United States Code.

(3) UNIFORMED SERVICES IDENTIFICATION CARD.—In this section, the term ''uniformed services identification card'' means the identification card issued by the Secretary of Defense to spouses and other eligible dependents of members of the uniformed services and other eligible persons, as determined by the Secretary of Defense.

SEC. 2815. PLAN TO PROTECT CRITICAL DEPARTMENT OF DEFENSE CRITICAL ASSETS FROM ELECTROMAGNETIC PULSE WEAPONS.

(a) PLAN REQUIRED.—Not later than September 1, 2013, the Secretary of the Defense shall submit to the congressional defense committees a plan to protect defense critical assets under the jurisdiction of the Department of Defense, and critical equipment at military installations, from the adverse effects of electromagnetic pulse and high-powered microwave weapons.

(b) PREPARATION AND ELEMENTS OF PLAN.—In preparing the plan required by subsection (a), the Secretary of Defense shall utilize the guidance and recommendations of the Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack established by section 1401 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–345). The plan shall include the following elements:

(1) An assessment of overall military installation protection from electromagnetic pulse and high-powered microwave weapons.

(2) A listing of defense critical assets.

(3) An assessment of the adequacy of each defense critical asset, to include the backup power capabilities of the defense critical asset, to withstand

attack currently and a description and a cost estimate for each project to improve, repair, renovate, or modernize defense critical assets for which any deficiency is identified in the assessment.

(4) A list of projects, costs, and timelines through the future-years defense program to meet the requirements to overcome deficiencies identified under paragraph (3) for all defense critical assets.

(5) A list of civilian critical infrastructures upon which a defense critical asset depends (electricity, water, telecommunications, etc) that, if rendered inoperable by electromagnetic pulse or high-powered microwave weapons, would compromise the function of a defense critical asset.

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

(d) DEFENSE CRITICAL ASSET.—In this section, the term ''defense critical asset'' means an asset of such extraordinary importance to operations in peace, crisis, and war that its incapacitation or destruction would have a very serious debilitating effect on the ability of the Department of Defense to fulfill its missions.

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, Untied 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. CONTINUATION OF LIMITATION ON USE OF FUNDS FOR LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) GOLD OR PLATINUM CERTIFICATION AND EXPANSION TO INCLUDE IMPLEMENTATION OF ASHRAE BUILDING STANDARD 189.1.

Section 2830(b) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1695) is amended—

(1) in the subsection heading, by inserting after "AND ASHRAE IMPLEMENTATION" after "CERTIFICATION"; and

(2) in paragraph (1)—

(A) by striking "authorized to be";

(B) by striking "by this Act";

(C) by inserting "or 2013" after "fiscal year 2012"; and

(D) by inserting before the period at the end the following: "and implementing ASHRAE building standard 189.1".

SEC. 2823. 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. 2824. DEFINITION OF RENEWABLE ENERGY SOURCE FOR DEPARTMENT OF DEFENSE ENERGY SECURITY.

Section 2924(7)(A) of title 10, United States Code, is amended by inserting before the period at the end the following: "and direct solar renewable energy".

Subtitle D—Provisions Related to Guam Realignment

SEC. 2831. USE OF OPERATION AND MAINTENANCE FUNDING TO SUPPORT COMMUNITY ADJUSTMENTS RELATED TO REALIGNMENT OF MILITARY INSTALLATIONS AND RELOCATION OF MILITARY PERSONNEL ON GUAM.

(a) TEMPORARY ASSISTANCE AUTHORIZED.—

(1) ASSISTANCE TO GOVERNMENT OF GUAM.—Using funds made available under subsection (c), the Secretary of Defense may assist the Government of Guam in meeting the costs of providing increased municipal services and facilities required as a result of the realignment of military installations and the relocation of military personnel on Guam (in this section referred to as the ''Guam realignment'') 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 Department of Defense assistance.

(2) MITIGATION OF IDENTIFIED IMPACTS.—The Secretary of Defense may take such actions as the Secretary considers to be appropriate to mitigate the significant impacts identified in the Record of Deci-

sion of the "Guam and CNMI Military Relocation Environmental Impact Statement" by providing increased municipal services and facilities to activities that directly support the Guam realignment.

(b) METHODS OF PROVIDING ASSISTANCE.—

(1) USE OF EXISTING PROGRAMS.—The Secretary of Defense shall carry out subsection (a) through existing Federal programs supporting the Government of Guam and the Guam realignment, whether or not the programs are administered by the Department of Defense or another Federal agency.

(2) COST SHARE ASSISTANCE.—The Secretary may assist the Government of Guam to any cost-sharing obligation imposed on the Government of Guam under any Federal program utilized by the Secretary under paragraph (1).

(c) SOURCE OF FUNDS.—

(1) TRANSFER AUTHORITY.—To the extent necessary to carry out subsection (a), the Secretary is authorized to transfer funds made available in fiscal year 2013 to the Department of Defense or a military department for operation and maintenance to a different account of the Department of Defense or another Federal agency in order to make funds

available to the Government of Guam under a Federal program utilized by the Secretary under subsection (b)(1). Amounts so transferred shall be merged with the appropriation to which transferred and shall be available only for the purpose of assisting the Government of Guam as described in subsection (a).

(2) ADDITIONAL AUTHORITY.—The transfer authority provided by paragraph (1) is in addition to the transfer authority provided by section 1001.

(d) PROGRESS REPORTS REQUIRED.—The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives semiannual reports indicating the total amount expended under the authority of this section during the preceding six-month period, the specific projects for which assistance was provided during such period, and the total amount provided for each project during such period.

(e) TERMINATION.—The authority to provide assistance under this section expires September 30, 2020. Amounts obligated on or before that date may be expended after that date.

SEC. 2832. CERTIFICATION OF MILITARY READINESS NEED FOR FIRING RANGE ON GUAM AS CONDITION ON ESTABLISHMENT OF RANGE.

A firing range on Guam may not be established (including any construction or lease of lands related to such establishment) until the Secretary of Defense certifies to the congressional defense committees that there is a national security need for the firing range related to readiness of the Armed Forces assigned to the United States Pacific Command.

SEC. 2833. REPEAL OF CONDITIONS ON USE OF FUNDS FOR GUAM REALIGNMENT.

Section 2207(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1668) is amended—

(1) in paragraph (2), by inserting ''and'' after the semicolon;

(2) by striking paragraphs (3) and (4); and

(3) by redesignating paragraph (5) as paragraph (3).

Subtitle E—Land Conveyances

SEC. 2841. MODIFICATION TO AUTHORIZED LAND CONVEYANCE AND EXCHANGE, JOINT BASE ELMENDORF RICHARDSON, ALASKA.

(a) CHANGE IN OFFICER AUTHORIZED TO CARRY OUT CONVEYANCES.—Subsection (a) of section 2851 of

the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1697) is amended—

(1) in paragraph (1), by striking ''The Secretary of the Air Force may, in consultation with the Secretary of the Interior'' and inserting ''The Secretary of the Interior may, in consultation with the Secretary of the Air Force''; and

(2) in paragraph (2)—

(A) by striking ''The Secretary of the Air Force may, in consultation with the Secretary of the Interior, upon terms mutually agreeable to the Secretary of the Air Force'' and inserting ''The Secretary of the Interior may, in consultation with the Secretary of the Air Force, upon terms mutually agreeable to the Secretary of the Interior''; and

(B) by striking ''in consultation with the Secretary of the Interior'' the second place it appears and inserting ''in consultation with the Secretary of the Air Force''.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a)(3), by inserting ''of the Interior'' after ''Secretary'';

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking ''The Secretary of the Air Force'' and inserting ''The Secretary of the Interior'';

(ii) by striking ''the Secretary'' the first place it appears and inserting ''the Secretary of the Interior and the Secretary of the Air Force''; and

(iii) by striking ''the Secretary'' in each other place it appears and inserting ''the Secretaries''; and

(B) in paragraph (2), by striking ''the Secretary'' and inserting ''the Secretaries''; and

(3) in subsections (e) and (f), by inserting ''of the Interior'' after ''Secretary''.

(c) TECHNICAL AMENDMENT.—Subsection (a)(1) of such section is further amended by striking ''JBER'' and inserting ''Joint Base Elmendorf Richardson, Alaska (in this section referred to as 'JBER'),''.

SEC. 2842. MODIFICATION OF FINANCING AUTHORITY, BROADWAY COMPLEX OF THE DEPARTMENT OF THE NAVY, SAN DIEGO, CALIFORNIA.

Subsection (a) of section 2732 of the Military Construction Authorization Act, 1987 (division B of Public 99–661; 100 Stat. 4046) is amended to read as follows:

''(a) IN GENERAL.—(1) Subject to subsections (b) through (g), the Secretary of the Navy may enter into long-term leases of real property located within the Broadway Complex of the Department of the Navy, San Diego, California.

''(2) Subject to subsections (b) through (g), the Secretary may assist any lessee of real property described in paragraph (1) in financing the construction by the lessee of any facility on such real property or otherwise within the boundaries of the metropolitan San Diego, California, area.''.

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 Cen-

ter 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) 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.

(d) 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 (c) 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.

(e) 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.

(f) 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 para-

graph (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 and related 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. TRANSFER OF ADMINISTRATIVE JURISDICTION, FORT LEE MILITARY RESERVATION AND PETERSBURG NATIONAL BATTLEFIELD, VIRGINIA.

(a) TRANSFER OF ADMINISTRATIVE JURISDICTION FROM SECRETARY OF THE ARMY.—The Secretary of the Army shall transfer to the Secretary of the Interior, without reimbursement, administrative jurisdiction over a parcel of land at Fort Lee Military Reservation consisting of approximately 1.171 acres and depicted as "Area to be transferred to Petersburg National Battlefield" on the map titled "Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction", numbered 325/80,801A, and dated May 2011. The Secretary of the Interior shall include the land transferred under this subsection within the boundary of Petersburg National Bat-

tlefield and administer the land as part of the park in accordance with laws and regulations applicable to the park.

(b) TRANSFER OF ADMINISTRATIVE JURISDICTION TO SECRETARY OF THE ARMY.—The Secretary of the Interior shall transfer to the Secretary of the Army, without reimbursement, administrative jurisdiction over a parcel of land consisting of approximately 1.170 acres and depicted as ''Area to be transferred to Fort Lee Military Reservation'' on the map referred to in subsection (a).

(c) AVAILABILITY OF MAP.—The map referred to in subsection (a) shall be available for public inspection in the appropriate offices of the National Park Service.

Subtitle F—Other Matters

SEC. 2861. INCLUSION OF RELIGIOUS SYMBOLS AS PART OF MILITARY MEMORIALS.

(a) AUTHORITY.—Chapter 21 of title 36, United States Code, is amended by adding at the end the following new section:

"§ 2115. Inclusion of religious symbols as part of military memorials

''(a) INCLUSION OF RELIGIOUS SYMBOLS AUTHORIZED.—To recognize the religious background of members of the United States Armed Forces, religious symbols may be included as part of—

"(1) a military memorial that is established or acquired by the United States Government; or

"(2) a military memorial that is not established by the United States Government, but for which the American Battle Monuments Commission cooperated in the establishment of the memorial.

"(b) MILITARY MEMORIAL DEFINED.—In this section, the term 'military memorial' means a memorial or monument commemorating the service of the United States Armed Forces. The term includes works of architecture and art described in section 2105(b) of this title.".

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

"2115. Inclusion of religious symbols as part of military memorials.".

SEC. 2862. 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) 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) Section 2611(a)(2)(C) of such title is amended by striking ''The Center for Hemispheric Defense Studies.'' and inserting ''The 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. 2863. 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 be paid for with private funds, 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, so long as the Secretary of the Navy has exclusive authority to approve the design and site of the memorial.

SEC. 2864. GOLD STAR MOTHERS NATIONAL MONUMENT, ARLINGTON NATIONAL CEMETERY.

(a) ESTABLISHMENT.—The Secretary of the Army shall permit the Gold Star Mothers National Monument Foundation (a nonprofit corporation established under the laws of the District of Columbia) to establish an appropriate monument in Arlington National Cemetery or on Federal land in its environs under the jurisdiction of the Department of the Army 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 monument shall be known as the ''Gold Star Mothers National Monument''.

(b) PAYMENT OF EXPENSES.—The Gold Star Mothers National Monument Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the monument, and no Federal funds may be used to pay such expenses.

SEC. 2865. NAMING OF TRAINING AND SUPPORT COMPLEX, FORT BRAGG, NORTH CAROLINA.

(a) NAMING.—The complex located on Fort Bragg, North Carolina, currently referred to as ''Patriot Point'', shall be known and designated as the ''Colonel Robert Howard Training and Support Complex''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the complex referred to in subsection (a) shall be deemed to be a reference to the ''Colonel Robert Howard Training and Support Complex''.

SEC. 2866. NAMING OF ELECTROCHEMISTRY ENGINEERING FACILITY, NAVAL SUPPORT ACTIVITY CRANE, CRANE, INDIANA.

(a) NAMING.—The electrochemistry engineering facility on Naval Support Activity Crane, Crane, Indiana, shall be known and designated as the ''John Hostettler Electrochemistry Engineering Facility''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''John Hostettler Electrochemistry Engineering Facility''.

SEC. 2867. RETENTION OF CORE FUNCTIONS OF THE ELECTRONIC SYSTEMS CENTER AT HANSCOM AIR FORCE BASE, MASSACHUSETTS.

The Secretary of the Air Force shall 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.

SEC. 2868. RETENTION OF CORE FUNCTIONS OF THE AIR FORCE MATERIEL COMMAND, WRIGHT-PATTERSON AIR FORCE BASE, OHIO.

The Secretary of the Air Force shall 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.

SEC. 2869. MASSACHUSETTS INSTITUTE OF TECHNOLOGY—LINCOLN LABORATORY IMPROVEMENT PROJECT.

(a) IMPROVEMENT AND MODERNIZATION PROJECT.—The Secretary of the Air Force may 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 project may include modifications and additions to research laboratories, office spaces, and supporting facilities necessary to carry out the mission of the Lincoln Laboratory as a Federally Funded Research and Development Center (in this section referred to as ''FFRDC''). Supporting facilities under the project may include infrastructure for utilities.

(b) USE OF FACILITIES.—The right of the Massachusetts Institute of Technology to use such facilities and equipment shall be as provided by the FFRDC Sponsoring Agreement and FFRDC contract between the Department of Defense and the Massachusetts Institute of Technology.

(c) RULE OF CONSTRUCTION REGARDING CONSTRUCTION AUTHORITY.—Nothing in this section shall be construed to authorize the Secretary of the Air Force to carry out a construction project at Hanscom Air Force Base, Massachusetts, unless such project is otherwise authorized by law.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in the FFRDC Sponsoring Agreement and the FFRDC contract as the Secretary of the Air Force considers appropriate to protect the interests of the United States.

SEC. 2870. LIMITATION ON AVAILABILITY OF FUNDS PENDING REPORT REGARDING ACQUISITION OF LAND AND DEVELOPMENT OF A TRAINING RANGE FACILITY ADJACENT TO THE MARINE CORPS GROUND AIR COMBAT CENTER TWENTY NINE 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 $261.5 million in commerce at risk.

(3) Economic impact on the local community is estimated to be $71.1 million.

(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 Ground Air Combat Center Twenty Nine 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 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) Identify 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) Identify any concerns discussed with the Bureau of Land Management regarding their assessments of the impact on other users.

(D) Identify the impact on the State of California's 1980 Desert Conservation plan re-

garding allocation of the Off Highway Vehicle Recreation Areas.

(E) The potential to use the same land without transfer, but under specific permits for use provided by the (such as agreements at other locations under permit from the Forest Service and Bureau of Land Management).

(F) Any potential on other Bureau of Land Management lands proximate to the Marine Corps Ground Air Combat Center Twenty Nine 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 Committees and waive the requirement for this report.

SEC. 2871. RETENTION OF CORE FUNCTIONS OF THE AIR TRAFFIC CONTROL STATION, JOHNSTOWN AIR NATIONAL GUARD BASE, PENNSYLVANIA.

The Secretary of the Air Force shall 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.

SEC. 2872. 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) and (2) 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, environmental, 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) TIME AND FORM OF SUBMISSION OF NOTICE.—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) TIME AND FORM OF SUBMISSION OF NOTICE.—The notice required by subsections (a) and (b) may be submitted to Congress only as part of the budget justification materials submitted by the Secretary of Defense to Congress in support of the budget for a fiscal year submitted under section 1105 of title 31.".

(d) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

"(e) DEFINITIONS.—In this section:

"(1) The term 'direct reduction' means a reduction involving one or more members of a unit.

"(2) 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.

"(3) 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.

"(4) The term 'unit' means a unit of the armed forces at the battalion, squadron, or an equivalent level (or a higher level).".

TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION

SEC. 2901. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) OUTSIDE THE UNITED STATES.—The Secretary of the Navy 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:

Navy: Outside the United States

Country	Installation or Location	Amount
SW Asia	SW Asia	$51,348,000
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 military construction projects 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.

(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 Al-

amos National Laboratory, Los Alamos, New Mexico, $23,000,000.

Project 13–D–905, Remote-Handled Low-Level Waste Disposal Project, Idaho National Laboratory, $8,890,000.

Project 13–D–904, Kesselring Site Radiological Work and Storage Building, Kesselring Site, West Milton, New York, $2,000,000.

Project 13–D–903, Kesselring Site Prototype Staff Building, Kesselring Site, West Milton, New York, $14,000,000.

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.

SEC. 3104. ENERGY SECURITY AND ASSURANCE.

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2013 for energy

security and assurance programs necessary for national security 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.—The National Nuclear Security Administration Act (50 U.S.C. 2401 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) Beginning 180 days after the date of the enactment of this section, the total number of employees of the Office of the Administrator of the Administration may not exceed 1,730.

"(2) Beginning October 1, 2014, the total number of employees of the Office of the Administrator may not exceed 1,630.

"(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.

"(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) WORK PLACEMENT PROGRAM.—The Administrator shall establish a work placement program to assist employees of the Administration who are separated from service pursuant to this section find new employment.".

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the National Nuclear Security Administration 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.—Section 3241 of the National Nuclear Security Administration Act (50 U.S.C. 2441) is amended by striking "300" and inserting "450".

(c) REPORTS.—

(1) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall submit to the congressional defense committees a report—

(A) describing the criteria and processes used to implement the personnel levels required by section 3241A of the National Nuclear Security Administration Act, as added by subsection (a);

(B) detailing the realized and expected cost savings within the Office of the Administrator

and the nuclear security enterprise resulting from such personnel reductions and the transition to performance-based governance, management, and oversight pursuant to section 3265 of such Act, as added by section 3113;

(C) describing any impacts such personnel reductions have had or will have on the ability of the Administration to perform the mission of the Administration safely, securely, effectively, and efficiently;

(D) assessing various levels of further personnel reductions, including reductions of 10 percent, 15 percent, and 50 percent, on the ability of the Administration to perform the mission of the Administration safely, securely, effectively, and efficiently;

(E) recommending any further efficiencies and personnel reductions that should be made as a result of such transition pursuant to such section 3265, including an implementation plan and schedule for achieving such efficiencies and reductions; and

(F) assessing the salary and wage structure of the Office of the Administrator and the management and operating contractors of the

nuclear security enterprise, as well as the status and effectiveness of contractor assurance systems across the nuclear security enterprise.

(2) ASSESSMENT.—Not later than 180 days after the date on which the report under paragraph (1) is submitted, the Comptroller General of the United States shall submit to the congressional defense committees an assessment of such report.

SEC. 3112. BUDGET JUSTIFICATION MATERIALS.

Section 3251(b) of the National Nuclear Security Administration Act (50 U.S.C. 2451) 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. CONTRACTOR GOVERNANCE, OVERSIGHT, AND ACCOUNTABILITY.

(a) OVERSIGHT OF CONTRACTORS.—

(1) IN GENERAL.—The National Nuclear Security Administration Act (50 U.S.C. 2401 et seq.) is amended by adding after section 3264 the following new section:

"SEC. 3265. CONTRACTOR GOVERNANCE, OVERSIGHT, AND ACCOUNTABILITY.

''(a) PERFORMANCE-BASED CONTRACTOR GOVERNANCE, MANAGEMENT, AND OVERSIGHT.—(1) The Administrator shall establish a system of governance, management, and oversight of covered contractors.

''(2) The system established under paragraph (1) shall—

''(A) include clear, consistent, and auditable performance-based standards relating to the mission effectiveness and operations of a covered contractor;

''(B) ensure that the governance, management, and oversight of the mission effectiveness and operations of a covered contractor is conducted pursuant to national and international standards and best practices;

''(C) recognize the respective roles of—

''(i) the Federal Government in determining the performance-based standards with respect to high-level mission and operations performance objectives; and

"(ii) a covered contractor, particularly a contractor that is a federally funded research and development corporation, in determining how to accomplish such objectives;

"(D) conduct oversight based on outcomes and performance-based standards rather than detailed, transaction-based oversight; and

"(E) include appropriate measures to ensure that the Administrator has accurate and consistent data and information to manage and make decisions with respect to the nuclear security enterprise.

"(3)(A) The Administrator may exempt individual areas of governance, management, and oversight from the requirements of the system established under paragraph (1) and continue to conduct transaction-based oversight if the Administrator determines that such exemption is necessary to ensure the national security or the safety, security, or performance of the Administration.

"(B) If the Administrator makes an exemption under subparagraph (A), the Administrator shall annually submit to the congressional defense committees a certification for each such exemption, including a description of why such exemption is needed.

"(C) During the three-year period beginning on the date of the enactment of this section, the Administrator

may temporarily exempt individual facilities or contractors from the system established under paragraph (1) and continue to conduct transaction-based oversight if the Administrator determines that such exemption is needed to ensure that robust contractor assurance, accountability, and performance-based oversight mechanisms are in place for such facility or contractor.

''(D) If the Administrator makes an exemption under subparagraph (C), the Administrator shall annually submit to the congressional defense committees a written justification for such exemption and a plan and schedule to transition the exempted facility or contractor to the system established under paragraph (1).

''(b) CONTRACTOR ACCOUNTABILITY.—The Administrator shall—

''(1) ensure that each management and operating contract includes robust mechanisms to ensure the accountability of a covered contractor; and

''(2) exercise such mechanisms as the Administrator determines appropriate to ensure the performance of the covered contractor.

''(c) DEFINITIONS.—In this section:

''(1) The term 'covered contractor' means a contractor who enters into a management and operating contract.

"(2) The term 'management and operating contract' means a contract entered into by the Administrator and a contractor to manage and operate a Government-owned, contractor-operated facility.

"(3) The term 'performance-based standards', with respect to a covered contract, means that the contract includes the use of performance work statements that set forth contract requirements in clear, specific, and objective terms with measurable outcomes.".

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3264 the following new item:

"Sec. 3265. Contractor governance, oversight, and accountability.".

(b) REPORTS.—Not later than January 15, 2013, and each year thereafter through 2016, the Administrator shall submit to the congressional defense committees a report that includes—

(1) a description of each instance during the previous calendar year in which the Administrator, or any other head of an agency of the Federal Government, used a procedure, standard, or process for governance, management, and oversight of a covered contract (as defined in section 3265(d)(1) of the Na-

tional Nuclear Security Administration Act, as added by subsection (a)(1)) that is not a procedure, standard, or process that conforms to national or international standards or industry best practices;

(2) an explanation of why such procedure, standard, or process was used during such year and any steps that will be taken by the Administrator or other head of an agency, as the case may be, in future years to instead use a procedure, standard, or process that conforms to national or international standards or industry best practices; and

(3) a description of any oversight activities by any agency of the Federal Government that occurred during the previous calendar year that the Administrator considers duplicative or unnecessary.

SEC. 3114. 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 en-

terprise 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 scientific and technical issues relating to policy matters, operational concerns, strategic planning, and the development of priorities relating to the mission and operations of the Administration and the nuclear security enterprise.

"(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 rec-

ommendation will be implemented and the reasoning for implementing or not implementing such recommendation.''.

(b) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense 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. 3115. SAFETY, HEALTH, AND SECURITY OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) SECURITY OF ASSETS AND INFORMATION.—

(1) IN GENERAL.—Section 3231 of the National Nuclear Security Administration Act (50 U.S.C. 2421) is amended to read as follows:

''SEC. 3231. PROTECTION OF SPECIAL NUCLEAR MATERIAL AND NATIONAL SECURITY INFORMATION.

''(a) POLICIES AND PROCEDURES REQUIRED.—The Administrator shall establish policies and procedures to ensure the protection of—

''(1) special nuclear material and other sensitive physical assets of the Administration; and

''(2) classified information in the possession of the Administration.

''(b) PROMPT REPORTING.—The Administrator shall establish procedures to ensure prompt reporting to the Ad-

ministrator of any significant problem, abuse, violation of law or Executive order, or deficiency relating to the—

"(1) protection of the special nuclear material and other sensitive physical assets of the Administration; and

"(2) management of classified information by personnel of the Administration.".

(2) CLERICAL AMENDMENT.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by striking the item relating to section 3231 and inserting the following new item:

"Sec. 3231. Protection of special nuclear material and national security information.".

(b) HEALTH AND SAFETY.—

(1) IN GENERAL.—Section 3261 of the National Nuclear Security Administration Act (50 U.S.C. 2461) is amended—

(A) in subsection (a), by striking "The Administrator" and inserting "In accordance with subsections (c) and (d), the Administrator";

(B) by striking subsection (c);

(C) by adding at the end the following new subsection:

"(c) NON-NUCLEAR HEALTH AND SAFETY.—(1) In carrying out this section with respect to non-nuclear oper-

ations, the Administrator shall ensure that the Administration complies with all applicable occupational safety and health standards promulgated under the Occupational Safety and Health Act of 1970 (29 U.S.C. 655) that are administered by the Secretary of Labor.

"(2) With respect to complying with the occupational safety and health standards under paragraph (1), and conducting oversight of such occupational safety and health standards, the Administrator shall ensure that such complying and oversight by the Administration is conducted—

"(A) in accordance with best industry and Government practices for meeting such standards; and

"(B) in accordance with the performance-based system of governance, management, and oversight established under section 3265, notwithstanding the exemption authority under subsection (a)(3) of such section.

"(3) Except as provided by paragraph (4), the Administrator may not establish or prescribe any order, rule, or regulation regarding occupational safety and health unless such order, rule, or regulation is pursuant to an occupational safety and health standard described in paragraph (1).

"(4)(A) In carrying out paragraph (3)—

"(i) the Administrator may waive the requirement under such paragraph for any type of high hazard operations if the Administrator determines that such waiver is necessary to ensure safety; and

"(ii) the Administrator shall waive such requirements for operations involving beryllium.

"(B) The Administrator shall submit an annual certification to the congressional defense committees regarding why any such waivers made under subparagraph (A) are required to ensure safety."; and

(D) by adding after subsection (c), as added by subparagraph (C), the following new subsection:

"(d) NUCLEAR HEALTH AND SAFETY.—(1) In carrying out this section with respect to nuclear operations, the Administrator shall prescribe appropriate policies and regulations to ensure the adequate protection of the health and safety of the employees of the Administration, contractors of the Administration, and the public. Such policies and regulations shall be based upon risk whenever sufficient data exists.

"(2) With respect to prescribing and complying with the policies and regulations under paragraph (1), and conducting oversight of such policies and regulations by the Administration, the Administrator shall ensure that such

prescribing, complying, and oversight is conducted in accordance with the performance-based system of governance, management, and oversight established under section 3265, notwithstanding the exemption authority under subsection (a)(3) of such section.

"(3) CONSTRUCTION.—Nothing in this subsection shall be construed to cause a reduction in nuclear safety standards.".

(2) NUCLEAR HEALTH AND SAFETY EFFECTIVE DATE.—The amendment made by paragraph (1)(D) shall take effect October 1, 2013.

(c) REPORT ON AUTHORITY FOR NUCLEAR SAFETY.—Not later than March 1, 2013, the Administrator shall submit to the congressional defense committees a report that includes—

(1) an implementation plan describing the actions needed to fully transition the policy, regulatory, and oversight authority for the nuclear safety of the nuclear security enterprise from the Department of Energy to the Administration; and

(2) a description of the costs and benefits of such a transition.

SEC. 3116. DESIGN AND USE OF PROTOTYPES OF NUCLEAR WEAPONS.

(a) PROTOTYPES.—The Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended by inserting after section 4508 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 plants 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 the Atomic Energy Defense 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. 3117. IMPROVEMENT AND STREAMLINING OF THE MISSIONS AND OPERATIONS OF THE DEPARTMENT OF ENERGY AND NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) 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, in coordination with the Secretary of Defense and other officials, as the Secretary of Energy and the Administrator consider appropriate, shall 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 of Energy and the Administrator for Nuclear Security shall—

(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 management and operating contractors of a Government-owned, contractor-operated facility of the Department or Administration and hold such contractors accountable for maintaining appropriate portfolios with respect to such agreements;

(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; and

(6) 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 120 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

regulations, rules, directives, orders, and policies improved and streamlined pursuant to subsection (a).

(2) APPROPRIATE 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. 3118. COST-BENEFIT ANALYSES FOR COMPETITION OF MANAGEMENT AND OPERATING CONTRACTS.

(a) LIMITATION.—The Administrator for Nuclear Security may not release a final request for proposal for competition of any contract to manage and operate a facility of the National Nuclear Security Administration until the date on which the Administrator submits to the congressional defense committees a report described in subsection (b).

(b) REPORT DESCRIBED.—A report described in this subsection is a report on a request for proposal for competition described in subsection (a) that includes—

(1) the expected cost savings resulting from the competition over the life of the contract;

(2) the costs of the competition, including 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; and

(B) any benefits of the proposed competition to mission performance or operations;

(4) how the competition complies 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 limitation in subsection (a) shall apply with respect to a request for proposal described by such subsection that is released by the

Administrator for Nuclear Security during fiscal years 2012 through 2017.

(2) FISCAL YEAR 2012 RFPS.—For each request for proposal described by subsection (a) that is released by the Administrator during fiscal year 2012 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. 3119. LIMITATION ON AVAILABILITY OF FUNDS FOR INERTIAL CONFINEMENT FUSION IGNITION AND HIGH YIELD CAMPAIGN.

(a) LIMITATION.—Except as provided in subsection (b), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for fusion ignition under the Inertial Confinement Fusion Ignition and High Yield Campaign, not more than 50 percent may be obligated or expended until the date on which—

(1) the Administrator for Nuclear Security certifies to the congressional defense committees that fusion ignition has been achieved at the National Ignition Facility at Lawrence Livermore National Laboratory; or

(2) the Administrator submits to such committees a detailed report on fusion ignition, including—

(A) a thorough description of the remaining technical challenges and gaps in understanding with respect to such ignition;

(B) a plan and schedule for reevaluating the ignition program and incorporating experimental data into computer models;

(C) the best judgment of the Administrator with respect to whether ignition can be achieved at the National Ignition Facility, as designed on the date of the report; and

(D) if funding being spent on ignition research as of the date of the report were applied to life extension programs—

(i) a description of such programs that could be accelerated or otherwise improved; and

(ii) how such funding changes would affect the stockpile stewardship program.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to the Z machine at Sandia National Laboratories or the Omega laser system at the University of Rochester.

SEC. 3120. LIMITATION ON AVAILABILITY OF FUNDS FOR GLOBAL SECURITY THROUGH SCIENCE PARTNERSHIPS PROGRAM.

(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 $8,000,000 may be obligated or expended for the Global Security through Science Partnerships Program, formerly known as the Global Initiatives for Proliferation Prevention Program, until the date on which the Secretary of Energy submits to the appropriate congressional committees the report under subsection (b).

(b) REPORT.—The Secretary of Energy shall submit to the appropriate congressional committees a report with a plan to complete the Global Security through Science Partnerships Program by the end of calendar year 2015 or with a detailed justification on the continued threat and how the continuation of the program would effectively address such threat.

(c) FORM.—The report under subsection (b) 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. 3121. 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 non-proliferation 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. 3122. 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";

(B) in paragraph (4), by striking "2012" each place it appears and inserting "2014"; and

(C) 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. 3123. LIMITATION ON AVAILABILITY OF FUNDS FOR NUCLEAR NONPROLIFERATION ACTIVITIES WITH RUSSIAN FEDERATION.

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for defense nuclear nonproliferation may be obligated or expended for nuclear nonproliferation activities with the Russian Federation until the date that is 30 days after the date on which the Secretary of Energy certifies, in coordination with the Secretary of State and the Secretary of Defense, to the appropriate congressional committees that—

(1) Russia is no longer—

(A) providing direct or indirect support to the government of Syria's suppression of the Syrian people; and

(B) transferring to Iran, North Korea, or Syria equipment and technology 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; or

(2) funds planned to be obligated or expended for nuclear nonproliferation activities with the Russian Federation are strictly for project closeout activities and will not be used for new activities or activities that will extend beyond fiscal year 2013.

(b) WAIVER.—The Secretary of Energy may waive the limitation in subsection (a) if—

(1) the Secretary determines that such waiver is in the national security interests of the United States;

(2) the Secretary briefs, in an unclassified form, the appropriate congressional committees on the justifications of such waiver; and

(3) a period of 90 days has elapsed following the date on which such briefing is held.

(c) 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.

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 the 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 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), by striking ''Assistant Secretary of Energy for Defense Programs'' and inserting ''Administrator'';

(C) by striking ''Assistant Secretary'' each place it appears and inserting ''Administrator'';

(D) by striking ''nuclear weapons laboratory'' each place it appears and inserting ''national security laboratory'';

(E) by striking ''production plant'' each place it appears and inserting ''production facility''; and

(F) 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 subsections (b) and (d); and

(B) 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 the following new item:

''Sec. 4214. Plan for transformation of national nuclear security administration nuclear weapons complex.''.

(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 shall establish a tritium production program that is capable of meeting the tritium requirements of the United States for nuclear weapons. In carrying out the tritium production program, the Secretary shall assess alternative means for tritium production, including production through—

''(1) types of new and existing reactors, including multipurpose reactors (such as advanced light water reactors and gas turbine gas-cooled reactors) capable of meeting both the tritium production requirements and the plutonium disposition requirements of the United States for nuclear weapons;

''(2) an accelerator; and

''(3) multipurpose reactor projects carried out by the private sector and the Government.

''(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''; and

(2) by striking subsection (b).

(j) RESTRICTED DATA.—Section 4501 of the Atomic Energy Defense Act (50 U.S.C. 2651(a)) is amended by striking subsection (c).

(k) FOREIGN VISITORS.—Section 4502 of the Atomic Energy Defense Act (50 U.S.C. 2652) is amended—

(1) by striking ''national laboratory'' each place it appears and inserting ''national security laboratory''; and

(2) in subsection (g), by striking paragraphs (3) and (4).

(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) SECURITY FUNCTIONS REPORT.—Section 4506 of the Atomic Energy Defense Act (50 U.S.C. 2657) is amended—

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

(2) by striking subsection (b).

(n) COUNTERINTELLIGENCE REPORT.—Section 4507 of the Atomic Energy Defense Act (50 U.S.C. 2658) is amended—

(1) by striking ''national laboratories'' each place it appears and inserting ''national security laboratories''; and

(2) by striking subsection (c).

(o) COMPUTER SECURITY REPORT.—Section 4508 of the Atomic Energy Defense Act (50 U.S.C. 2659)—

(1) in subsection (a), by striking ''national laboratories'' and inserting ''national security laboratories''; and

(2) by striking subsections (e) and (f).

(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 of Energy 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) 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 weapon 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 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.—The Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended as follows:

(1) By striking ''Nevada Test Site'' each place it appears and inserting ''Nevada National Security Site''.

(2) By striking ''Director of Central Intelligence'' each place it appears and inserting ''Director of National Intelligence''.

SEC. 3132. IMPROVEMENTS TO THE NATIONAL NUCLEAR SECURITY ADMINISTRATION ACT.

(a) NUCLEAR SECURITY ENTERPRISE REFERENCE.—

(1) FUTURE-YEARS NUCLEAR SECURITY PROGRAM.—Section 3253 of the National Nuclear Security Administration Act (50 U.S.C. 2453) 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) 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) NEW TRANSFERS.—

(A) IN GENERAL.—Section 3291 of the National Nuclear Security Administration Act (50 U.S.C. 2481) is amended to read as follows:

''SEC. 3291. TRANSFER OF FUNCTIONS.

''(a) AUTHORITY TO TRANSFER FUNCTIONS.—The Secretary of Energy may transfer to the Administrator

any facility, mission, or function of the Department of Energy that the Secretary, in consultation with the Administrator and Congress, determines to be consistent with the mission of the Administration.

"(b) ENVIRONMENTAL REMEDIATION AND WASTE MANAGEMENT ACTIVITIES.—In the case of any environmental remediation and waste management activity of any element of the Administration, the Secretary of Energy may determine to transfer responsibility for that activity to another element of the Department of Energy.

"(c) 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.

"(d) 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.".

(B) CLERICAL AMENDMENT.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by striking the item relating to section 3291 and inserting the following new item:

"Sec. 3291. Transfer of Functions.".

(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 functions 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 item 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), 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. CLARIFICATION OF THE ROLE OF THE ADMINISTRATOR FOR NUCLEAR SECURITY.

(a) ROLE UNDER NNSA ACT.—

(1) FUNCTION.—Section 3212 of the National Nuclear Security Administration Act (50 U.S.C. 2402(b)) is amended—

(A) in subsection (b), by striking ''all programs and activities of the Administration'' and inserting ''all programs, policies, regulations, and rules of the Administration''; and

(B) in subsection (d), by striking '', unless disapproved by the Secretary of Energy.'' and inserting ''to carry out the mission and functions of the Administration, except as provided by section 3219.''.

(2) ROLE OF THE SECRETARY OF ENERGY.—

(A) IN GENERAL.—Section 3219 of the National Nuclear Security Administration Act (50 U.S.C. 2409) is amended to read as follows:

"SEC. 3219. SCOPE OF AUTHORITY OF SECRETARY OF ENERGY REGARDING THE ADMINISTRATION.

"(a) IN GENERAL.—(1) The Secretary of Energy may disapprove any action, policy, regulation, or rule of the Administrator if—

"(A) the Secretary submits to the congressional defense committees justification for such disapproval; and

"(B) a period of 15 days has elapsed following the date on which such justification was submitted.

"(2) Nothing in this title may be construed to provide authority to the Secretary of Energy to administer, enforce, or oversee the activities under this title except—

"(A) as provided by paragraph (1); or

"(B) to the extent otherwise specifically provided by law.

"(3) Except as provided by this section, the Administrator shall have complete authority to establish and conduct oversight of policies, activities, and procedures of the Administration without direction or oversight by the Secretary of Energy.

"(4) The authority of the Secretary under paragraph (1) may be delegated only to the Deputy Secretary of Energy, without further redelegation.

"(b) LIMITATION ON TRANSFER.—Notwithstanding the authority granted by section 643 of the Department of Energy Organization Act (42 U.S.C. 7253) or any other provision of law, the Secretary of Energy may not establish, abolish, alter, consolidate, or discontinue any organizational unit or component, or transfer any function, of the Administration, except as authorized by section 3291.".

(B) CLERICAL AMENDMENT.—The table of contents at the beginning of the National Nuclear Security Administration Act is amended by striking the item relating to section 3219 and inserting the following new item:

"Sec. 3219. Scope of Authority of Secretary of Energy regarding the Administration.".

(C) DEPARTMENT OF ENERGY ORGANIZATION ACT.—Section 202(c)(3) of the Department of Energy Organization Act (42 U.S.C. 7132(c)(3)) is amended to read as follows:

"(3) The Under Secretary for Nuclear Security shall serve as the Administrator for Nuclear Security under section 3212 of the National Nuclear Security Administration Act (50 U.S.C. 2402). In carrying out the functions of

the Administrator, the Under Secretary shall be subject to the authority of the Secretary of Energy in accordance with section 3219 of such Act (50 U.S.C. 2409).''.

(3) STATUS OF ADMINISTRATION AND CONTRACTOR PERSONNEL.—Section 3220 of the National Nuclear Security Administration Act (50 U.S.C. 2410) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking subparagraph (A); and

(II) by redesignating subparagraph (B) and (C) as subparagraph (A) and (B), respectively;

(ii) in paragraph (2), by striking ''any other officer, employee, or agent of the Department of Energy'' and inserting ''any officer, employee, or agent of the Department of Energy, except as provided by section 3219''; and

(B) in subsection (b), by striking ''except for'' and all that follows through the period and inserting ''except as provided by section 3219.''.

(4) OFFICE OF DEFENSE NUCLEAR SECURITY.—Section 3232 of the National Nuclear Secu-

rity Administration Act (50 U.S.C. 2422) is amended to read as follows:

"SEC. 3232. OFFICE OF DEFENSE NUCLEAR SECURITY.

''(a) ESTABLISHMENT.—There is within the Administration an Office of Defense Nuclear Security, headed by a Chief appointed by the Administrator.

''(b) CHIEF OF DEFENSE NUCLEAR SECURITY.—(1) The head of the Office of Defense Nuclear Security is the Chief of Defense Nuclear Security, who shall report to the Administrator and shall implement the security policies directed by the Administrator.

''(2) The Chief shall be responsible for the development and implementation of security programs and policies for the Administration, including the protection, control, and accounting of materials, and for the physical and cyber security for all facilities of the Administration.''.

(5) COUNTERINTELLIGENCE PROGRAMS.—Section 3233 of the National Nuclear Security Administration Act (50 U.S.C. 2423) is amended in each of subsections (a) and (b) by striking ''The Secretary of Energy shall'' and inserting ''The Secretary of Energy, in coordination with the Administrator, shall''.

(6) BUDGET TREATMENT.—Section 3251(a) of the National Nuclear Security Administration Act

(50 U.S.C. 2451(a)) is amended by striking ''within the other amounts requested for the Department of Energy'' and inserting ''from the amounts requested for any other agency, including the Department of Energy''.

(7) FUTURE-YEARS NUCLEAR SECURITY PROGRAM.—Section 3253(b)(6) of the National Nuclear Security Administration Act (50 U.S.C. 2453(b)(6)) is amended by striking '', developed in consultation with the Director of the Office of Health, Safety, and Security of the Department of Energy,''.

(b) ROLE UNDER THE AEDA.—

(1) STOCKPILE STEWARDSHIP.—Section 4201(a) of the Atomic Energy Defense Act (50 U.S.C. 2521(a)) is amended by striking ''The Secretary of Energy, acting through the Administrator for Nuclear Security,'' and inserting ''The Administrator''.

(2) REPORT ON STOCKPILE STEWARDSHIP.—Section 4202 of the Atomic Energy Defense Act (50 U.S.C. 2522) is amended—

(A) in subsection (a)—

(i) by striking ''The Secretary of Energy'' and inserting ''The Administrator''; and

(ii) by striking ''Department of Energy'' and inserting ''Administration''; and

(B) in subsection (b), by striking ''The Secretary of Energy'' and inserting ''The Administrator''.

(3) STOCKPILE MANAGEMENT.—Section 4204 of the Atomic Energy Defense Act (50 U.S.C. 2524) is amended—

(A) in subsection (a), by striking ''The Secretary of Energy, acting through the Administrator for Nuclear Security and'' and inserting ''The Administrator,''; and

(B) in subsection (b), by striking ''Secretary of Energy'' and inserting ''Administrator''.

(4) ANNUAL ASSESSMENTS.—Section 4205(h) of the Atomic Energy Defense Act (50 U.S.C. 2525(h)) is amended to read as follows:

''(h) SECRETARY CONCERNED DEFINED.—In this section, the term 'Secretary concerned' means—

''(1) the Secretary of Energy, with respect to matters concerning the Administration; and

''(2) the Secretary of Defense, with respect to matters concerning the Department of Defense.''.

(5) NUCLEAR TEST BAN READINESS PROGRAM.—Section 4207 of the Atomic Energy Defense Act (50 U.S.C. 2527) is amended—

(A) in subsection (b), by striking ''Secretary of Energy'' and inserting ''Administrator''; and

(B) in subsection (d), by striking ''Secretary of Energy'' and inserting ''Administrator''.

(6) SPECIFIC REQUEST REQUIREMENT.—Section 4209 of the Atomic Energy Defense Act (50 U.S.C. 2529) is amended—

(A) in subsection (a)(1)—

(i) by striking '' after fiscal year 2002 in which the Secretary of Energy'' and inserting ''in which the Administrator''; and

(ii) by striking ''the Secretary shall'' and inserting ''the Administrator shall''; and

(B) in subsection (b), by striking ''Secretary shall'' and inserting ''Administrator shall''.

(7) MANUFACTURING INFRASTRUCTURE.—Section 4212(a)(1) of the Atomic Energy Defense Act

(50 U.S.C. 2532(a)(1)) is amended by striking ''Secretary of Energy'' and inserting ''Administrator''.

(8) PLAN FOR TRANSFORMATION.—Section 4214 of the Atomic Energy Defense Act (50 U.S.C. 2534), as amended by section 3131(g)(1), is amended by striking ''Secretary of Energy'' each place it appears and inserting ''Administrator''.

(9) NUCLEAR MATERIALS PROTECTION, CONTROL, AND ACCOUNTING.—Section 4303(a) of the Atomic Energy Defense Act (50 U.S.C. 2563(a)) is amended—

(A) by striking ''Secretary of Energy'' and inserting ''Administrator''; and

(B) by striking ''Department of Energy'' and inserting ''Administration''.

(10) TRITIUM PRODUCTION PROGRAM.—Section 4231 of the Atomic Energy Defense Act (50 U.S.C. 2541), as amended by section 3131(h), is amended—

(A) by striking ''Secretary'' each place it appears and inserting ''Administrator''; and

(B) in subsection (b), by striking ''Department of Energy'' and inserting ''Administration''.

(11) TRITIUM RECYCLING FACILITIES.—Section 4234 of the Atomic Energy Defense Act (50 U.S.C. 2544), as amended by section 3131(i), is amended by striking ''Secretary'' and inserting ''Administrator''.

(12) CERTAIN FISSILE MATERIALS PROGRAM.—Section 4305 of the Atomic Energy Defense Act (50 U.S.C. 2565) is amended by striking ''Secretary of Energy'' and inserting ''Administrator''.

(13) FISSILE MATERIALS MANAGEMENT PLAN.—Section 4403(a)(1) of the Atomic Energy Defense Act (50 U.S.C. 2583(a)(1)) is amended by striking ''the Office of Defense Programs'' and inserting ''the Administration''.

(14) RESTRICTED DATA.—Section 4501(a) of the Atomic Energy Defense Act (50 U.S.C. 2651(a)) is amended by striking ''The Secretary of Energy'' and inserting ''The Administrator''.

(15) BACKGROUND INVESTIGATIONS.—Section 4503 of the Atomic Energy Defense Act (50 U.S.C. 2653), as amended by section 3131(l), is amended by striking ''The Secretary of Energy'' and inserting ''The Administrator''.

(16) COUNTERINTELLIGENCE FAILURES.—Section 4505 of the Atomic Energy Defense Act (50 U.S.C. 2656) is amended—

(A) by striking ''Secretary of Energy'' each place it appears and inserting ''Administrator'';

(B) by striking ''Secretary'' each place it appears and inserting ''Administrator'';

(C) by striking ''Department of Energy'' each place it appears and inserting ''Administration''; and

(D) by striking ''Department'' each place it appears and inserting ''Administration''.

(17) SECURITY FUNCTIONS REPORT.—Section 4506 of the Atomic Energy Defense Act (50 U.S.C. 2657), as amended by section 3131(m), is amended by striking ''the Secretary of Energy'' and inserting ''the Administrator''.

(18) COUNTERINTELLIGENCE REPORT.—Section 4507(a) of the Atomic Energy Defense Act (50 U.S.C. 2658(a)) is amended by striking ''Secretary of Energy'' and inserting ''Administrator''.

(19) COMPUTER SECURITY REPORT.—Section 4508 of the Atomic Energy Defense Act (50 U.S.C. 2659) is amended—

(A) in subsection (c), by striking ''Secretary of Energy'' each place it appears and inserting ''Administrator''; and

(B) in subsection (d), by striking ''Secretary'' each place it appears and inserting ''Administrator''.

(20) DOCUMENT REVIEW.—Section 4521 of the Atomic Energy Defense Act (50 U.S.C. 2671) is amended—

(A) in subsection (a)—

(i) by striking ''Secretary of Energy'' and inserting ''Administrator'';

(ii) by striking ''Department of Energy'' and inserting ''Administration''; and

(B) in subsection (b), by striking ''Secretary'' each place it appears and inserting ''Administrator''.

(21) MANAGEMENT TRAINING.—

(A) IN GENERAL.—Section 4621 of the Atomic Energy Defense Act (50 U.S.C. 2721) is amended—

(i) in the heading, by inserting ''**AND NATIONAL NUCLEAR SECURITY ADMINISTRATION**'' after ''**ENERGY**'';

(ii) in subsection (a)—

(I) by striking ''Secretary of Energy'' and inserting ''Under Secretary of Energy for Nuclear Security''; and

(II) by inserting ''and the Administration'' after ''the Department of Energy''; and

(iii) in subsection (b)(1), by inserting ''and Administration'' after ''Department of Energy''.

(B) CLERICAL AMENDMENT.—The table of contents at the beginning of the Atomic Energy Defense Act is amended by striking the item relating to section 4621 and inserting the following new item:

''Sec. 4621. Executive management training in the Department of Energy and National Nuclear Security Administration.''.

(22) RECRUITMENT AND TRAINING.—Section 4622 of the Atomic Energy Defense Act (50 U.S.C. 2722) is amended—

(A) in subsection (a), by striking ''the Secretary of Energy'' and inserting ''the Administrator''; and

(B) in subsection (c), by striking ''Secretary'' and inserting ''Administrator''.

(23) FELLOWSHIP PROGRAM.—Section 4623 of the Atomic Energy Defense Act (50 U.S.C. 2723) is amended—

(A) by striking ''Secretary of Energy'' each place it appears and inserting ''Administrator'';

(B) by striking ''Secretary'' each place it appears and inserting ''Administrator;'';

(C) in subsection (b)(1), by striking ''Department of Energy'' and inserting ''Administration''; and

(D) in subsection (e), by striking '', in consultation with the Assistant Secretary of Energy for Defense Programs,''.

(24) TRANSFER OF WEAPONS FUNDS.—Section 4711 of the Atomic Energy Defense Act (50 U.S.C. 2751) is amended—

(A) in subsection (a), by striking ''Secretary of Energy'' and inserting ''Administrator'';

(B) in subsection (d), by striking ''Secretary, acting through the Administrator for Nuclear Security,'' and inserting ''Administrator''; and

(C) in subsection (e)—

(i) in paragraph (1)—

(I) by striking ''Department of Energy'' and inserting ''Administration''; and

(II) by striking ''Department'' and inserting ''Administration''; and

(ii) in paragraph (2), by inserting ''or the Administration'' after ''Department of Energy''.

(25) COST OVERRUNS.—Section 4713 of the Atomic Energy Defense Act (50 U.S.C. 2753) is amended—

(A) in subsection (a)(2)—

(i) in subparagraph (A)—

(I) by striking ''Secretary of Energy'' and inserting ''Administrator''; and

(II) in clause (ii), by striking ''Department'' and inserting ''Administration''; and

(ii) in subparagraph (B), by striking ''Secretary'' and inserting ''Administrator''; and

(B) in subsection (c)(2)(B), by inserting ''or the Administration'' after ''Department of Energy''.

(26) PENALTIES.—Section 4721(a) of the Atomic Energy Defense Act (50 U.S.C. 2761(a)) is amended by striking ''the Department of Energy for the Naval Nuclear Propulsion Program'' and inserting ''the Administration for the Naval Nuclear Reactor Program''.

(27) RESEARCH AND DEVELOPMENT.—Section 4811 of the Atomic Energy Defense Act (50 U.S.C. 2791) is amended—

(A) in subsection (a), by inserting ''and the Administration'' after ''Department of Energy'';

(B) in subsection (b)—

(i) by striking ''The Secretary'' and inserting ''(1) Except as provided by paragraph (2), the Secretary''; and

(ii) by adding at the end the following new paragraph:

''(2) With respect to the conduct of laboratory-directed research and development at laboratories of the Administration, the Administrator shall prescribe regulations for such conduct and oversee such regulations.''; and

(C) in subsection (c), by inserting ''or the Administrator'' after ''the Secretary''.

(28) FUNDS FOR RESEARCH AND DEVELOPMENT.—Subsection (a)(1) of section 4812 of the Atomic Energy Defense Act (50 U.S.C. 2792(a)(1)) is amended—

(A) by striking ''the Department of Energy in'' and inserting ''the Administration in'';

(B) by striking ''under the Department of Energy''; and inserting ''under the'';

(C) by striking ''any Department of Energy'' and inserting ''any''; and

(D) by striking ''mission of the Department of Energy'' and inserting ''mission of the Administration''.

SEC. 3134. 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) A summary of the status of achieving the purposes of the program established under section 4207(b).

"(6) Identification of any modifications or updates to the plan since the previous summary or detailed report was submitted under subsection (b).

"(7) 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 which 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 allo-

cations 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 car-

rying 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) With respect to the program established under section 4207(b), a description of the progress made to the date of the report in achieving the purposes of such program.

"(7) 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 paragraph (4) and the schedule described under subparagraph (B) of such paragraph 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 for the National Nuclear Security Administration 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 National Nuclear Security 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 for 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 for 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.—Section 4203A of the Atomic Energy Defense Act (50 U.S.C. 2523A) is repealed.

(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) by striking subsections (c) and (d); and

(2) by redesignating subsection (e) as subsection (c).

(e) NUCLEAR TEST BAN READINESS PROGRAM.—Section 4207 of the Atomic Energy Defense Act (50 U.S.C. 2527) is amended by striking subsection (e).

(f) 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. 3135. 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 all American Recovery and Reinvestment Act funds have been obligated or expended (or are no longer available to be obligated or 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)(1), 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)(1), 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. NOTIFICATION OF NUCLEAR CRITICALITY AND NON-NUCLEAR INCIDENTS.

(a) NOTIFICATION.—

(1) IN GENERAL.—The Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended by adding after section 4645, as added by section 3151, 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 shut-down, or partial shut-down, 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 affect, 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 and the Administrator shall each 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 shut-down, or partial shut-down, 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 the Atomic Energy Defense Act is amended by inserting after the item relating to section 4645 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 shut-down, or partial shut-down, 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.—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. 3142. REPORTS ON LIFETIME EXTENSION PROGRAMS.

(a) PROTOTYPES.—The Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended by inserting after section 4214 the following new section:

"SEC. 4215. REPORTS ON LIFETIME EXTENSION PROGRAMS.

''(a) REPORTS REQUIRED.—Before proceeding beyond phase 6.2 activities with respect to any lifetime extension program, the director of the national security laboratory responsible for such program shall submit to the congressional defense committees a report on the lifetime extension option selected for such program, including—

''(1) whether such option selected is refurbishment, reuse, or replacement; and

''(2) why such option was selected, including an assessment of the advantages and disadvantages of the two options not selected.

''(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 the Atomic Energy Defense Act is amended by inserting after the item relating to section 4214 the following new item:

''Sec. 4215. Reports on lifetime extension programs.''.

SEC. 3143. 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 Nu-

clear 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 per-

sonnel, 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 December 15, 2014, the Administrator shall submit to the Committees on Armed Services of the House of Representatives and 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. 3144. 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 Adminis-

trator 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 De-

partment 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. 3145. STUDY ON REUSE OF PLUTONIUM PITS.

(a) STUDY.—Not later than 120 days after the date of the enactment of this Act, the Administrator for Nuclear Security 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) The potential costs and cost savings of such reuse.

(4) The effects of such reuse on the requirements for plutonium pit manufacturing.

SEC. 3146. STUDY ON A MULTI-AGENCY 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 multi-agency federally funded research and development centers with direct sustainment and sponsorship by multiple national

security agencies. The assessment shall be conducted by an independent, non-governmental institute which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code, and has recognized credentials and expertise in national security science and engineering laboratories and with ready access to policy experts throughout the United States.

(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 designated private entity 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).

Subtitle E—Other Matters

SEC. 3151. USE OF PROBABILISTIC RISK ASSESSMENT TO ENSURE NUCLEAR SAFETY.

(a) IN GENERAL.—The Atomic Energy Defense Act (50 U.S.C. 2501 et seq.) is amended by adding after section 4644 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 (b) use national and international standards and nuclear industry best practices, including probabilistic or quantitative risk assessment if sufficient data exists.

"(b) 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 the Atomic Energy Defense 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. 3152. 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 4215 of such Act, as added by section 3142(a);

(3) redesignated as section 4216; and

(4) amended—

(A) by amending subsection (f) to read as follows:

"(f) EXPRESSION OF INDIVIDUAL VIEWS.—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 Joint Nuclear Weapons Council, or the Commander of United States Strategic Command from presenting the professional views of the individual to the President, the National Security Council, or Congress regarding—

"(1) the safety, security, reliability, or credibility of the nuclear weapons stockpile and nuclear forces; or

"(2) the status of, and plans for, the capabilities and infrastructure that support and sustain the nuclear weapons stockpile and nuclear forces."; and

(B) by redesignating subsection (g) as subsection (h); and

(C) by inserting after subsection (f) the following new subsection (g):

"(g) DELIVERY OF CLASSIFIED INFORMATION TO CONGRESS.—(1) The directors of the national security laboratories, the directors of the nuclear weapons production facilities, the members of the Joint Nuclear Weapons Council, and the Commander of the United States Strategic Command are each authorized to provide directly to Congress classified information with respect to matters described by paragraph (1) or (2) of subsection (f).

"(2) The Administrator and Secretary of Defense shall ensure that direct classified mail channels are established between the national security laboratories, nuclear weapons production facilities, members of the Joint Nuclear Weapons Council, the United States Strategic Command, and the congressional defense committees to carry out this subsection.".

(b) CONFORMING AMENDMENT.—Section 4215 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 (h), as redesignated by subsection (a)(4)(B), to read as follows:

"(h) 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 4215 the following new item:

"Sec. 4216. Advice to President and Congress regarding safety, security, and reliability of United States nuclear weapons stockpile.".

SEC. 3153. 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 information related to the design of nuclear weapons (in this subsection referred to as 'design information') removed under paragraph (1) if the Commission and the Department of Defense jointly determines that—

"(A) the programmatic requirements that caused the design information to be removed from the Restricted Data category are no longer applicable or have diminished;

"(B) the design information would be more appropriately protected as Restricted Data; and

"(C) restoring the design information to the Restricted Data category is in the interest of national security.

"(3) In carrying out paragraph (2), design information shall be restored to the Restricted Data category in accordance with regulations implemented pursuant to this section."; 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 information related to foreign nuclear programs (in this subsection referred to as 'foreign nuclear information') removed under paragraph (1) if the Commission and the Director of National Intelligence jointly determine that—

"(A) the programmatic requirements that caused the foreign nuclear information to be removed from the Restricted Data category are no longer applicable or have diminished;

"(B) the foreign nuclear information would be more appropriately protected as Restricted Data; and

"(C) restoring the foreign nuclear information to the Restricted Data category is in the interest of national security.

"(3) In carrying out paragraph (2), foreign nuclear information shall be restored to the Restricted Data category in accordance with regulations implemented pursuant to this section.".

SEC. 3154. INDEPENDENT COST ASSESSMENTS FOR LIFE EXTENSION PROGRAMS, NEW NUCLEAR FACILITIES, AND OTHER MATTERS.

(a) COST ASSESSMENT.—To inform the decisions made by the Nuclear Weapons Council established by sec-

tion 179 of title 10, United States Code, the Secretary of Defense, acting through the Director of Cost Assessment and Program Evaluation and in coordination with the Administrator for Nuclear Security, shall assess the cost of options and alternatives for—

(1) new nuclear weapon life extension programs; and

(2) new nuclear facilities within the nuclear security enterprise that are estimated to cost more than $500,000,000.

(b) REPORT.—Not later than 30 days after the date on which each assessment conducted under subsection (a) is completed, the Administrator for Nuclear Security and the Secretary of Defense shall jointly submit to the congressional defense committees a report containing the results of such assessment.

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

(d) AUTHORITY FOR FURTHER ASSESSMENTS.—Upon the request of the Administrator for Nuclear Security, the Secretary of Defense, acting through the Director of Cost Assessment and Program Evaluation and in consultation with the Administrator, may conduct a cost assessment of any initiative of the National Nuclear Security

Administration that is estimated to cost more than $500,000,000.

SEC. 3155. ASSESSMENT OF NUCLEAR WEAPON PIT PRODUCTION REQUIREMENT.

(a) ASSESSMENT.—The Secretary of Defense and the Secretary of Energy, in coordination with the Commander of the United States Strategic Command, shall jointly 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 and the Secretary of Energy shall jointly submit to the congressional defense committees a report regarding the assessment conducted under section (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 implications for national security, for maintaining the nuclear weapons stockpile (including the impact on options available for life extension programs), and for costs of having pit production capacity at—

(i) 10 to 20 pits per year;

(ii) 20 to 30 pits per year;

(iii) 30 to 50 pits per year; and

(iv) 50 to 80 pits per year; and

(D) the implications of various pit production capacities on the requirements for the nuclear weapon hedge or reserve forces of the United States.

(2) UPDATE.—If the report under paragraph (1) does not incorporate the results of the Nuclear Posture Review Implementation Study, the Secretary of Defense and the Secretary of Energy, in coordination with the Commander of the United States Strategic Command, shall jointly 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. 3156. INTELLECTUAL PROPERTY RELATED TO URANIUM ENRICHMENT.

(a) IN GENERAL.—Subject to subsection (b), of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for defense nuclear nonproliferation, the Secretary of Energy may make available not more than $150,000,000 for the development and demonstration of domestic national-security-related enrichment technologies as provided in subsection (c).

(b) CERTIFICATION.—Not later than 30 days before the date on which the Secretary makes an amount available under subsection (a), the Secretary shall submit to the congressional defense committees—

(1) written certification that such amount is needed for national security purposes; and

(2) a description of such purposes.

(c) ADMINISTRATION.—An amount made available by the Secretary under subsection (a) shall be used to provide, directly or indirectly, Federal funds, resources, or other assistance for the research, development, or deploy-

ment of domestic national-security-related enrichment technology, subject to the following requirements:

(1) The Secretary shall provide such assistance using merit selection procedures.

(2) The Secretary may provide such assistance only if the Secretary executes an agreement with the recipient (or any affiliate, successor, or assignee) of such funds, resources, or other assistance (in this section referred to as the ''recipient'') that requires—

(A) the achievement of specific technical criteria by the recipient by specific dates not later than June 30, 2014;

(B) that the recipient—

(i) immediately upon execution of the agreement, grant to the United States for use by or on behalf of the United States, through the Secretary, a royalty-free, non-exclusive license in all enrichment-related intellectual property and associated technical data owned, licensed, or otherwise controlled by the recipient as of the date of the enactment of this Act, or thereafter developed or acquired to meet the requirements of the agreement;

(ii) amend any existing agreement between the Secretary and the recipient to permit the Secretary to use or permit third parties on behalf of the Secretary to use intellectual property and associated technical data related to the award of funds, resources, or other assistance royalty-free for Government purposes, including completing or operating enrichment technologies and using them for national defense purposes, including providing nuclear material to operate commercial nuclear power reactors for tritium production; and

(iii) as soon as practicable, deliver to the Secretary all technical information and other documentation in its possession or control necessary to permit the Secretary to use all intellectual property related to domestic enrichment technologies described in this subparagraph; and

(C) any other condition or restriction the Secretary determines necessary to protect the interests of the United States.

(d) CONTROL OF PROPERTY.—If the Secretary determines that a recipient has not achieved the technical cri-

teria required under an agreement under subsection (c)(2) by the date specified pursuant to subparagraph (A) of such subsection, the recipient shall, as soon as practicable, surrender custody, possession, and control, or return, as appropriate, any real or personal property owned or leased by the recipient, to the Secretary in connection with the deployment of enrichment technology, along with all capital improvements, equipment, fixtures, appurtenances, and other improvements thereto, and any further obligation by the Secretary under any such lease shall terminate.

(e) APPLICATION OF REQUIREMENTS.—The limitations and requirements in this section shall apply to funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 or any fiscal year thereafter for the development and demonstration of domestic national security-related enrichment technology.

(f) EXCEPTION.—Subsections (c) and (d) shall not apply with respect to the issuance of any loan guarantee pursuant to section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513).

SEC. 3157. SENSE OF CONGRESS ON COMPETITION AND FEES RELATED TO THE MANAGEMENT AND OPERATING CONTRACTS OF THE NUCLEAR SECURITY ENTERPRISE.

It is the sense of Congress that—

(1) in the past decade, competition of the management and operating contracts for the national security laboratories has resulted in significant increases in fees paid to the contractors—funding that otherwise could be used to support program and mission activities of the National Nuclear Security Administration;

(2) competition of the management and operating contracts of the nuclear security enterprise is an important mechanism to help realize cost savings, seek efficiencies, improve performance, and hold contractors accountable;

(3) when the Administrator for Nuclear Security considers it appropriate to achieve these goals, the Administrator should conduct competition of these contracts while recognizing the unique nature of federally funded research and development centers; and

(4) the Administrator should ensure that fixed fees and performance-based fees contained in management and operating contracts are as low as possible to maintain a focus on national service while attracting high-quality contractors and achieving the goals of the competition.

SEC. 3158. 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 competitively awarded pilot program involving one non-profit entity and a national laboratory within the National Nuclear Security Administration for the purpose of accelerating technology transfer from national laboratories to the marketplace.

(b) SELECTION OF ENTITY AND NATIONAL LABORATORY.—In carrying out a pilot program under subsection (a), the Secretary of Energy and the Technology Transfer Coordinator shall jointly select a non-profit entity and a national laboratory for the purpose of carrying out the pilot program under this section. In making such selections, the Secretary and Coordinator shall consider each of the following:

(1) A commitment to participate made by a national laboratory within the National Nuclear Security Administration being considered for selection.

(2) The availability of technologies, licenses, intellectual property, and other matters at a national laboratory being considered for selection.

(c) PROGRAM ELEMENTS.—The pilot program shall be carried out as follows:

(1) Under the pilot program, the Secretary and the Coordinator shall evaluate and validate the performance of technology transfer activities at the selected laboratory.

(2) The pilot program shall involve collaboration with other offices and agencies within the Department of Energy and the National Nuclear Security Administration.

(3) Under the pilot program, the non-profit entity selected to carry out the pilot program shall work to create business startups and increase the number of cooperative research and development agreements and sponsored research projects at the selected laboratory. The non-profit entity shall work with interested businesses in identifying appropriate technologies at the national laboratory and facilitating the commercialization process.

(4) The Secretary of Energy and the Coordinator shall use the results of the pilot program as the basis for informing key performance parameters and strategies that could be implemented in various national laboratories across the country.

(d) DURATION.—A pilot program carried out under subsection (a) shall be not more than two years in duration.

(e) REPORTS.—

(1) INITIAL REPORTS.—Not later than one year after the date on which a pilot program under subsection (a) begins, the Secretary of Energy shall submit to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Science and Technology in the House of Representatives, and the Committee on Commerce, Science and Transportation in the Senate, a report that provides an update on the implementation of the pilot program under this section, including an identification of the selected non-profit entity and national laboratory.

(2) FINAL REPORT.—Not later than 90 days after the completion of the pilot program, the Secretary shall submit to the Committees on Armed Services of the Senate and House of Representatives, the Committee on Science and Technology in the House of Representatives, and the Committee on Commerce, Science and Transportation of the Senate a report on the pilot program, including any findings and recommendations of the Secretary. The

non-profit entity shall submit a report detailing its experiences working with the laboratory and submit recommendations for improvement of technology commercialization.

(f) DEFINITIONS.—In this section, the term ''national laboratory'' means—

(1) a national laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)); or

(2) a national security laboratory (as defined in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471)).

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There is authorized to be appropriated for fiscal year 2013 $31,415,000 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)—

(A) in paragraph (3), by striking ''Energy or any contractor of the Department of Energy'' and inserting ''Energy, the National Nuclear Security Administration, or any contractor of the Department or Administration''; and

(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 paragraphs (5) and (6), the Chairman''; and

(C) by adding at the end the following new paragraphs:

''(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 regarding recommendations, budgets, senior staff, hearings and witnesses, investigations, subpoenas, and setting policies and regulations governing operations of the Board;

"(B) have full, simultaneous access to all information relating to the performance of the Board's functions, powers, and mission; and

"(C) have one vote.

"(6) Any member of the Board may propose an individual to be appointed to a senior staff position of the Board and require a determination by the Board under paragraph (5)(A) on whether such individual shall be appointed.";

(3) in subsection (d)—

(A) in paragraph (1), by striking "Except as provided under paragraph (2), the" and inserting "The";

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2); and

(4) by amending subsection (e) to read as follows:

"(e) QUORUM.—(1) Three members of the Board shall constitute a quorum.

"(2) A quorum shall be required to take the actions of the Board described in subsection (c)(5)(A).".

(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 so redesignated, 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 ensure the adequate protection of public health and safety at defense nuclear facilities of the Department of Energy. Such analysis, advice, and recommendations shall be based upon risk whenever sufficient data exists.'';

(D) in subsection (b), as so redesignated—

(i) in the heading, by striking ''IN GENERAL'' and inserting ''FUNCTIONS''; and

(ii) in paragraph (5)—

(I) by inserting '', and specifically assess risk (whenever sufficient

data exists),'' after ''shall consider''; and

(II) by inserting '', the costs and benefits, and the practicability'' after ''economic feasibility''.

(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) POWERS.—Section 313 of the Atomic Energy Act of 1954 (42 U.S.C. 2286b) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''or a member authorized by the Board''; and

(B) in paragraph (2)(A), by striking the first sentence and inserting the following: ''Subpoenas may be issued only with the approval of a majority of the members of the Board and shall be served by any person designated by the Chairman, any member, or any person as otherwise provided by law.''; and

(2) in subsection (b), by adding at the end the following new paragraph:

''(3) Of the funds appropriated to the Board to carry out this chapter, each member of the Board, other than

the Chairman, may employ at least one technical advisor to serve in the immediate office of the member to provide assistance to the member in carrying out the responsibilities of the member under this chapter. If employed in the immediate office of a member, such advisor shall report to such member and, notwithstanding section 311(c)(2)(A), may not be subject to the appointment, direction, or supervision of the Chairman.''; and

(3) in subsection (j)(2), by striking ''section 312(1)'' and inserting ''section 312(b)(1)''.

(d) BOARD RECOMMENDATIONS.—Section 315 of the Atomic Energy Act of 1954 (42 U.S.C. 2286d) is amended to read as follows:

''SEC. 315. BOARD RECOMMENDATIONS.

''(a) DRAFTS AND SUBMISSION OF RECOMMENDATIONS.—(1) Subject to subsections (f) and (g), the Board shall submit to the Secretary of Energy a draft of any recommendations under section 312 and any related findings, supporting data, and analyses before the date on which such recommendations are finalized.

''(2) The Secretary may provide to the Board comments on the recommendations not later than 45 days after the date on which the Secretary receives the draft submission of the Board under paragraph (1). The Board may grant, upon request by the Secretary, not more than

an additional 30 days for the Secretary to submit comments to the Board.

"(3) After the period of time in which the Secretary may provide recommendations under paragraph (2) elapses, the Board may publish in the Federal Register either the original or a revised version of the recommendations based on the comments of the Secretary, together with a request for the submission to the Board of public comments on such recommendations. Interested persons shall have 30 days after the date of publication in which to submit comments, data, views, or arguments to the Board concerning the recommendations. The Board shall furnish the Secretary with copies of all comments, data, views, and arguments submitted to it under this paragraph.

"(b) DISPOSITION OF RECOMMENDATIONS.—(1) Not later than 60 days after publication of the recommendations under subsection (a)(3), the Secretary of Energy shall publish in the Federal Register and transmit to the Board, in writing, a statement of the final decision of the Secretary with respect to whether the Secretary accepts or rejects, in whole or in part, such recommendations, including a description of any actions to be taken in response to the recommendations, any expected schedule, cost, technical, or program impacts of such recommenda-

tions, and the views of the Secretary regarding such recommendations. The Board may grant, upon request by the Secretary, not more than an additional 30 days for the Secretary to transmit such statement to the Board.

"(2) The Board may hold hearings for the purpose of obtaining public comments on its recommendations and the disposition of such recommendations by the Secretary of Energy.

"(c) REJECTION OF RECOMMENDATIONS.—If the Secretary of Energy, in a statement under subsection (b)(1), rejects (in whole or part) any recommendation made by the Board under subsection (a), the Board may transmit to the Secretary and the Committees on Armed Services and Appropriations of the Senate and the House of Representatives a letter describing the views and perspectives of the Board regarding the Secretary's disposition of the Board's recommendations.

"(d) IMPLEMENTATION PLAN.—The Secretary of Energy shall prepare a plan for the implementation of each Board recommendation, or part of a recommendation, that is accepted by the Secretary in the statement under subsection (b)(1). Not later than 120 days after the date on which such statement is published, the Secretary shall transmit to the Board such implementation plan. The Secretary may implement any such recommendation (or part

of any such recommendation) before, on, or after the date on which the Secretary transmits the implementation plan to the Board under this subsection.

"(e) IMPLEMENTATION.—(1) Subject to paragraph (2), not later than one year after the date on which the Secretary of Energy transmits an implementation plan with respect to a recommendation (or part thereof) under subsection (d), the Secretary shall carry out and complete the implementation plan. If complete implementation of the plan takes more than one year, the Secretary of Energy shall submit a report to the Committees on Armed Services and on Appropriations of the Senate and the House of Representatives setting forth the reasons for the delay and when implementation will be completed.

"(2) If the Secretary of Energy determines that the implementation of a Board recommendation (or part thereof) is impracticable because of budgetary considerations, or that the implementation would affect the Secretary's ability to meet the annual nuclear weapons stockpile requirements established pursuant to section 91 of this Act, the Secretary shall submit to the President and the Committees on Armed Services and Appropriations of the Senate and the House of Representatives a report containing the recommendation and the Secretary's determination.

"(f) IMMINENT OR SEVERE THREAT.—(1) In any case in which the Board determines that a recommendation submitted to the Secretary of Energy under section 312 relates to an imminent or severe threat to public health and safety, the Board and the Secretary of Energy shall proceed under this subsection in lieu of subsections (a) and (b).

"(2) The Board shall transmit to the President, the Secretary of Defense, and the Secretary of Energy a recommendation relating to an imminent or severe threat to public health and safety. Not later than 15 days after the date on which such recommendation is received, the Secretary of Energy shall submit the comments and views of the Secretary to the President. The President shall review such comments and views and shall make the decision concerning the acceptance or rejection of the Board's recommendation.

"(3) After receipt by the President of the recommendation from the Board under this subsection, the Board shall promptly make such recommendation available to the public and shall submit such recommendation to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives. The President shall promptly notify such committees of the de-

cision made by the President under paragraph (2) and the reasons for that decision.

"(g) LIMITATION.—Notwithstanding any other provision of this section, the requirements to make information available to the public under this section—

"(1) shall not apply in the case of information that is classified; and

"(2) shall be subject to the orders and regulations issued by the Secretary of Energy under sections 147 and 148 of this Act to prohibit dissemination of certain information.".

(e) REPORTS.—Section 316 of the Atomic Energy Act of 1954 (42 U.S.C. 2286e) is amended by striking "to the Speaker of" each place it appears.

(f) INFORMATION TO CONGRESS.—Section 320 of the Atomic Energy Act of 1954 (42 U.S.C. 2286h–1) is amended by striking "the Congress" and inserting "Committees on Armed Services and Appropriations of the Senate and the House of Representatives".

(g) INSPECTOR 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.

''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.''.

(h) SAFETY STANDARDS.—Nothing in this section nor 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.

(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.

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. 6661a(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. 1645A–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)(1) 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 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 heading of 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) CONFORMING AMENDMENT.—The item relating to section 57103 in the analysis of chapter 571 of such title is amended to read as follows:

"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 sections 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) 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) 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 doc-

umented 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) 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) 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) 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) Section 53106 of such title is amended—

(1) in subsection (a)(1), by striking ''and (C) $3,100,000 for each of fiscal years 2012 through 2025.'' 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) Section 53107(b)(1) 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 dur-

ing 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) Section 53109 is repealed.

(i) Section 53111 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 section 3308(a) of this Act take effect on December 31, 2014; and

(2) section 3308(f)(2) of this Act take effect on December 31, 2014.

SEC. 3509. IDENTIFICATION OF ACTIONS TO ENABLE QUALIFIED UNITED STATES FLAG CAPACITY TO MEET NATIONAL DEFENSE REQUIREMENTS.

(a) IDENTIFICATION OF ACTIONS.—Section 501(b) of title 46, United States Code, is amended—

(1) by inserting ''(1)'' before ''When the head''; and

(2) by adding at the end the following:

''(2) The Administrator of the Maritime Administration shall—

''(A) in 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 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 site of the Department of Transportation within 48 hours after it is provided to the Secretary of Transportation.

''(3)(A) The Secretary of Transportation, in consultation with the Secretary of Homeland Security, shall notify the Committees on Appropriations, Transportation

and Infrastructure, and Armed Services of the House of Representatives and the Committees on Appropriations, Commerce, Science, and Transportation, and 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 the request; and

"(ii) of the issuance of any waiver of compliance of such a law not later than 48 hours after such issuance.

"(B) The Secretary 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 subparagraph (A) are not feasible.".

SEC. 3510. 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 September 30, 2012.

(b) SUBMISSION OF REPORT TO COMPTROLLER GENERAL.—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 for consideration under subsection (c).

(c) COMPTROLLER GENERAL STUDIES AND REPORTS ON STRATEGIC PORTS.—

(1) COMPTROLLER GENERAL REVIEW.—Not later than 90 days after receipt of the report referred to in subsection (a), the Comptroller General shall conduct an assessment of the report and submit to the congressional defense committees a report of such assessment.

(2) COMPTROLLER GENERAL STUDY AND REPORT.—Not later than 270 days after the enactment of this Act, the Comptroller General of the United States shall conduct a study of the Department of Defense's programs and efforts related to the state of strategic ports with respect to the Department's operational and readiness requirements, and report to the congressional defense committees on the findings of such study. The report should include an assessment of—

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

(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 Department's ability to oversee, coordinate, and provide security for military deployments through strategic ports.

(d) STRATEGIC SEAPORT 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.

DIVISION D—FUNDING TABLES

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.

1 (e) ORAL AND WRITTEN COMMUNICATIONS.—No
2 oral or written communication concerning any amount
3 specified in the funding tables in this division shall super-
4 sede the requirements of this section.

5 TITLE XLI—PROCUREMENT

6 SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	FIXED WING		
01	UTILITY F/W AIRCRAFT	18,639	18,639
03	MQ–1 UAV	518,088	518,088
04	RQ–11 (RAVEN)	25,798	25,798
	ROTARY		
06	HELICOPTER, LIGHT UTILITY (LUH)	271,983	271,983
07	AH–64 APACHE BLOCK IIIA REMAN	577,115	577,115
08	ADVANCE PROCUREMENT (CY)	107,707	107,707
09	AH–64 APACHE BLOCK IIIB NEW BUILD	153,993	153,993
10	ADVANCE PROCUREMENT (CY)	146,121	146,121
13	UH–60 BLACKHAWK M MODEL (MYP)	1,107,087	1,107,087
14	ADVANCE PROCUREMENT (CY)	115,113	115,113
15	CH–47 HELICOPTER	1,076,036	1,076,036
16	ADVANCE PROCUREMENT (CY)	83,346	83,346
	MODIFICATION OF AIRCRAFT		
18	MQ–1 PAYLOAD—UAS	231,508	231,508
20	GUARDRAIL MODS (MIP)	16,272	16,272
21	MULTI SENSOR ABN RECON (MIP)	4,294	4,294
22	AH–64 MODS	178,805	178,805
23	CH–47 CARGO HELICOPTER MODS (MYP)	39,135	39,135
24	UTILITY/CARGO AIRPLANE MODS	24,842	24,842
26	UTILITY HELICOPTER MODS	73,804	73,804
27	KIOWA WARRIOR MODS	192,484	192,484
29	NETWORK AND MISSION PLAN	190,789	190,789
30	COMMS, NAV SURVEILLANCE	133,191	133,191
31	GATM ROLLUP	87,280	87,280
32	RQ–7 UAV MODS	104,339	104,339
	GROUND SUPPORT AVIONICS		
34	AIRCRAFT SURVIVABILITY EQUIPMENT	34,037	34,037
36	CMWS	127,751	127,751
	OTHER SUPPORT		
37	AVIONICS SUPPORT EQUIPMENT	4,886	4,886
38	COMMON GROUND EQUIPMENT	82,511	82,511
39	AIRCREW INTEGRATED SYSTEMS	77,381	77,381
40	AIR TRAFFIC CONTROL	47,235	47,235
41	INDUSTRIAL FACILITIES	1,643	1,643
42	LAUNCHER, 2.75 ROCKET	516	516
	TOTAL, AIRCRAFT PROCUREMENT, ARMY	**5,853,729**	**5,853,729**
	MISSILE PROCUREMENT, ARMY		
	SURFACE-TO-AIR MISSILE SYSTEM		
01	PATRIOT SYSTEM SUMMARY	646,590	696,590
	Additional PAC–3 missiles		[50,000]
02	MSE MISSILE	12,850	12,850
	AIR-TO-SURFACE MISSILE SYSTEM		
04	HELLFIRE SYS SUMMARY	1,401	11,401
	Program increase		[10,000]
	ANTI-TANK/ASSAULT MISSILE SYS		
05	JAVELIN (AAWS-M) SYSTEM SUMMARY	81,121	81,121
06	TOW 2 SYSTEM SUMMARY	64,712	64,712
07	ADVANCE PROCUREMENT (CY)	19,931	19,931
08	GUIDED MLRS ROCKET (GMLRS)	218,679	218,679
09	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR)	18,767	18,767
10	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	12,051	12,051
	MODIFICATIONS		
11	PATRIOT MODS	199,565	199,565
13	MLRS MODS	2,466	2,466

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
14	HIMARS MODIFICATIONS	6,068	6,068
	SPARES AND REPAIR PARTS		
16	SPARES AND REPAIR PARTS	7,864	7,864
	SUPPORT EQUIPMENT & FACILITIES		
17	AIR DEFENSE TARGETS	3,864	3,864
18	ITEMS LESS THAN $5 MILLION (MISSILES)	1,560	1,560
19	PRODUCTION BASE SUPPORT	5,200	5,200
	TOTAL, MISSILE PROCUREMENT, ARMY	**1,302,689**	**1,362,689**
	PROCUREMENT OF W&TCV, ARMY		
	TRACKED COMBAT VEHICLES		
01	STRYKER VEHICLE	286,818	286,818
	MODIFICATION OF TRACKED COMBAT VEHICLES		
03	STRYKER (MOD)	60,881	60,881
04	FIST VEHICLE (MOD)	57,257	57,257
05	BRADLEY PROGRAM (MOD)	148,193	288,193
	Program increase		[140,000]
06	HOWITZER, MED SP FT 155MM M109A6 (MOD)	10,341	10,341
07	PALADIN PIM MOD IN SERVICE	206,101	206,101
08	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES)	107,909	169,909
	Program increase		[62,000]
09	ASSAULT BREACHER VEHICLE	50,039	50,039
10	M88 FOV MODS	29,930	29,930
11	M1 ABRAMS TANK (MOD)	129,090	129,090
12	ABRAMS UPGRADE PROGRAM	74,433	255,433
	Program increase		[181,000]
	SUPPORT EQUIPMENT & FACILITIES		
13	PRODUCTION BASE SUPPORT (TCV-WTCV)	1,145	1,145
	WEAPONS & OTHER COMBAT VEHICLES		
14	INTEGRATED AIR BURST WEAPON SYSTEM FAMILY	506	0
	XM25 funding ahead of need		[–506]
17	LIGHTWEIGHT .50 CALIBER MACHINE GUN	25,183	25,183
19	MORTAR SYSTEMS	8,104	8,104
21	XM320 GRENADE LAUNCHER MODULE (GLM)	14,096	14,096
24	CARBINE	21,272	21,272
25	SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS)	6,598	6,598
26	COMMON REMOTELY OPERATED WEAPONS STATION	56,725	56,725
27	HOWITZER LT WT 155MM (T)	13,827	13,827
	MOD OF WEAPONS AND OTHER COMBAT VEH		
29	M777 MODS	26,843	26,843
30	M4 CARBINE MODS	27,243	27,243
31	M2 50 CAL MACHINE GUN MODS	39,974	39,974
32	M249 SAW MACHINE GUN MODS	4,996	4,996
33	M240 MEDIUM MACHINE GUN MODS	6,806	6,806
34	SNIPER RIFLES MODIFICATIONS	14,113	14,113
35	M119 MODIFICATIONS	20,727	20,727
36	M16 RIFLE MODS	3,306	3,306
37	MODIFICATIONS LESS THAN $5.0M (WOCV-WTCV)	3,072	3,072
	SUPPORT EQUIPMENT & FACILITIES		
38	ITEMS LESS THAN $5 MILLION (WOCV-WTCV)	2,026	2,026
39	PRODUCTION BASE SUPPORT (WOCV-WTCV)	10,115	10,115
40	INDUSTRIAL PREPAREDNESS	442	442
41	SMALL ARMS EQUIPMENT (SOLDIER ENH PROG)	2,378	2,378
	SPARES		
42	SPARES AND REPAIR PARTS (WTCV)	31,217	31,217
	TOTAL, PROCUREMENT OF W&TCV, ARMY	**1,501,706**	**1,884,200**
	PROCUREMENT OF AMMUNITION, ARMY		
	SMALL/MEDIUM CAL AMMUNITION		
01	CTG, 5.56MM, ALL TYPES	158,313	123,513
	Unit cost savings		[–34,800]
02	CTG, 7.62MM, ALL TYPES	91,438	91,438
03	CTG, HANDGUN, ALL TYPES	8,954	8,954
04	CTG, .50 CAL, ALL TYPES	109,604	109,604
05	CTG, 20MM, ALL TYPES	4,041	4,041
06	CTG, 25MM, ALL TYPES	12,654	12,654
07	CTG, 30MM, ALL TYPES	72,154	54,154
	Pricing adjustments for target practice round and light-weight dual-purpose round.		[–18,000]
08	CTG, 40MM, ALL TYPES	60,138	60,138
	MORTAR AMMUNITION		
09	60MM MORTAR, ALL TYPES	44,375	44,375
10	81MM MORTAR, ALL TYPES	27,471	27,471
11	120MM MORTAR, ALL TYPES	87,811	87,811
	TANK AMMUNITION		
12	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES	112,380	112,380
	ARTILLERY AMMUNITION		
13	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP	50,861	50,861

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
14	ARTILLERY PROJECTILE, 155MM, ALL TYPES	26,227	26,227
15	PROJ 155MM EXTENDED RANGE XM982	110,329	55,329
	Excalibur I-b round schedule delay		[–55,000]
16	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	43,924	43,924
	MINES		
17	MINES & CLEARING CHARGES, ALL TYPES	3,775	3,775
	NETWORKED MUNITIONS		
18	SPIDER NETWORK MUNITIONS, ALL TYPES	17,408	17,408
	ROCKETS		
19	SHOULDER LAUNCHED MUNITIONS, ALL TYPES	1,005	1,005
20	ROCKET, HYDRA 70, ALL TYPES	123,433	123,433
	OTHER AMMUNITION		
21	DEMOLITION MUNITIONS, ALL TYPES	35,189	35,189
22	GRENADES, ALL TYPES	33,477	33,477
23	SIGNALS, ALL TYPES	9,991	9,991
24	SIMULATORS, ALL TYPES	10,388	10,388
	MISCELLANEOUS		
25	AMMO COMPONENTS, ALL TYPES	19,383	19,383
26	NON-LETHAL AMMUNITION, ALL TYPES	7,336	7,336
27	CAD/PAD ALL TYPES	6,641	6,641
28	ITEMS LESS THAN $5 MILLION	15,092	15,092
29	AMMUNITION PECULIAR EQUIPMENT	15,692	15,692
30	FIRST DESTINATION TRANSPORTATION (AMMO)	14,107	14,107
31	CLOSEOUT LIABILITIES	106	106
	PRODUCTION BASE SUPPORT		
32	PROVISION OF INDUSTRIAL FACILITIES	220,171	220,171
33	CONVENTIONAL MUNITIONS DEMILITARIZATION, ALL	182,461	182,461
34	ARMS INITIATIVE	3,377	3,377
	TOTAL, PROCUREMENT OF AMMUNITION, ARMY	**1,739,706**	**1,631,906**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
01	SEMITRAILERS, FLATBED:	7,097	7,097
02	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	346,115	346,115
03	FIRETRUCKS & ASSOCIATED FIREFIGHTING EQUIP	19,292	19,292
04	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	52,933	52,933
05	PLS ESP	18,035	18,035
09	TRUCK, TRACTOR, LINE HAUL, M915/M916	3,619	3,619
10	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV	26,859	26,859
12	TACTICAL WHEELED VEHICLE PROTECTION KITS	69,163	69,163
13	MODIFICATION OF IN SVC EQUIP	91,754	91,754
	NON-TACTICAL VEHICLES		
18	PASSENGER CARRYING VEHICLES	2,548	2,548
19	NONTACTICAL VEHICLES, OTHER	16,791	16,791
	COMM—JOINT COMMUNICATIONS		
20	JOINT COMBAT IDENTIFICATION MARKING SYSTEM	10,061	10,061
21	WIN-T—GROUND FORCES TACTICAL NETWORK	892,635	872,635
	Program adjustment		[–20,000]
22	SIGNAL MODERNIZATION PROGRAM	45,626	45,626
23	JCSE EQUIPMENT (USREDCOM)	5,143	5,143
	COMM—SATELLITE COMMUNICATIONS		
24	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS	151,636	151,636
25	TRANSPORTABLE TACTICAL COMMAND COMMUNICATIONS	6,822	6,822
26	SHF TERM	9,108	9,108
28	NAVSTAR GLOBAL POSITIONING SYSTEM (SPACE)	27,353	27,353
29	SMART-T (SPACE)	98,656	98,656
31	GLOBAL BRDCST SVC—GBS	47,131	47,131
32	MOD OF IN-SVC EQUIP (TAC SAT)	23,281	23,281
	COMM—C3 SYSTEM		
34	ARMY GLOBAL CMD & CONTROL SYS (AGCCS)	10,848	10,848
	COMM—COMBAT COMMUNICATIONS		
35	ARMY DATA DISTRIBUTION SYSTEM (DATA RADIO)	979	979
36	JOINT TACTICAL RADIO SYSTEM	556,250	521,250
	Program adjustment		[–35,000]
37	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)	86,219	76,219
	Program adjustment		[–10,000]
38	RADIO TERMINAL SET, MIDS LVT(2)	7,798	7,798
39	SINCGARS FAMILY	9,001	9,001
40	AMC CRITICAL ITEMS—OPA2	24,601	24,601
41	TRACTOR DESK	7,779	7,779
43	SPIDER APLA REMOTE CONTROL UNIT	34,365	19,365
	Program delay		[–15,000]
44	SOLDIER ENHANCEMENT PROGRAM COMM/ELECTRONICS	1,833	1,833
45	TACTICAL COMMUNICATIONS AND PROTECTIVE SYSTEM	12,984	12,984
47	GUNSHOT DETECTION SYSTEM (GDS)	2,332	2,332
48	RADIO, IMPROVED HF (COTS) FAMILY	1,132	1,132
49	MEDICAL COMM FOR CBT CASUALTY CARE (MC4)	22,899	22,899
	COMM—INTELLIGENCE COMM		

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
51	CI AUTOMATION ARCHITECTURE	1,564	1,564
52	RESERVE CA/MISO GPF EQUIPMENT	28,781	28,781
	INFORMATION SECURITY		
53	TSEC—ARMY KEY MGT SYS (AKMS)	23,432	23,432
54	INFORMATION SYSTEM SECURITY PROGRAM-ISSP	43,897	43,897
	COMM—LONG HAUL COMMUNICATIONS		
56	TERRESTRIAL TRANSMISSION	2,891	2,891
57	BASE SUPPORT COMMUNICATIONS	13,872	13,872
58	WW TECH CON IMP PROG (WWTCIP)	9,595	9,595
	COMM—BASE COMMUNICATIONS		
59	INFORMATION SYSTEMS	142,133	142,133
61	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM	57,727	57,727
62	PENTAGON INFORMATION MGT AND TELECOM	5,000	5,000
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
65	JTT/CIBS-M	1,641	1,641
66	PROPHET GROUND	48,797	48,797
69	DCGS-A (MIP)	184,007	184,007
70	JOINT TACTICAL GROUND STATION (JTAGS)	2,680	2,680
71	TROJAN (MIP)	21,483	21,483
72	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP)	2,412	2,412
73	CI HUMINT AUTO REPRINTING AND COLLECTION	7,077	7,077
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
75	LIGHTWEIGHT COUNTER MORTAR RADAR	72,594	72,594
76	CREW	15,446	15,446
78	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	1,470	1,470
79	CI MODERNIZATION	1,368	1,368
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
80	FAAD GBS	7,980	7,980
81	SENTINEL MODS	33,444	33,444
82	SENSE THROUGH THE WALL (STTW)	6,212	6,212
83	NIGHT VISION DEVICES	166,516	166,516
85	NIGHT VISION, THERMAL WPN SIGHT	82,162	82,162
86	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF	20,717	20,717
89	GREEN LASER INTERDICTION SYSTEM (GLIS)	1,014	1,014
90	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS	29,881	29,881
91	PROFILER	12,482	12,482
92	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	3,075	3,075
94	JOINT BATTLE COMMAND—PLATFORM (JBC-P)	141,385	141,385
96	MOD OF IN-SVC EQUIP (LLDR)	22,403	22,403
98	MORTAR FIRE CONTROL SYSTEM	29,505	29,505
99	COUNTERFIRE RADARS	244,409	244,409
100	ENHANCED SENSOR & MONITORING SYSTEM (WMD)	2,426	2,426
	ELECT EQUIP—TACTICAL C2 SYSTEMS		
101	TACTICAL OPERATIONS CENTERS	30,196	30,196
102	FIRE SUPPORT C2 FAMILY	58,903	58,903
103	BATTLE COMMAND SUSTAINMENT SUPPORT SYSTEM	8,111	8,111
104	FAAD C2	5,031	5,031
105	AIR & MSL DEFENSE PLANNING & CONTROL SYS	64,144	64,144
106	KNIGHT FAMILY	11,999	11,999
107	LIFE CYCLE SOFTWARE SUPPORT (LCSS)	1,853	1,853
108	AUTOMATIC IDENTIFICATION TECHNOLOGY	14,377	14,377
111	NETWORK MANAGEMENT INITIALIZATION AND SERVICE	59,821	59,821
112	MANEUVER CONTROL SYSTEM (MCS)	51,228	51,228
113	SINGLE ARMY LOGISTICS ENTERPRISE (SALE)	176,901	176,901
114	RECONNAISSANCE AND SURVEYING INSTRUMENT SET	15,209	15,209
	ELECT EQUIP—AUTOMATION		
115	ARMY TRAINING MODERNIZATION	8,866	8,866
116	AUTOMATED DATA PROCESSING EQUIP	129,438	129,438
117	GENERAL FUND ENTERPRISE BUSINESS SYS FAM	9,184	9,184
118	CSS COMMUNICATIONS	20,639	20,639
119	RESERVE COMPONENT AUTOMATION SYS (RCAS)	35,493	35,493
	ELECT EQUIP—AUDIO VISUAL SYS (A/V)		
120	ITEMS LESS THAN $5 MILLION (A/V)	8,467	8,467
121	ITEMS LESS THAN $5 MILLION	5,309	5,309
	ELECT EQUIP—SUPPORT		
122	PRODUCTION BASE SUPPORT (C-E)	586	586
	CLASSIFIED PROGRAMS		
124A	CLASSIFIED PROGRAMS	3,435	3,435
	CHEMICAL DEFENSIVE EQUIPMENT		
126	FAMILY OF NON-LETHAL EQUIPMENT (FNLE)	3,960	3,960
127	BASE DEFENSE SYSTEMS (BDS)	4,374	4,374
128	CBRN SOLDIER PROTECTION	9,259	9,259
	BRIDGING EQUIPMENT		
130	TACTICAL BRIDGING	35,499	35,499
131	TACTICAL BRIDGE, FLOAT-RIBBON	32,893	32,893
	ENGINEER (NON-CONSTRUCTION) EQUIPMENT		
134	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS)	29,106	29,106
135	EXPLOSIVE ORDNANCE DISPOSAL EQPMT (EOD EQPMT)	25,459	25,459

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Line	Item	FY 2013 Request	House Authorized
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 MISSION 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
	TOTAL, OTHER PROCUREMENT, ARMY	**6,326,245**	**6,246,245**
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
	STAFF AND INFRASTRUCTURE		
04	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		
	COMBAT AIRCRAFT		
01	EA–18G	1,027,443	997,443
	Cost growth-CFE electronics, non-recurring costs		[–30,000]
02	ADVANCE PROCUREMENT (CY)		45,000
	Program increase		[45,000]
03	F/A–18E/F (FIGHTER) HORNET	2,035,131	1,989,131
	Cost growth-CFE electronics, support costs		[–46,000]
04	ADVANCE PROCUREMENT (CY)	30,296	30,296
05	JOINT STRIKE FIGHTER CV	1,007,632	1,007,632
06	ADVANCE PROCUREMENT (CY)	65,180	65,180
07	JSF STOVL	1,404,737	1,404,737

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Line	Item	FY 2013 Request	House Authorized
08	ADVANCE PROCUREMENT (CY)	106,199	106,199
09	V–22 (MEDIUM LIFT)	1,303,120	1,303,120
10	ADVANCE PROCUREMENT (CY)	154,202	154,202
11	H–1 UPGRADES (UH–1Y/AH–1Z)	720,933	720,933
12	ADVANCE PROCUREMENT (CY)	69,658	69,658
13	MH–60S (MYP)	384,792	384,792
14	ADVANCE PROCUREMENT (CY)	69,277	69,277
15	MH–60R (MYP)	656,866	826,866
	Cruiser Retention—Restore 5 helicopters		[170,000]
16	ADVANCE PROCUREMENT (CY)	185,896	185,896
17	P–8A POSEIDON	2,420,755	2,420,755
18	ADVANCE PROCUREMENT (CY)	325,679	325,679
19	E–2D ADV HAWKEYE	861,498	861,498
20	ADVANCE PROCUREMENT (CY)	123,179	123,179
	TRAINER AIRCRAFT		
22	JPATS	278,884	278,884
	OTHER AIRCRAFT		
23	KC–130J	3,000	3,000
24	ADVANCE PROCUREMENT (CY)	22,995	22,995
25	ADVANCE PROCUREMENT (CY)	51,124	51,124
26	MQ–8 UAV	124,573	124,573
27	STUASL0 UAV	9,593	9,593
	MODIFICATION OF AIRCRAFT		
28	EA–6 SERIES	30,062	30,062
29	AEA SYSTEMS	49,999	49,999
30	AV–8 SERIES	38,703	38,703
31	ADVERSARY	4,289	4,289
32	F–18 SERIES	647,306	647,306
33	H–46 SERIES	2,343	2,343
34	AH–1W SERIES	8,721	8,721
35	H–53 SERIES	45,567	45,567
36	SH–60 SERIES	83,527	83,527
37	H–1 SERIES	6,508	6,508
38	EP–3 SERIES	66,374	66,374
39	P–3 SERIES	148,405	148,405
40	E–2 SERIES	16,322	16,322
41	TRAINER A/C SERIES	34,284	34,284
42	C–2A	4,743	4,743
43	C–130 SERIES	60,302	60,302
44	FEWSG	670	670
45	CARGO/TRANSPORT A/C SERIES	26,311	26,311
46	E–6 SERIES	158,332	158,332
47	EXECUTIVE HELICOPTERS SERIES	58,163	58,163
48	SPECIAL PROJECT AIRCRAFT	12,421	12,421
49	T–45 SERIES	64,488	64,488
50	POWER PLANT CHANGES	21,569	21,569
51	JPATS SERIES	1,552	1,552
52	AVIATION LIFE SUPPORT MODS	2,473	2,473
53	COMMON ECM EQUIPMENT	114,690	114,690
54	COMMON AVIONICS CHANGES	96,183	96,183
56	ID SYSTEMS	39,846	39,846
57	P–8 SERIES	5,302	5,302
58	MAGTF EW FOR AVIATION	34,127	34,127
59	RQ–7 SERIES	49,324	49,324
60	V–22 (TILT/ROTOR ACFT) OSPREY	95,856	95,856
	AIRCRAFT SPARES AND REPAIR PARTS		
61	SPARES AND REPAIR PARTS	1,166,430	1,126,430
	Spares cost growth—F–35C, F–35B, E–2D		[–40,000]
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
62	COMMON GROUND EQUIPMENT	387,195	387,195
63	AIRCRAFT INDUSTRIAL FACILITIES	23,469	23,469
64	WAR CONSUMABLES	43,383	43,383
65	OTHER PRODUCTION CHARGES	3,399	3,399
66	SPECIAL SUPPORT EQUIPMENT	32,274	32,274
67	FIRST DESTINATION TRANSPORTATION	1,742	1,742
	TOTAL, AIRCRAFT PROCUREMENT, NAVY	**17,129,296**	**17,228,296**
	WEAPONS PROCUREMENT, NAVY		
	MODIFICATION OF MISSILES		
01	TRIDENT II MODS	1,224,683	1,224,683
	SUPPORT EQUIPMENT & FACILITIES		
02	MISSILE INDUSTRIAL FACILITIES	5,553	5,553
	STRATEGIC MISSILES		
03	TOMAHAWK	308,970	308,970
	TACTICAL MISSILES		
04	AMRAAM	102,683	112,683
	Program increase		[10,000]
05	SIDEWINDER	80,226	80,226

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Line	Item	FY 2013 Request	House Authorized
06	JSOW	127,609	137,809
	Program increase		[10,200]
07	STANDARD MISSILE	399,482	399,482
08	RAM	66,769	66,769
09	HELLFIRE	74,501	91,901
	Program increase		[17,400]
11	AERIAL TARGETS	61,518	61,518
12	OTHER MISSILE SUPPORT	3,585	3,585
	MODIFICATION OF MISSILES		
13	ESSM	58,194	58,194
14	HARM MODS	86,721	86,721
	SUPPORT EQUIPMENT & FACILITIES		
16	WEAPONS INDUSTRIAL FACILITIES	2,014	2,014
17	FLEET SATELLITE COMM FOLLOW-ON	21,454	21,454
	ORDNANCE SUPPORT EQUIPMENT		
18	ORDNANCE SUPPORT EQUIPMENT	54,945	54,945
	TORPEDOES AND RELATED EQUIP		
19	SSTD	2,700	2,700
20	ASW TARGETS	10,385	10,385
	MOD OF TORPEDOES AND RELATED EQUIP		
21	MK–54 TORPEDO MODS	74,487	74,487
22	MK–48 TORPEDO ADCAP MODS	54,281	54,281
23	QUICKSTRIKE MINE	6,852	6,852
	SUPPORT EQUIPMENT		
24	TORPEDO SUPPORT EQUIPMENT	46,402	46,402
25	ASW RANGE SUPPORT	11,927	11,927
	DESTINATION TRANSPORTATION		
26	FIRST DESTINATION TRANSPORTATION	3,614	3,614
	GUNS AND GUN MOUNTS		
27	SMALL ARMS AND WEAPONS	12,594	12,594
	MODIFICATION OF GUNS AND GUN MOUNTS		
28	CIWS MODS	59,303	59,303
29	COAST GUARD WEAPONS	19,072	19,072
30	GUN MOUNT MODS	54,706	54,706
31	CRUISER MODERNIZATION WEAPONS	1,591	19,622
	Cruiser retention—5″/62 Upgrade		[18,031]
32	AIRBORNE MINE NEUTRALIZATION SYSTEMS	20,607	20,607
	SPARES AND REPAIR PARTS		
34	SPARES AND REPAIR PARTS	60,150	60,150
	TOTAL, WEAPONS PROCUREMENT, NAVY	**3,117,578**	**3,173,209**
	SHIPBUILDING & CONVERSION, NAVY		
	OTHER WARSHIPS		
01	CARRIER REPLACEMENT PROGRAM	608,195	608,195
03	VIRGINIA CLASS SUBMARINE	3,217,601	3,217,601
04	ADVANCE PROCUREMENT (CY)	874,878	1,652,878
	Advance procurement		[778,000]
05	CVN REFUELING OVERHAULS	1,613,392	1,613,392
06	ADVANCE PROCUREMENT (CY)	70,010	70,010
08	DDG 1000	669,222	669,222
09	DDG–51	3,048,658	3,048,658
10	ADVANCE PROCUREMENT (CY)	466,283	581,283
	Advance procurement		[115,000]
11	LITTORAL COMBAT SHIP	1,784,959	1,784,959
	AMPHIBIOUS SHIPS		
15	JOINT HIGH SPEED VESSEL	189,196	189,196
	AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST		
17	ADVANCE PROCUREMENT (CY)	307,300	307,300
18	OUTFITTING	309,648	309,648
20	LCAC SLEP	47,930	47,930
21	COMPLETION OF PY SHIPBUILDING PROGRAMS	372,573	372,573
	TOTAL, SHIPBUILDING & CONVERSION, NAVY	**13,579,845**	**14,472,845**
	PROCUREMENT OF AMMO, NAVY & MC		
	NAVY AMMUNITION		
01	GENERAL PURPOSE BOMBS	27,024	27,024
02	AIRBORNE ROCKETS, ALL TYPES	56,575	56,575
03	MACHINE GUN AMMUNITION	21,266	21,266
04	PRACTICE BOMBS	34,319	34,319
05	CARTRIDGES & CART ACTUATED DEVICES	53,755	53,755
06	AIR EXPENDABLE COUNTERMEASURES	61,693	61,693
07	JATOS	2,776	2,776
08	LRLAP 6″ LONG RANGE ATTACK PROJECTILE	7,102	7,102
09	5 INCH/54 GUN AMMUNITION	48,320	48,320
10	INTERMEDIATE CALIBER GUN AMMUNITION	25,544	25,544
11	OTHER SHIP GUN AMMUNITION	41,624	41,624
12	SMALL ARMS & LANDING PARTY AMMO	65,893	65,893
13	PYROTECHNIC AND DEMOLITION	11,176	11,176

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Line	Item	FY 2013 Request	House Authorized
14	AMMUNITION LESS THAN $5 MILLION	4,116	4,116
	MARINE CORPS AMMUNITION		
15	SMALL ARMS AMMUNITION	83,733	83,733
16	LINEAR CHARGES, ALL TYPES	24,645	24,645
17	40MM, ALL TYPES	16,201	16,201
19	81MM, ALL TYPES	13,711	3,711
	Excess to need		[–10,000]
20	120MM, ALL TYPES	12,557	12,557
22	GRENADES, ALL TYPES	7,634	7,134
	Excess to need		[–500]
23	ROCKETS, ALL TYPES	27,528	27,528
24	ARTILLERY, ALL TYPES	93,065	93,065
25	DEMOLITION MUNITIONS, ALL TYPES	2,047	0
	Excess to need		[–2,047]
26	FUZE, ALL TYPES	5,297	5,297
27	NON LETHALS	1,362	1,362
28	AMMO MODERNIZATION	4,566	4,566
29	ITEMS LESS THAN $5 MILLION	6,010	6,010
	TOTAL, PROCUREMENT OF AMMO, NAVY & MC	**759,539**	**746,992**
	OTHER PROCUREMENT, NAVY		
	SHIP PROPULSION EQUIPMENT		
01	LM–2500 GAS TURBINE	10,658	10,658
02	ALLISON 501K GAS TURBINE	8,469	8,469
	NAVIGATION EQUIPMENT		
03	OTHER NAVIGATION EQUIPMENT	23,392	23,392
	PERISCOPES		
04	SUB PERISCOPES & IMAGING EQUIP	53,809	53,809
	OTHER SHIPBOARD EQUIPMENT		
05	DDG MOD	452,371	452,371
06	FIREFIGHTING EQUIPMENT	16,958	16,958
07	COMMAND AND CONTROL SWITCHBOARD	2,492	2,492
08	POLLUTION CONTROL EQUIPMENT	20,707	20,707
09	SUBMARINE SUPPORT EQUIPMENT	12,046	12,046
10	VIRGINIA CLASS SUPPORT EQUIPMENT	79,870	79,870
11	LCS CLASS SUPPORT EQUIPMENT	19,865	19,865
12	SUBMARINE BATTERIES	41,522	41,522
13	LPD CLASS SUPPORT EQUIPMENT	30,543	30,543
14	STRATEGIC PLATFORM SUPPORT EQUIP	16,257	16,257
15	DSSP EQUIPMENT	3,630	3,630
16	CG MODERNIZATION	101,000	184,972
	Cruiser retention		[83,972]
17	LCAC	16,645	16,645
18	UNDERWATER EOD PROGRAMS	35,446	35,446
19	ITEMS LESS THAN $5 MILLION	65,998	65,998
20	CHEMICAL WARFARE DETECTORS	4,359	4,359
21	SUBMARINE LIFE SUPPORT SYSTEM	10,218	10,218
	REACTOR PLANT EQUIPMENT		
22	REACTOR POWER UNITS	286,859	286,859
23	REACTOR COMPONENTS	278,503	278,503
	OCEAN ENGINEERING		
24	DIVING AND SALVAGE EQUIPMENT	8,998	8,998
	SMALL BOATS		
25	STANDARD BOATS	30,131	30,131
	TRAINING EQUIPMENT		
26	OTHER SHIPS TRAINING EQUIPMENT	29,772	29,772
	PRODUCTION FACILITIES EQUIPMENT		
27	OPERATING FORCES IPE	64,346	64,346
	OTHER SHIP SUPPORT		
28	NUCLEAR ALTERATIONS	154,652	154,652
29	LCS COMMON MISSION MODULES EQUIPMENT	31,319	31,319
30	LCS MCM MISSION MODULES	38,392	38,392
31	LCS SUW MISSION MODULES	32,897	32,897
	LOGISTIC SUPPORT		
32	LSD MIDLIFE	49,758	49,758
	SHIP SONARS		
34	SPQ–9B RADAR	19,777	19,777
35	AN/SQQ–89 SURF ASW COMBAT SYSTEM	89,201	89,201
36	SSN ACOUSTICS	190,874	190,874
37	UNDERSEA WARFARE SUPPORT EQUIPMENT	17,035	17,035
38	SONAR SWITCHES AND TRANSDUCERS	13,410	13,410
	ASW ELECTRONIC EQUIPMENT		
40	SUBMARINE ACOUSTIC WARFARE SYSTEM	21,489	21,489
41	SSTD	10,716	10,716
42	FIXED SURVEILLANCE SYSTEM	98,896	98,896
43	SURTASS	2,774	2,774
44	MARITIME PATROL AND RECONNAISSANCE FORCE	18,428	18,428
	ELECTRONIC WARFARE EQUIPMENT		

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Line	Item	FY 2013 Request	House Authorized
45	AN/SLQ–32	92,270	92,270
	RECONNAISSANCE EQUIPMENT		
46	SHIPBOARD IW EXPLOIT	107,060	108,185
	Cruiser Retention		[1,125]
47	AUTOMATED IDENTIFICATION SYSTEM (AIS)	914	914
	SUBMARINE SURVEILLANCE EQUIPMENT		
48	SUBMARINE SUPPORT EQUIPMENT PROG	34,050	34,050
	OTHER SHIP ELECTRONIC EQUIPMENT		
49	COOPERATIVE ENGAGEMENT CAPABILITY	27,881	27,881
50	TRUSTED INFORMATION SYSTEM (TIS)	448	448
51	NAVAL TACTICAL COMMAND SUPPORT SYSTEM (NTCSS)	35,732	35,732
53	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	9,533	9,533
54	MINESWEEPING SYSTEM REPLACEMENT	60,111	60,111
55	SHALLOW WATER MCM	6,950	6,950
56	NAVSTAR GPS RECEIVERS (SPACE)	9,089	9,089
57	AMERICAN FORCES RADIO AND TV SERVICE	7,768	7,768
58	STRATEGIC PLATFORM SUPPORT EQUIP	3,614	3,614
	TRAINING EQUIPMENT		
59	OTHER TRAINING EQUIPMENT	42,911	42,911
	AVIATION ELECTRONIC EQUIPMENT		
60	MATCALS	5,861	5,861
61	SHIPBOARD AIR TRAFFIC CONTROL	8,362	8,362
62	AUTOMATIC CARRIER LANDING SYSTEM	15,685	15,685
63	NATIONAL AIR SPACE SYSTEM	16,919	16,919
64	FLEET AIR TRAFFIC CONTROL SYSTEMS	6,828	6,828
65	LANDING SYSTEMS	7,646	7,646
66	ID SYSTEMS	35,474	35,474
67	NAVAL MISSION PLANNING SYSTEMS	9,958	9,958
	OTHER SHORE ELECTRONIC EQUIPMENT		
68	DEPLOYABLE JOINT COMMAND AND CONT	9,064	9,064
69	MARITIME INTEGRATED BROADCAST SYSTEM	16,026	16,026
70	TACTICAL/MOBILE C4I SYSTEMS	11,886	11,886
71	DCGS-N	11,887	11,887
72	CANES	341,398	344,848
	Cruiser Retention		[3,450]
73	RADIAC	8,083	8,083
74	CANES-INTELL	79,427	79,427
75	GPETE	6,083	6,083
76	INTEG COMBAT SYSTEM TEST FACILITY	4,495	4,495
77	EMI CONTROL INSTRUMENTATION	4,767	4,767
78	ITEMS LESS THAN $5 MILLION	81,755	81,755
	SHIPBOARD COMMUNICATIONS		
80	SHIP COMMUNICATIONS AUTOMATION	56,870	58,023
	Cruiser Retention		[1,153]
81	MARITIME DOMAIN AWARENESS (MDA)	1,063	1,063
82	COMMUNICATIONS ITEMS UNDER $5M	28,522	28,522
	SUBMARINE COMMUNICATIONS		
83	SUBMARINE BROADCAST SUPPORT	4,183	4,183
84	SUBMARINE COMMUNICATION EQUIPMENT	69,025	69,025
	SATELLITE COMMUNICATIONS		
85	SATELLITE COMMUNICATIONS SYSTEMS	49,294	49,294
86	NAVY MULTIBAND TERMINAL (NMT)	184,825	186,540
	Cruiser Retention		[1,715]
	SHORE COMMUNICATIONS		
87	JCS COMMUNICATIONS EQUIPMENT	2,180	2,180
88	ELECTRICAL POWER SYSTEMS	1,354	1,354
	CRYPTOGRAPHIC EQUIPMENT		
90	INFO SYSTEMS SECURITY PROGRAM (ISSP)	144,104	144,104
	CRYPTOLOGIC EQUIPMENT		
91	CRYPTOLOGIC COMMUNICATIONS EQUIP	12,604	12,604
	OTHER ELECTRONIC SUPPORT		
92	COAST GUARD EQUIPMENT	6,680	6,680
	SONOBUOYS		
95	SONOBUOYS—ALL TYPES	104,677	104,677
	AIRCRAFT SUPPORT EQUIPMENT		
96	WEAPONS RANGE SUPPORT EQUIPMENT	70,753	70,753
97	EXPEDITIONARY AIRFIELDS	8,678	8,678
98	AIRCRAFT REARMING EQUIPMENT	11,349	11,349
99	AIRCRAFT LAUNCH & RECOVERY EQUIPMENT	82,618	82,618
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		

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(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
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	77,767
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	42,981
	Cruiser Retention		[1,238]
	Program increase for NULKA decoys		[10,000]
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
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**	**6,272,031**
	PROCUREMENT, MARINE CORPS		
	TRACKED COMBAT VEHICLES		
01	AAV7A1 PIP	16,089	16,089
02	LAV PIP	186,216	45,316
	Budget adjustment per USMC		[–140,900]
	ARTILLERY AND OTHER WEAPONS		
03	EXPEDITIONARY FIRE SUPPORT SYSTEM	2,502	2,502
04	155MM LIGHTWEIGHT TOWED HOWITZER	17,913	17,913
05	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	47,999	47,999
06	WEAPONS AND COMBAT VEHICLES UNDER $5 MILLION	17,706	17,706
	OTHER SUPPORT		
07	MODIFICATION KITS	48,040	48,040
08	WEAPONS ENHANCEMENT PROGRAM	4,537	4,537
	GUIDED MISSILES		
09	GROUND BASED AIR DEFENSE	11,054	11,054
11	FOLLOW ON TO SMAW	19,650	19,650
12	ANTI-ARMOR WEAPONS SYSTEM-HEAVY (AAWS-H)	20,708	20,708
	COMMAND AND CONTROL SYSTEMS		
14	UNIT OPERATIONS CENTER	1,420	1,420

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Line	Item	FY 2013 Request	House Authorized
	REPAIR AND TEST EQUIPMENT		
15	REPAIR AND TEST EQUIPMENT	25,127	25,127
	OTHER SUPPORT (TEL)		
16	COMBAT SUPPORT SYSTEM	25,822	25,822
17	MODIFICATION KITS	2,831	2,831
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
18	ITEMS UNDER $5 MILLION (COMM & ELEC)	5,498	5,498
19	AIR OPERATIONS C2 SYSTEMS	11,290	11,290
	RADAR + EQUIPMENT (NON-TEL)		
20	RADAR SYSTEMS	128,079	128,079
21	RQ–21 UAS	27,619	27,619
	INTELL/COMM EQUIPMENT (NON-TEL)		
22	FIRE SUPPORT SYSTEM	7,319	7,319
23	INTELLIGENCE SUPPORT EQUIPMENT	7,466	7,466
25	RQ–11 UAV	2,318	2,318
26	DCGS-MC	18,291	18,291
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
29	NIGHT VISION EQUIPMENT	48,084	48,084
	OTHER SUPPORT (NON-TEL)		
30	COMMON COMPUTER RESOURCES	206,708	206,708
31	COMMAND POST SYSTEMS	35,190	35,190
32	RADIO SYSTEMS	89,059	89,059
33	COMM SWITCHING & CONTROL SYSTEMS	22,500	22,500
34	COMM & ELEC INFRASTRUCTURE SUPPORT	42,625	42,625
	CLASSIFIED PROGRAMS		
035A	CLASSIFIED PROGRAMS	2,290	2,290
	ADMINISTRATIVE VEHICLES		
35	COMMERCIAL PASSENGER VEHICLES	2,877	2,877
36	COMMERCIAL CARGO VEHICLES	13,960	13,960
	TACTICAL VEHICLES		
37	5/4T TRUCK HMMWV (MYP)	8,052	8,052
38	MOTOR TRANSPORT MODIFICATIONS	50,269	50,269
40	LOGISTICS VEHICLE SYSTEM REP	37,262	37,262
41	FAMILY OF TACTICAL TRAILERS	48,160	48,160
	OTHER SUPPORT		
43	ITEMS LESS THAN $5 MILLION	6,705	6,705
	ENGINEER AND OTHER EQUIPMENT		
44	ENVIRONMENTAL CONTROL EQUIP ASSORT	13,576	13,576
45	BULK LIQUID EQUIPMENT	16,869	16,869
46	TACTICAL FUEL SYSTEMS	19,108	19,108
47	POWER EQUIPMENT ASSORTED	56,253	56,253
48	AMPHIBIOUS SUPPORT EQUIPMENT	13,089	13,089
49	EOD SYSTEMS	73,699	73,699
	MATERIALS HANDLING EQUIPMENT		
50	PHYSICAL SECURITY EQUIPMENT	3,510	3,510
51	GARRISON MOBILE ENGINEER EQUIPMENT (GMEE)	11,490	11,490
52	MATERIAL HANDLING EQUIP	20,659	20,659
53	FIRST DESTINATION TRANSPORTATION	132	132
	GENERAL PROPERTY		
54	FIELD MEDICAL EQUIPMENT	31,068	31,068
55	TRAINING DEVICES	45,895	45,895
56	CONTAINER FAMILY	5,801	5,801
57	FAMILY OF CONSTRUCTION EQUIPMENT	23,939	23,939
60	RAPID DEPLOYABLE KITCHEN	8,365	8,365
	OTHER SUPPORT		
61	ITEMS LESS THAN $5 MILLION	7,077	7,077
	SPARES AND REPAIR PARTS		
62	SPARES AND REPAIR PARTS	3,190	3,190
	TOTAL, PROCUREMENT, MARINE CORPS	**1,622,955**	**1,482,055**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	TACTICAL FORCES		
01	F–35	3,124,302	3,124,302
02	ADVANCE PROCUREMENT (CY)	293,400	229,400
	Excess advance procurement		[–64,000]
	OTHER AIRLIFT		
05	C–130J	68,373	68,373
07	HC–130J	152,212	152,212
09	MC–130J	374,866	374,866
12	C–27J		115,000
	C–27J buy-back		[115,000]
	HELICOPTERS		
15	HH–60 LOSS REPLACEMENT/RECAP	60,596	60,596
17	CV–22 (MYP)	294,220	294,220
18	ADVANCE PROCUREMENT (CY)	15,000	15,000
	MISSION SUPPORT AIRCRAFT		
19	CIVIL AIR PATROL A/C	2,498	2,498
	OTHER AIRCRAFT		

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Line	Item	FY 2013 Request	House Authorized
24	TARGET DRONES	129,866	129,866
26	RQ–4	75,000	180,200
	Sustain current force structure		[105,200]
28	AC–130J	163,970	163,970
30	MQ–9	553,530	712,430
	Additional aircraft		[158,900]
31	RQ–4 BLOCK 40 PROC	11,654	11,654
	STRATEGIC AIRCRAFT		
32	B–2A	82,296	82,296
33	B–1B	149,756	149,756
34	B–52	9,781	9,781
35	LARGE AIRCRAFT INFRARED COUNTERMEASURES	28,800	28,800
	TACTICAL AIRCRAFT		
36	A–10	89,919	89,919
37	F–15	148,378	148,378
38	F–16	6,896	6,896
39	F–22A	283,871	283,871
40	F–35 MODIFICATIONS	147,995	147,995
	AIRLIFT AIRCRAFT		
41	C–5	6,967	6,967
43	C–5M	944,819	944,819
44	ADVANCE PROCUREMENT (CY)	175,800	175,800
46	C–17A	205,079	205,079
47	C–21	199	199
48	C–32A	1,750	1,750
49	C–37A	445	445
	TRAINER AIRCRAFT		
51	GLIDER MODS	126	126
52	T–6	15,494	15,494
53	T–1	272	272
54	T–38	20,455	20,455
	OTHER AIRCRAFT		
56	U–2 MODS	44,477	44,477
57	KC–10A (ATCA)	46,921	46,921
58	C–12	1,876	1,876
59	MC–12W	17,054	17,054
60	C–20 MODS	243	243
61	VC–25A MOD	11,185	11,185
62	C–40	243	243
63	C–130	67,853	67,853
65	C–130J MODS	70,555	70,555
66	C–135	46,707	46,707
67	COMPASS CALL MODS	50,024	50,024
68	RC–135	165,237	165,237
69	E–3	193,099	193,099
70	E–4	47,616	47,616
71	E–8	59,320	59,320
72	H–1	5,449	5,449
73	H–60	26,227	26,227
74	RQ–4 MODS	9,257	9,257
75	HC/MC–130 MODIFICATIONS	22,326	22,326
76	OTHER AIRCRAFT	18,832	18,832
77	MQ–1 MODS	30,861	30,861
78	MQ–9 MODS	238,360	238,360
79	MQ–9 UAS PAYLOADS	93,461	93,461
80	CV–22 MODS	23,881	23,881
	AIRCRAFT SPARES AND REPAIR PARTS		
81	INITIAL SPARES/REPAIR PARTS	729,691	728,291
	Premature request for deployment spares packages for F–35		[–23,000]
	Support additional MQ–9 aircraft		[21,600]
	COMMON SUPPORT EQUIPMENT		
82	AIRCRAFT REPLACEMENT SUPPORT EQUIP	56,542	56,542
	POST PRODUCTION SUPPORT		
83	A–10	5,100	5,100
84	B–1	965	965
86	B–2A	47,580	47,580
88	KC–10A (ATCA)	13,100	13,100
89	C–17A	181,703	181,703
90	C–130	31,830	31,830
91	C–135	13,434	13,434
92	F–15	2,363	2,363
93	F–16	8,506	8,506
96	OTHER AIRCRAFT	9,522	9,522
	INDUSTRIAL PREPAREDNESS		
97	INDUSTRIAL RESPONSIVENESS	20,731	20,731
	WAR CONSUMABLES		
98	WAR CONSUMABLES	89,727	89,727
	OTHER PRODUCTION CHARGES		

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(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
99	OTHER PRODUCTION CHARGES	842,392	842,392
	CLASSIFIED PROGRAMS		
103A	CLASSIFIED PROGRAMS	20,164	20,164
	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	**11,002,999**	**11,316,699**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	ROCKETS		
01	ROCKETS	8,927	8,927
	CARTRIDGES		
02	CARTRIDGES	118,075	118,075
	BOMBS		
03	PRACTICE BOMBS	32,393	32,393
04	GENERAL PURPOSE BOMBS	163,467	163,467
05	JOINT DIRECT ATTACK MUNITION	101,921	101,921
	FLARE, IR MJU–7B		
06	CAD/PAD	43,829	43,829
07	EXPLOSIVE ORDNANCE DISPOSAL (EOD)	7,515	7,515
08	SPARES AND REPAIR PARTS	1,003	1,003
09	MODIFICATIONS	5,321	5,321
10	ITEMS LESS THAN $5 MILLION	5,066	5,066
	FUZES		
11	FLARES	46,010	46,010
12	FUZES	36,444	36,444
	SMALL ARMS		
13	SMALL ARMS	29,223	29,223
	TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	**599,194**	**599,194**
	MISSILE PROCUREMENT, AIR FORCE		
	MISSILE REPLACEMENT EQUIPMENT—BALLISTIC		
01	MISSILE REPLACEMENT EQ-BALLISTIC	56,906	56,906
	TACTICAL		
02	JASSM	240,399	240,399
03	SIDEWINDER (AIM–9X)	88,020	88,020
04	AMRAAM	229,637	244,637
	Program increase		[15,000]
05	PREDATOR HELLFIRE MISSILE	47,675	47,675
06	SMALL DIAMETER BOMB	42,000	42,000
	INDUSTRIAL FACILITIES		
07	INDUSTR'L PREPAREDNS/POL PREVENTION	744	744
	CLASS IV		
09	MM III MODIFICATIONS	54,794	54,794
10	AGM–65D MAVERICK	271	271
11	AGM–88A HARM	23,240	23,240
12	AIR LAUNCH CRUISE MISSILE (ALCM)	13,620	13,620
13	SMALL DIAMETER BOMB	5,000	5,000
	MISSILE SPARES AND REPAIR PARTS		
14	INITIAL SPARES/REPAIR PARTS	74,373	74,373
	SPACE PROGRAMS		
15	ADVANCED EHF	557,205	557,205
17	WIDEBAND GAPFILLER SATELLITES(SPACE)	36,835	36,835
19	GPS III SPACE SEGMENT	410,294	410,294
20	ADVANCE PROCUREMENT (CY)	82,616	82,616
21	SPACEBORNE EQUIP (COMSEC)	10,554	10,554
22	GLOBAL POSITIONING (SPACE)	58,147	58,147
23	DEF METEOROLOGICAL SAT PROG(SPACE)	89,022	89,022
24	EVOLVED EXPENDABLE LAUNCH VEH(SPACE)	1,679,856	1,679,856
25	SBIR HIGH (SPACE)	454,251	454,251
	SPECIAL PROGRAMS		
30	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**	**5,506,846**
	OTHER PROCUREMENT, AIR FORCE		
	PASSENGER CARRYING VEHICLES		
01	PASSENGER CARRYING VEHICLES	1,905	1,905
	CARGO AND UTILITY VEHICLES		
02	MEDIUM TACTICAL VEHICLE	18,547	18,547
03	CAP VEHICLES	932	932
04	ITEMS LESS THAN $5 MILLION	1,699	1,699
	SPECIAL PURPOSE VEHICLES		
05	SECURITY AND TACTICAL VEHICLES	10,850	10,850
06	ITEMS LESS THAN $5 MILLION	9,246	9,246
	FIRE FIGHTING EQUIPMENT		
07	FIRE FIGHTING/CRASH RESCUE VEHICLES	23,148	23,148
	MATERIALS HANDLING EQUIPMENT		
08	ITEMS LESS THAN $5 MILLION	18,323	18,323
	BASE MAINTENANCE SUPPORT		

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Line	Item	FY 2013 Request	House Authorized
09	RUNWAY SNOW REMOV AND CLEANING EQU	1,685	1,685
10	ITEMS LESS THAN $5 MILLION	17,014	17,014
	COMM SECURITY EQUIPMENT(COMSEC)		
12	COMSEC EQUIPMENT	166,559	166,559
13	MODIFICATIONS (COMSEC)	1,133	1,133
	INTELLIGENCE PROGRAMS		
14	INTELLIGENCE TRAINING EQUIPMENT	2,749	2,749
15	INTELLIGENCE COMM EQUIPMENT	32,876	32,876
16	ADVANCE TECH SENSORS	877	877
17	MISSION PLANNING SYSTEMS	15,295	15,295
	ELECTRONICS PROGRAMS		
18	AIR TRAFFIC CONTROL & LANDING SYS	21,984	21,984
19	NATIONAL AIRSPACE SYSTEM	30,698	30,698
20	BATTLE CONTROL SYSTEM—FIXED	17,368	17,368
21	THEATER AIR CONTROL SYS IMPROVEMENTS	23,483	23,483
22	WEATHER OBSERVATION FORECAST	17,864	17,864
23	STRATEGIC COMMAND AND CONTROL	53,995	53,995
24	CHEYENNE MOUNTAIN COMPLEX	14,578	14,578
25	TAC SIGINT SPT	208	208
	SPCL COMM-ELECTRONICS PROJECTS		
27	GENERAL INFORMATION TECHNOLOGY	69,743	69,743
28	AF GLOBAL COMMAND & CONTROL SYS	15,829	15,829
29	MOBILITY COMMAND AND CONTROL	11,023	11,023
30	AIR FORCE PHYSICAL SECURITY SYSTEM	64,521	64,521
31	COMBAT TRAINING RANGES	18,217	18,217
32	C3 COUNTERMEASURES	11,899	11,899
33	GCSS-AF FOS	13,920	13,920
34	THEATER BATTLE MGT C2 SYSTEM	9,365	9,365
35	AIR & SPACE OPERATIONS CTR-WPN SYS	33,907	33,907
	AIR FORCE COMMUNICATIONS		
36	INFORMATION TRANSPORT SYSTEMS	52,464	52,464
38	AFNET	125,788	125,788
39	VOICE SYSTEMS	16,811	16,811
40	USCENTCOM	32,138	32,138
	DISA PROGRAMS		
41	SPACE BASED IR SENSOR PGM SPACE	47,135	47,135
42	NAVSTAR GPS SPACE	2,031	2,031
43	NUDET DETECTION SYS SPACE	5,564	5,564
44	AF SATELLITE CONTROL NETWORK SPACE	44,219	44,219
45	SPACELIFT RANGE SYSTEM SPACE	109,545	109,545
46	MILSATCOM SPACE	47,592	47,592
47	SPACE MODS SPACE	47,121	47,121
48	COUNTERSPACE SYSTEM	20,961	20,961
	ORGANIZATION AND BASE		
49	TACTICAL C-E EQUIPMENT	126,131	126,131
50	COMBAT SURVIVOR EVADER LOCATER	23,707	23,707
51	RADIO EQUIPMENT	12,757	12,757
52	CCTV/AUDIOVISUAL EQUIPMENT	10,716	10,716
53	BASE COMM INFRASTRUCTURE	74,528	74,528
	MODIFICATIONS		
54	COMM ELECT MODS	43,507	43,507
	PERSONAL SAFETY & RESCUE EQUIP		
55	NIGHT VISION GOGGLES	22,693	22,693
56	ITEMS LESS THAN $5 MILLION	30,887	30,887
	DEPOT PLANT+MTRLS HANDLING EQ		
57	MECHANIZED MATERIAL HANDLING EQUIP	2,850	2,850
	BASE SUPPORT EQUIPMENT		
58	BASE PROCURED EQUIPMENT	8,387	8,387
59	CONTINGENCY OPERATIONS	10,358	10,358
60	PRODUCTIVITY CAPITAL INVESTMENT	3,473	3,473
62	MOBILITY EQUIPMENT	14,471	14,471
63	ITEMS LESS THAN $5 MILLION	1,894	1,894
	SPECIAL SUPPORT PROJECTS		
65	DARP RC135	24,176	24,176
66	DCGS-AF	142,928	142,928
68	SPECIAL UPDATE PROGRAM	479,446	479,446
69	DEFENSE SPACE RECONNAISSANCE PROG.	39,155	39,155
	CLASSIFIED PROGRAMS		
069A	CLASSIFIED PROGRAMS	14,331,312	14,331,312
	SPARES AND REPAIR PARTS		
71	SPARES AND REPAIR PARTS	14,663	14,663
	TOTAL, OTHER PROCUREMENT, AIR FORCE	**16,720,848**	**16,720,848**
	PROCUREMENT, DEFENSE-WIDE		
	MAJOR EQUIPMENT, OSD		
42	MAJOR EQUIPMENT, OSD	45,938	45,938
43	MAJOR EQUIPMENT, INTELLIGENCE	17,582	17,582
	MAJOR EQUIPMENT, NSA		

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Line	Item	FY 2013 Request	House Authorized
41	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP)	6,770	6,770
	MAJOR EQUIPMENT, WHS		
45	MAJOR EQUIPMENT, WHS	26,550	26,550
	MAJOR EQUIPMENT, DISA		
12	INFORMATION SYSTEMS SECURITY	12,708	12,708
14	GLOBAL COMBAT SUPPORT SYSTEM	3,002	3,002
15	TELEPORT PROGRAM	46,992	46,992
16	ITEMS LESS THAN $5 MILLION	108,462	108,462
17	NET CENTRIC ENTERPRISE SERVICES (NCES)	2,865	2,865
18	DEFENSE INFORMATION SYSTEM NETWORK	116,906	116,906
19	PUBLIC KEY INFRASTRUCTURE	1,827	1,827
21	CYBER SECURITY INITIATIVE	10,319	10,319
	MAJOR EQUIPMENT, DLA		
22	MAJOR EQUIPMENT	9,575	9,575
	MAJOR EQUIPMENT, DSS		
26	MAJOR EQUIPMENT	2,522	2,522
	MAJOR EQUIPMENT, DCAA		
02	ITEMS LESS THAN $5 MILLION	1,486	1,486
	MAJOR EQUIPMENT, TJS		
44	MAJOR EQUIPMENT, TJS	21,878	21,878
	MAJOR EQUIPMENT, MISSILE DEFENSE AGENCY		
30	THAAD	460,728	587,728
	Procure 12 additional interceptors		[127,000]
31	AEGIS BMD	389,626	389,626
32	BMDS AN/TPY–2 RADARS	217,244	387,244
	Procure additional AN/TPY–2 radar		[170,000]
33	RADAR SPARES	10,177	10,177
	MAJOR EQUIPMENT, DHRA		
05	PERSONNEL ADMINISTRATION	6,147	6,147
	MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
27	VEHICLES	50	50
28	OTHER MAJOR EQUIPMENT	13,096	13,096
	MAJOR EQUIPMENT, DODEA		
24	AUTOMATION/EDUCATIONAL SUPPORT & LOGISTICS	1,458	1,458
	MAJOR EQUIPMENT, DCMA		
03	MAJOR EQUIPMENT	2,129	2,129
	MAJOR EQUIPMENT, DMACT		
23	MAJOR EQUIPMENT	15,179	15,179
	CLASSIFIED PROGRAMS		
045A	CLASSIFIED PROGRAMS	555,787	555,787
	AVIATION PROGRAMS		
46	ROTARY WING UPGRADES AND SUSTAINMENT	74,832	74,832
48	MH–60 MODERNIZATION PROGRAM	126,780	126,780
49	NON-STANDARD AVIATION	99,776	36,976
	Transfer to Line 051—Mission Shift		[–62,800]
51	U–28	7,530	116,930
	Program increase		[46,600]
	Transfer from Line 049—Mission Shift		[62,800]
52	MH–47 CHINOOK	134,785	134,785
53	RQ–11 UNMANNED AERIAL VEHICLE	2,062	2,062
54	CV–22 MODIFICATION	139,147	139,147
55	MQ–1 UNMANNED AERIAL VEHICLE	3,963	26,963
	Program increase		[23,000]
56	MQ–9 UNMANNED AERIAL VEHICLE	3,952	39,352
	Program increase		[35,400]
58	STUASL0	12,945	12,945
59	PRECISION STRIKE PACKAGE	73,013	73,013
60	AC/MC–130J	51,484	51,484
62	C–130 MODIFICATIONS	25,248	25,248
63	AIRCRAFT SUPPORT	5,314	5,314
	SHIPBUILDING		
64	UNDERWATER SYSTEMS	23,037	23,037
	AMMUNITION PROGRAMS		
66	ORDNANCE REPLENISHMENT	113,183	113,183
67	ORDNANCE ACQUISITION	36,981	36,981
	OTHER PROCUREMENT PROGRAMS		
68	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	99,838	103,738
	Program increase		[3,900]
69	INTELLIGENCE SYSTEMS	71,428	71,428
70	SMALL ARMS AND WEAPONS	27,108	27,108
71	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	12,767	12,767
74	COMBATANT CRAFT SYSTEMS	42,348	42,348
75	SPARES AND REPAIR PARTS	600	600
77	TACTICAL VEHICLES	37,421	37,421
78	MISSION TRAINING AND PREPARATION SYSTEMS	36,949	41,949
	Program increase		[5,000]
79	COMBAT MISSION REQUIREMENTS	20,255	20,255
80	MILCON COLLATERAL EQUIPMENT	17,590	17,590

SEC. 4101. PROCUREMENT
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
82	AUTOMATION SYSTEMS	66,573	66,573
83	GLOBAL VIDEO SURVEILLANCE ACTIVITIES	6,549	6,549
84	OPERATIONAL ENHANCEMENTS INTELLIGENCE	32,335	32,335
85	SOLDIER PROTECTION AND SURVIVAL SYSTEMS	15,153	15,153
86	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS	33,920	33,920
87	TACTICAL RADIO SYSTEMS	75,132	75,132
90	MISCELLANEOUS EQUIPMENT	6,667	6,667
91	OPERATIONAL ENHANCEMENTS	217,972	243,272
	Program increase		[25,300]
92	MILITARY INFORMATION SUPPORT OPERATIONS	27,417	27,417
	CBDP		
93	INSTALLATION FORCE PROTECTION	24,025	24,025
94	INDIVIDUAL PROTECTION	73,720	73,720
95	DECONTAMINATION	506	506
96	JOINT BIO DEFENSE PROGRAM (MEDICAL)	32,597	32,597
97	COLLECTIVE PROTECTION	3,144	3,144
98	CONTAMINATION AVOIDANCE	164,886	164,886
	TOTAL, PROCUREMENT, DEFENSE-WIDE	**4,187,935**	**4,624,135**
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
01	JOINT URGENT OPERATIONAL NEEDS FUND	99,477	0
	Program reduction		[–99,477]
	TOTAL, JOINT URGENT OPERATIONAL NEEDS FUND	**99,477**	**0**
	TOTAL PROCUREMENT	**97,432,379**	**99,121,919**

1 **SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY**
2 **OPERATIONS.**

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	AIRCRAFT PROCUREMENT, ARMY		
	ROTARY		
9	AH–64 APACHE BLOCK IIIB NEW BUILD	71,000	71,000
12	KIOWA WARRIOR (OH–58F) WRA	183,900	183,900
15	CH–47 HELICOPTER	231,300	231,300
	TOTAL, AIRCRAFT PROCUREMENT, ARMY	**486,200**	**486,200**
	MISSILE PROCUREMENT, ARMY		
	AIR-TO-SURFACE MISSILE SYSTEM		
4	HELLFIRE SYS SUMMARY	29,100	29,100
	ANTI-TANK/ASSAULT MISSILE SYS		
8	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		
36	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		
3	CTG, HANDGUN, ALL TYPES	1,500	1,500
4	CTG, .50 CAL, ALL TYPES	10,000	10,000
7	CTG, 30MM, ALL TYPES	80,000	61,000
	Pricing adjustments for target practice round and light-weight dual purpose round.		[–19,000]
	MORTAR AMMUNITION		
9	60MM MORTAR, ALL TYPES	14,000	14,000
10	81MM MORTAR, ALL TYPES	6,000	6,000
11	120MM MORTAR, ALL TYPES	56,000	56,000
	ARTILLERY AMMUNITION		
13	ARTILLERY CARTRIDGES, 75MM AND 105MM, ALL TYP	29,956	29,956
14	ARTILLERY PROJECTILE, 155MM, ALL TYPES	37,044	37,044
15	PROJ 155MM EXTENDED RANGE XM982	12,300	12,300
16	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL	17,000	17,000
	MINES		
17	MINES & CLEARING CHARGES, ALL TYPES	12,000	12,000
	ROCKETS		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
20	ROCKET, HYDRA 70, ALL TYPES	63,635	63,635
	OTHER AMMUNITION		
23	SIGNALS, ALL TYPES	16,858	16,858
	MISCELLANEOUS		
28	ITEMS LESS THAN $5 MILLION	1,200	1,200
	TOTAL, PROCUREMENT OF AMMUNITION, ARMY	**357,493**	**338,493**
	OTHER PROCUREMENT, ARMY		
	TACTICAL VEHICLES		
2	FAMILY OF MEDIUM TACTICAL VEH (FMTV)	28,247	28,247
4	FAMILY OF HEAVY TACTICAL VEHICLES (FHTV)	2,050	2,050
11	HMMWV RECAPITALIZATION PROGRAM	271,000	271,000
14	MINE-RESISTANT AMBUSH-PROTECTED (MRAP) MODS	927,400	927,400
	COMM—INTELLIGENCE COMM		
52	RESERVE CA/MISO GPF EQUIPMENT	8,000	8,000
	COMM—BASE COMMUNICATIONS		
61	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM(	25,000	25,000
	ELECT EQUIP—TACT INT REL ACT (TIARA)		
69	DCGS–A (MIP)	90,355	90,355
73	CI HUMINT AUTO REPRINTING AND COLLECTION	6,516	6,516
	ELECT EQUIP—ELECTRONIC WARFARE (EW)		
75	LIGHTWEIGHT COUNTER MORTAR RADAR	27,646	27,646
77	FMLY OF PERSISTENT SURVEILLANCE CAPABILITIES	52,000	52,000
78	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES	205,209	205,209
	ELECT EQUIP—TACTICAL SURV. (TAC SURV)		
92	MOD OF IN-SVC EQUIP (FIREFINDER RADARS)	14,600	14,600
99	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	60,167
	Rapid equipping force delayed execution rates		[–38,000]
	TOTAL, OTHER PROCUREMENT, ARMY	**2,015,907**	**1,977,907**
	JOINT IMPR EXPLOSIVE DEV DEFEAT FUND		
	NETWORK ATTACK		
1	ATTACK THE NETWORK	950,500	950,500
	JIEDDO DEVICE DEFEAT		
2	DEFEAT THE DEVICE	400,000	400,000
	FORCE TRAINING		
3	TRAIN THE FORCE	149,500	149,500
	STAFF AND INFRASTRUCTURE		
4	OPERATIONS	175,400	402,800
	Transfer from title 1		[227,400]
	TOTAL, JOINT IMPR EXPLOSIVE DEV DEFEAT FUND	**1,675,400**	**1,902,800**
	AIRCRAFT PROCUREMENT, NAVY		
	COMBAT AIRCRAFT		
11	H–1 UPGRADES (UH–1Y/AH–1Z)	29,800	29,800
	MODIFICATION OF AIRCRAFT		
30	AV–8 SERIES	42,238	42,238
32	F–18 SERIES	41,243	41,243
35	H–53 SERIES	15,870	15,870
38	EP–3 SERIES	13,030	13,030
43	C–130 SERIES	16,737	16,737
48	SPECIAL PROJECT AIRCRAFT	2,714	2,714
54	COMMON AVIONICS CHANGES	570	570

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	AIRCRAFT SUPPORT EQUIP & FACILITIES		
62	COMMON GROUND EQUIPMENT	2,380	2,380
	TOTAL, AIRCRAFT PROCUREMENT, NAVY	**164,582**	**164,582**
	WEAPONS PROCUREMENT, NAVY		
	TACTICAL MISSILES		
9	HELLFIRE	17,000	17,000
10	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		
1	GENERAL PURPOSE BOMBS	18,000	18,000
2	AIRBORNE ROCKETS, ALL TYPES	80,200	80,200
3	MACHINE GUN AMMUNITION	21,500	21,500
6	AIR EXPENDABLE COUNTERMEASURES	20,303	20,303
11	OTHER SHIP GUN AMMUNITION	532	532
12	SMALL ARMS & LANDING PARTY AMMO	2,643	2,643
13	PYROTECHNIC AND DEMOLITION	2,322	2,322
14	AMMUNITION LESS THAN $5 MILLION	6,308	6,308
	MARINE CORPS AMMUNITION		
15	SMALL ARMS AMMUNITION	10,948	10,948
16	LINEAR CHARGES, ALL TYPES	9,940	9,940
17	40 MM, ALL TYPES	5,963	5,963
20	120MM, ALL TYPES	11,605	11,605
21	CTG 25MM, ALL TYPES	2,831	2,831
22	GRENADES, ALL TYPES	2,359	2,359
23	ROCKETS, ALL TYPES	3,051	3,051
24	ARTILLERY, ALL TYPES	54,886	54,886
25	DEMOLITION MUNITIONS, ALL TYPES	1,391	1,391
26	FUZE, ALL TYPES	30,945	30,945
27	NON LETHALS	8	8
29	ITEMS LESS THAN $5 MILLION	12	12
	TOTAL, PROCUREMENT OF AMMO, NAVY & MC	**285,747**	**285,747**
	OTHER PROCUREMENT, NAVY		
	OTHER SHORE ELECTRONIC EQUIPMENT		
70	TACTICAL/MOBILE C4I SYSTEMS	3,603	3,603
	AIRCRAFT SUPPORT EQUIPMENT		
97	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		
2	LAV PIP	10,000	10,000
	ARTILLERY AND OTHER WEAPONS		
5	HIGH MOBILITY ARTILLERY ROCKET SYSTEM	108,860	108,860
	GUIDED MISSILES		
10	JAVELIN	29,158	29,158
	OTHER SUPPORT		
13	MODIFICATION KITS	41,602	41,602
	REPAIR AND TEST EQUIPMENT		
15	REPAIR AND TEST EQUIPMENT	13,632	13,632
	OTHER SUPPORT (TEL)		
17	MODIFICATION KITS	2,831	2,831
	COMMAND AND CONTROL SYSTEM (NON-TEL)		
19	AIR OPERATIONS C2 SYSTEMS	15,575	15,575
	RADAR + EQUIPMENT (NON-TEL)		
20	RADAR SYSTEMS	8,015	8,015
	INTELL/COMM EQUIPMENT (NON-TEL)		
23	INTELLIGENCE SUPPORT EQUIPMENT	35,310	35,310
	OTHER COMM/ELEC EQUIPMENT (NON-TEL)		
29	NIGHT VISION EQUIPMENT	652	652
	OTHER SUPPORT (NON-TEL)		
30	COMMON COMPUTER RESOURCES	19,807	19,807
32	RADIO SYSTEMS	36,482	36,482
33	COMM SWITCHING & CONTROL SYSTEMS	41,295	41,295
	TACTICAL VEHICLES		

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
39	MEDIUM TACTICAL VEHICLE REPLACEMENT	10,466	10,466
41	FAMILY OF TACTICAL TRAILERS	7,642	7,642
	ENGINEER AND OTHER EQUIPMENT		
45	BULK LIQUID EQUIPMENT	18,239	18,239
46	TACTICAL FUEL SYSTEMS	51,359	51,359
47	POWER EQUIPMENT ASSORTED	20,247	20,247
49	EOD SYSTEMS	362,658	362,658
	MATERIALS HANDLING EQUIPMENT		
50	PHYSICAL SECURITY EQUIPMENT	55,500	55,500
52	MATERIAL HANDLING EQUIP	19,100	19,100
	GENERAL PROPERTY		
54	FIELD MEDICAL EQUIPMENT	15,751	15,751
55	TRAINING DEVICES	3,602	3,602
57	FAMILY OF CONSTRUCTION EQUIPMENT	15,900	15,900
	TOTAL, PROCUREMENT, MARINE CORPS	**943,683**	**943,683**
	AIRCRAFT PROCUREMENT, AIR FORCE		
	STRATEGIC AIRCRAFT		
35	LARGE AIRCRAFT INFRARED COUNTERMEASURES	139,800	139,800
	OTHER AIRCRAFT		
55	U–2 MODS	46,800	46,800
63	C–130	11,400	11,400
67	COMPASS CALL MODS	14,000	14,000
68	RC–135	8,000	8,000
75	HC/MC–130 MODIFICATIONS	4,700	4,700
	AIRCRAFT SPARES AND REPAIR PARTS		
81	INITIAL SPARES/REPAIR PARTS	21,900	21,900
	OTHER PRODUCTION CHARGES		
99	OTHER PRODUCTION CHARGES	59,000	59,000
	TOTAL, AIRCRAFT PROCUREMENT, AIR FORCE	**305,600**	**305,600**
	PROCUREMENT OF AMMUNITION, AIR FORCE		
	CARTRIDGES		
2	CARTRIDGES	13,592	13,592
	BOMBS		
4	GENERAL PURPOSE BOMBS	23,211	23,211
5	JOINT DIRECT ATTACK MUNITION	53,923	53,923
	FLARE, IR MJU–7B		
6	CAD/PAD	2,638	2,638
10	ITEMS LESS THAN $5 MILLION	2,600	2,600
	FUZES		
11	FLARES	11,726	11,726
12	FUZES	8,513	8,513
	TOTAL, PROCUREMENT OF AMMUNITION, AIR FORCE	**116,203**	**116,203**
	MISSILE PROCUREMENT, AIR FORCE		
	TACTICAL		
5	PREDATOR HELLFIRE MISSILE	34,350	34,350
	TOTAL, MISSILE PROCUREMENT, AIR FORCE	**34,350**	**34,350**
	OTHER PROCUREMENT, AIR FORCE		
	CARGO AND UTILITY VEHICLES		
2	MEDIUM TACTICAL VEHICLE	2,010	2,010
4	ITEMS LESS THAN $5 MILLION	2,675	2,675
	SPECIAL PURPOSE VEHICLES		
6	ITEMS LESS THAN $5 MILLION	2,557	2,557
	MATERIALS HANDLING EQUIPMENT		
8	ITEMS LESS THAN $5 MILLION	4,329	4,329
	BASE MAINTENANCE SUPPORT		
9	RUNWAY SNOW REMOV AND CLEANING EQU	984	984
10	ITEMS LESS THAN $5 MILLION	9,120	9,120
	ELECTRONICS PROGRAMS		
22	WEATHER OBSERVATION FORECAST	5,600	5,600
	SPCL COMM-ELECTRONICS PROJECTS		
27	GENERAL INFORMATION TECHNOLOGY	11,157	11,157
	ORGANIZATION AND BASE		
49	TACTICAL C-E EQUIPMENT	7,000	7,000
53	BASE COMM INFRASTRUCTURE	10,654	10,654
	MODIFICATIONS		
54	COMM ELECT MODS	8,000	8,000
	PERSONAL SAFETY & RESCUE EQUIP		
55	NIGHT VISION GOGGLES	902	902
	BASE SUPPORT EQUIPMENT		
59	CONTINGENCY OPERATIONS	60,090	60,090
62	MOBILITY EQUIPMENT	9,400	9,400
63	ITEMS LESS THAN $5 MILLION	9,175	9,175
	CLASSIFIED PROGRAMS		
069A	CLASSIFIED PROGRAMS	2,672,317	2,672,317

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	SPARES AND REPAIR PARTS		
71	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		
15	TELEPORT PROGRAM	5,260	5,260
	CLASSIFIED PROGRAMS		
045A	CLASSIFIED PROGRAMS	126,201	126,201
	AVIATION PROGRAMS		
61	MQ–8 UAV	16,500	16,500
	OTHER PROCUREMENT PROGRAMS		
68	COMMUNICATIONS EQUIPMENT AND ELECTRONICS	151	151
69	INTELLIGENCE SYSTEMS	30,528	30,528
77	TACTICAL VEHICLES	1,843	1,843
82	AUTOMATION SYSTEMS	1,000	1,000
86	VISUAL AUGMENTATION LASERS AND SENSOR SYSTEMS	108	108
91	OPERATIONAL ENHANCEMENTS	14,758	14,758
	TOTAL, PROCUREMENT, DEFENSE-WIDE	**196,349**	**196,349**
	JOINT URGENT OPERATIONAL NEEDS FUND		
	JOINT URGENT OPERATIONAL NEEDS FUND		
1	JOINT URGENT OPERATIONAL NEEDS FUND	100,000	50,000
	Program reduction		[–50,000]
	TOTAL, JOINT URGENT OPERATIONAL NEEDS FUND	**100,000**	**50,000**
	NATIONAL GUARD & RESERVE EQUIPMENT		
	UNDISTRIBUTED		
999	MISCELLANEOUS EQUIPMENT		500,000
	Program increase		[500,000]
	TOTAL, NATIONAL GUARD & RESERVE EQUIPMENT		**500,000**
	TOTAL PROCUREMENT	**9,687,241**	**10,307,641**

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
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		BASIC RESEARCH		
1	0601101A	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	20,860	20,860
2	0601102A	DEFENSE RESEARCH SCIENCES	219,180	219,180
3	0601103A	UNIVERSITY RESEARCH INITIATIVES	80,986	80,986
4	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS	123,045	123,045
		SUBTOTAL, BASIC RESEARCH	**444,071**	**444,071**
		APPLIED RESEARCH		
5	0602105A	MATERIALS TECHNOLOGY	29,041	39,291
		Advanced coating technologies for corrosion mitigation		[10,250]
6	0602120A	SENSORS AND ELECTRONIC SURVIVABILITY	45,260	45,260
7	0602122A	TRACTOR HIP	22,439	22,439
8	0602211A	AVIATION TECHNOLOGY	51,607	51,607
9	0602270A	ELECTRONIC WARFARE TECHNOLOGY	15,068	15,068
10	0602303A	MISSILE TECHNOLOGY	49,383	49,383
11	0602307A	ADVANCED WEAPONS TECHNOLOGY	25,999	25,999
12	0602308A	ADVANCED CONCEPTS AND SIMULATION	23,507	23,507
13	0602601A	COMBAT VEHICLE AND AUTOMOTIVE TECHNOLOGY	69,062	69,062
14	0602618A	BALLISTICS TECHNOLOGY	60,823	60,823

SEC. 4201. RESEARCH, DEVELOPMENT, TEST AND EVALUATION
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized
15	0602622A	CHEMICAL, SMOKE AND EQUIPMENT DEFEATING TECHNOLOGY.	4,465	4,465
16	0602623A	JOINT SERVICE SMALL ARMS PROGRAM	7,169	7,169
17	0602624A	WEAPONS AND MUNITIONS TECHNOLOGY	35,218	35,218
18	0602705A	ELECTRONICS AND ELECTRONIC DEVICES	60,300	60,300
19	0602709A	NIGHT VISION TECHNOLOGY	53,244	53,244
20	0602712A	COUNTERMINE SYSTEMS	18,850	18,850
21	0602716A	HUMAN FACTORS ENGINEERING TECHNOLOGY	19,872	19,872
22	0602720A	ENVIRONMENTAL QUALITY TECHNOLOGY	20,095	20,095
23	0602782A	COMMAND, CONTROL, COMMUNICATIONS TECHNOLOGY	28,852	28,852
24	0602783A	COMPUTER AND SOFTWARE TECHNOLOGY	9,830	9,830
25	0602784A	MILITARY ENGINEERING TECHNOLOGY	70,693	70,693
26	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY	17,781	17,781
27	0602786A	WARFIGHTER TECHNOLOGY	28,281	28,281
28	0602787A	MEDICAL TECHNOLOGY	107,891	107,891
		SUBTOTAL, APPLIED RESEARCH	**874,730**	**884,980**
		ADVANCED TECHNOLOGY DEVELOPMENT		
29	0603001A	WARFIGHTER ADVANCED TECHNOLOGY	39,359	39,359
30	0603002A	MEDICAL ADVANCED TECHNOLOGY	69,580	69,580
31	0603003A	AVIATION ADVANCED TECHNOLOGY	64,215	64,215
32	0603004A	WEAPONS AND MUNITIONS ADVANCED TECHNOLOGY	67,613	67,613
33	0603005A	COMBAT VEHICLE AND AUTOMOTIVE ADVANCED TECHNOLOGY.	104,359	104,359
34	0603006A	COMMAND, CONTROL, COMMUNICATIONS ADVANCED TECHNOLOGY.	4,157	4,157
35	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY.	9,856	9,856
36	0603008A	ELECTRONIC WARFARE ADVANCED TECHNOLOGY	50,661	50,661
37	0603009A	TRACTOR HIKE	9,126	9,126
38	0603015A	NEXT GENERATION TRAINING & SIMULATION SYSTEMS	17,257	17,257
39	0603020A	TRACTOR ROSE	9,925	9,925
40	0603105A	MILITARY HIV RESEARCH	6,984	6,984
41	0603125A	COMBATING TERRORISM—TECHNOLOGY DEVELOPMENT	9,716	9,716
42	0603130A	TRACTOR NAIL	3,487	3,487
43	0603131A	TRACTOR EGGS	2,323	2,323
44	0603270A	ELECTRONIC WARFARE TECHNOLOGY	21,683	21,683
45	0603313A	MISSILE AND ROCKET ADVANCED TECHNOLOGY	71,111	71,111
46	0603322A	TRACTOR CAGE	10,902	10,902
47	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM	180,582	180,582
48	0603606A	LANDMINE WARFARE AND BARRIER ADVANCED TECHNOLOGY	27,204	27,204
49	0603607A	JOINT SERVICE SMALL ARMS PROGRAM	6,095	6,095
50	0603710A	NIGHT VISION ADVANCED TECHNOLOGY	37,217	37,217
51	0603728A	ENVIRONMENTAL QUALITY TECHNOLOGY DEMONSTRATIONS	13,626	13,626
52	0603734A	MILITARY ENGINEERING ADVANCED TECHNOLOGY	28,458	28,458
53	0603772A	ADVANCED TACTICAL COMPUTER SCIENCE AND SENSOR TECHNOLOGY.	25,226	25,226
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	**890,722**	**890,722**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
54	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION	14,505	14,505
55	0603308A	ARMY SPACE SYSTEMS INTEGRATION	9,876	9,876
56	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV	5,054	5,054
57	0603627A	SMOKE, OBSCURANT AND TARGET DEFEATING SYS—ADV DEV	2,725	2,725
58	0603639A	TANK AND MEDIUM CALIBER AMMUNITION	30,560	30,560
59	0603653A	ADVANCED TANK ARMAMENT SYSTEM (ATAS)	14,347	14,347
60	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	10,073	10,073
61	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV	8,660	8,660
62	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT	10,715	10,715
63	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL	4,631	4,631
64	0603782A	WARFIGHTER INFORMATION NETWORK-TACTICAL—DEM/VAL	278,018	278,018
65	0603790A	NATO RESEARCH AND DEVELOPMENT	4,961	4,961
66	0603801A	AVIATION—ADV DEV	8,602	8,602
67	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV	14,605	14,605
68	0603805A	COMBAT SERVICE SUPPORT CONTROL SYSTEM EVALUATION AND ANALYSIS.	5,054	5,054
69	0603807A	MEDICAL SYSTEMS—ADV DEV	24,384	24,384
70	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT	32,050	32,050
71	0603850A	INTEGRATED BROADCAST SERVICE	96	96
72	0604115A	TECHNOLOGY MATURATION INITIATIVES	24,868	24,868
73	0604131A	TRACTOR JUTE	59	59
75	0604319A	INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2–INTERCEPT (IFPC2).	76,039	76,039
77	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4)	4,043	4,043
78	0305205A	ENDURANCE UAVS	26,196	26,196
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**610,121**	**610,121**

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Line	Program Element	Item	FY 2013 Request	House Authorized
		SYSTEM DEVELOPMENT & DEMONSTRATION		
79	0604201A	AIRCRAFT AVIONICS	78,538	78,538
80	0604220A	ARMED, DEPLOYABLE HELOS	90,494	90,494
81	0604270A	ELECTRONIC WARFARE DEVELOPMENT	181,347	176,347
		Program adjustment		[–5,000]
83	0604290A	MID-TIER NETWORKING VEHICULAR RADIO (MNVR)	12,636	12,636
84	0604321A	ALL SOURCE ANALYSIS SYSTEM	5,694	5,694
85	0604328A	TRACTOR CAGE	32,095	32,095
86	0604601A	INFANTRY SUPPORT WEAPONS	96,478	93,078
		XM25 funding ahead of need		[–3,400]
87	0604604A	MEDIUM TACTICAL VEHICLES	3,006	3,006
89	0604611A	JAVELIN	5,040	5,040
90	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES	3,077	3,077
91	0604633A	AIR TRAFFIC CONTROL	9,769	9,769
92	0604641A	TACTICAL UNMANNED GROUND VEHICLE (TUGV)	13,141	13,141
99	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	9,963
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	277,374
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**	**2,877,368**
		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

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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	171,422
		Program adjustment		[–19,000]
164	0203726A	ADV FIELD ARTILLERY TACTICAL DATA SYSTEM	32,556	32,556
165	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS	253,959	253,959
166	0203740A	MANEUVER CONTROL SYSTEM	68,325	68,325
167	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS.	280,247	226,147
		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**	**1,596,062**
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	**8,929,415**	**8,457,304**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		BASIC RESEARCH		
1	0601103N	UNIVERSITY RESEARCH INITIATIVES	113,690	123,690
		Increase Defense University Research Instrumentation Program		[10,000]
2	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH	18,261	18,261
3	0601153N	DEFENSE RESEARCH SCIENCES	473,070	473,070
003A	0601XXXN	SCIENCE AND TECHNOLOGY		3,450
		Transfer from PE 0205658N		[3,450]
		SUBTOTAL, BASIC RESEARCH	**605,021**	**618,471**
		APPLIED RESEARCH		
4	0602114N	POWER PROJECTION APPLIED RESEARCH	89,189	89,189
5	0602123N	FORCE PROTECTION APPLIED RESEARCH	143,301	143,301
6	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY	46,528	46,528
7	0602235N	COMMON PICTURE APPLIED RESEARCH	41,696	41,696
8	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH	44,127	44,127
9	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH	78,228	78,228
10	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH	49,635	49,635
11	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH	5,973	5,973
12	0602747N	UNDERSEA WARFARE APPLIED RESEARCH	96,814	96,814
13	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH	162,417	162,417
14	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH	32,394	32,394
		SUBTOTAL, APPLIED RESEARCH	**790,302**	**790,302**
		ADVANCED TECHNOLOGY DEVELOPMENT		
15	0603114N	POWER PROJECTION ADVANCED TECHNOLOGY	56,543	56,543
16	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY	18,616	18,616
19	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY	54,858	54,858
20	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD)	130,598	130,598
21	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT	11,706	11,706
22	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT.	256,382	256,382
23	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY	3,880	3,880
25	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS	51,819	51,819
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	**584,402**	**584,402**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		

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Line	Program Element	Item	FY 2013 Request	House Authorized
28	0603207N	AIR/OCEAN TACTICAL APPLICATIONS	34,085	34,085
29	0603216N	AVIATION SURVIVABILITY	8,783	8,783
30	0603237N	DEPLOYABLE JOINT COMMAND AND CONTROL	3,773	3,773
31	0603251N	AIRCRAFT SYSTEMS	24,512	24,512
32	0603254N	ASW SYSTEMS DEVELOPMENT	8,090	8,090
33	0603261N	TACTICAL AIRBORNE RECONNAISSANCE	5,301	5,301
34	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY	1,506	1,506
35	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES	190,622	190,622
36	0603506N	SURFACE SHIP TORPEDO DEFENSE	93,346	93,346
37	0603512N	CARRIER SYSTEMS DEVELOPMENT	108,871	108,871
39	0603525N	PILOT FISH	101,169	101,169
40	0603527N	RETRACT LARCH	74,312	74,312
41	0603536N	RETRACT JUNIPER	90,730	90,730
42	0603542N	RADIOLOGICAL CONTROL	777	777
43	0603553N	SURFACE ASW	6,704	6,704
44	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT	555,123	929,523
		Program increase		[374,400]
45	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS	9,368	9,368
46	0603563N	SHIP CONCEPT ADVANCED DESIGN	24,609	24,609
47	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES	13,710	13,710
48	0603570N	ADVANCED NUCLEAR POWER SYSTEMS	249,748	249,748
49	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS	29,897	29,897
50	0603576N	CHALK EAGLE	509,988	509,988
51	0603581N	LITTORAL COMBAT SHIP (LCS)	429,420	429,420
52	0603582N	COMBAT SYSTEM INTEGRATION	56,551	56,551
53	0603609N	CONVENTIONAL MUNITIONS	7,342	7,342
54	0603611M	MARINE CORPS ASSAULT VEHICLES	95,182	95,182
55	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM	10,496	10,496
56	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	52,331	52,331
57	0603658N	COOPERATIVE ENGAGEMENT	56,512	56,512
58	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT	7,029	7,029
59	0603721N	ENVIRONMENTAL PROTECTION	21,080	21,080
60	0603724N	NAVY ENERGY PROGRAM	55,324	55,324
61	0603725N	FACILITIES IMPROVEMENT	3,401	3,401
62	0603734N	CHALK CORAL	45,966	45,966
63	0603739N	NAVY LOGISTIC PRODUCTIVITY	3,811	3,811
64	0603746N	RETRACT MAPLE	341,305	341,305
65	0603748N	LINK PLUMERIA	181,220	181,220
66	0603751N	RETRACT ELM	174,014	174,014
68	0603764N	LINK EVERGREEN	68,654	68,654
69	0603787N	SPECIAL PROCESSES	44,487	44,487
70	0603790N	NATO RESEARCH AND DEVELOPMENT	9,389	9,389
71	0603795N	LAND ATTACK TECHNOLOGY	16,132	16,132
72	0603851M	JOINT NON-LETHAL WEAPONS TESTING	44,994	44,994
73	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL.	137,369	137,369
76	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM).	73,934	73,934
77	0604279N	ASE SELF-PROTECTION OPTIMIZATION	711	711
78	0604653N	JOINT COUNTER RADIO CONTROLLED IED ELECTRONIC WARFARE (JCREW).	71,300	71,300
79	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM	5,654	5,654
80	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT.	31,549	31,549
82	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT.	86,801	86,801
83	0605812M	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH.	44,500	44,500
84	0303354N	ASW SYSTEMS DEVELOPMENT—MIP	13,172	13,172
86	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP	643	643
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**4,335,297**	**4,709,697**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
87	0604212N	OTHER HELO DEVELOPMENT	33,978	33,978
88	0604214N	AV–8B AIRCRAFT—ENG DEV	32,789	32,789
89	0604215N	STANDARDS DEVELOPMENT	84,988	84,988
90	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT	6,866	6,866
91	0604218N	AIR/OCEAN EQUIPMENT ENGINEERING	4,060	4,060
92	0604221N	P–3 MODERNIZATION PROGRAM	3,451	3,451
93	0604230N	WARFARE SUPPORT SYSTEM	13,071	13,071
94	0604231N	TACTICAL COMMAND SYSTEM	71,645	71,645
95	0604234N	ADVANCED HAWKEYE	119,065	119,065
96	0604245N	H–1 UPGRADES	31,105	31,105
97	0604261N	ACOUSTIC SEARCH SENSORS	34,299	34,299
98	0604262N	V–22A	54,412	54,412
99	0604264N	AIR CREW SYSTEMS DEVELOPMENT	2,717	2,717
100	0604269N	EA–18	13,009	13,009

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Line	Program Element	Item	FY 2013 Request	House Authorized
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	63,891
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	47,481
		Transfer from RDN 112 to RDN 167		[–75,000]
113	0604501N	ADVANCED ABOVE WATER SENSORS	255,516	255,516
114	0604503N	SSN–688 AND TRIDENT MODERNIZATION	82,620	82,620
115	0604504N	AIR CONTROL	5,633	5,633
116	0604512N	SHIPBOARD AVIATION SYSTEMS	55,826	55,826
117	0604518N	COMBAT INFORMATION CENTER CONVERSION	918	918
118	0604558N	NEW DESIGN SSN	165,230	165,230
119	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM	49,141	49,141
120	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E	196,737	196,737
121	0604574N	NAVY TACTICAL COMPUTER RESOURCES	3,889	3,889
122	0604601N	MINE DEVELOPMENT	8,335	8,335
123	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT	49,818	49,818
124	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	10,099	10,099
125	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS	7,348	7,348
126	0604727N	JOINT STANDOFF WEAPON SYSTEMS	5,518	5,518
127	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL)	87,662	87,662
128	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL)	64,079	64,079
129	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW)	151,489	152,614
		Cruiser Retention		[1,125]
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	737,149
134	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD	743,926	743,926
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**	**5,923,357**
		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	217,282
		Transfer from RDN 112 to RDN 167		[75,000]
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

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175	0204136N	F/A–18 SQUADRONS	188,299	188,299
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	0
		Transfer to Science and Technology (RDN 003A)		[–3,450]
192	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS	86,435	86,435
193	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS	219,054	219,054
194	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS.	181,693	181,693
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	58,393	58,393
196	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP)	22,966	22,966
197	0207161N	TACTICAL AIM MISSILES	21,107	21,107
198	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	2,857	2,857
199	0208058N	JOINT HIGH SPEED VESSEL (JHSV)	1,932	1,932
204	0303109N	SATELLITE COMMUNICATIONS (SPACE)	188,482	188,482
205	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES).	16,749	16,749
206	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM	26,307	26,307
207	0303150M	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM	500	500
210	0305149N	COBRA JUDY	17,091	17,091
211	0305160N	NAVY METEOROLOGICAL AND OCEAN SENSORS-SPACE (METOC).	810	810
212	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES	8,617	8,617
213	0305204N	TACTICAL UNMANNED AERIAL VEHICLES	9,066	9,066
215	0305207N	MANNED RECONNAISSANCE SYSTEMS	30,654	30,654
216	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	25,917	25,917
217	0305208N	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	14,676	14,676
218	0305220N	RQ–4 UAV	657,483	657,483
219	0305231N	MQ–8 UAV	99,600	99,600
220	0305232M	RQ–11 UAV	495	495
221	0305233N	RQ–7 UAV	863	863
223	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASL0)	9,734	9,734
225	0305239M	RQ–21A	22,343	22,343
226	0308601N	MODELING AND SIMULATION SUPPORT	5,908	5,908
227	0702207N	DEPOT MAINTENANCE (NON-IF)	27,391	27,391
229	0708011N	INDUSTRIAL PREPAREDNESS	54,879	54,879
230	0708730N	MARITIME TECHNOLOGY (MARITECH)	5,000	5,000
230A	9999999999	CLASSIFIED PROGRAMS	1,151,159	1,351,159
		Program increase		[200,000]
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	**3,975,546**	**4,247,096**
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	**16,882,877**	**17,718,402**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		BASIC RESEARCH		
1	0601102F	DEFENSE RESEARCH SCIENCES	361,787	361,787
2	0601103F	UNIVERSITY RESEARCH INITIATIVES	141,153	141,153
3	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES	13,094	13,094
		SUBTOTAL, BASIC RESEARCH	**516,034**	**516,034**
		APPLIED RESEARCH		
4	0602102F	MATERIALS	114,166	114,166
5	0602201F	AEROSPACE VEHICLE TECHNOLOGIES	120,719	120,719
6	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH	89,319	89,319
7	0602203F	AEROSPACE PROPULSION	232,547	232,547
8	0602204F	AEROSPACE SENSORS	127,637	127,637
9	0602601F	SPACE TECHNOLOGY	98,375	98,375
10	0602602F	CONVENTIONAL MUNITIONS	77,175	77,175
11	0602605F	DIRECTED ENERGY TECHNOLOGY	106,196	106,196
12	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS	104,362	104,362
13	0602890F	HIGH ENERGY LASER RESEARCH	38,557	38,557
		SUBTOTAL, APPLIED RESEARCH	**1,109,053**	**1,109,053**

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		ADVANCED TECHNOLOGY DEVELOPMENT		
14	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS	47,890	57,890
		Increase Materials Affordability Initiative program		[10,000]
15	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T)	6,565	6,565
16	0603203F	ADVANCED AEROSPACE SENSORS	37,657	37,657
17	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO	81,376	81,376
18	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY	151,152	151,152
19	0603270F	ELECTRONIC COMBAT TECHNOLOGY	32,941	32,941
20	0603401F	ADVANCED SPACECRAFT TECHNOLOGY	64,557	64,557
21	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS)	29,256	29,256
22	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT.	21,523	21,523
23	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY	36,352	36,352
24	0603605F	ADVANCED WEAPONS TECHNOLOGY	19,004	19,004
25	0603680F	MANUFACTURING TECHNOLOGY PROGRAM	37,045	37,045
26	0603788F	BATTLESPACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION.	31,419	31,419
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT	**596,737**	**606,737**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
28	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT	3,866	3,866
29	0603287F	PHYSICAL SECURITY EQUIPMENT	3,704	3,704
30	0603430F	ADVANCED EHF MILSATCOM (SPACE)	229,171	227,671
		Project decrease		[–1,500]
31	0603432F	POLAR MILSATCOM (SPACE)	120,676	120,676
32	0603438F	SPACE CONTROL TECHNOLOGY	25,144	23,144
		Project decrease		[–2,000]
33	0603742F	COMBAT IDENTIFICATION TECHNOLOGY	32,243	32,243
34	0603790F	NATO RESEARCH AND DEVELOPMENT	4,507	4,507
35	0603791F	INTERNATIONAL SPACE COOPERATIVE R&D	652	652
36	0603830F	SPACE PROTECTION PROGRAM (SPP)	10,429	10,429
37	0603850F	INTEGRATED BROADCAST SERVICE—DEM/VAL	19,938	19,938
38	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL	71,181	71,181
39	0603854F	WIDEBAND GLOBAL SATCOM RDT&E (SPACE)	12,027	12,027
40	0603859F	POLLUTION PREVENTION—DEM/VAL	2,054	2,054
41	0603860F	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL.	57,975	57,975
42	0604015F	LONG RANGE STRIKE	291,742	291,742
43	0604283F	BATTLE MGMT COM & CTRL SENSOR DEVELOPMENT	114,417	114,417
44	0604317F	TECHNOLOGY TRANSFER	2,576	2,576
45	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM.	16,711	16,711
47	0604337F	REQUIREMENTS ANALYSIS AND MATURATION	16,343	16,343
48	0604422F	WEATHER SATELLITE FOLLOW-ON	2,000	2,000
50	0604635F	GROUND ATTACK WEAPONS FUZE DEVELOPMENT	9,423	9,423
54	0604857F	OPERATIONALLY RESPONSIVE SPACE		25,000
		Operationally Responsive Space		[25,000]
55	0604858F	TECH TRANSITION PROGRAM	37,558	34,558
		Project decrease		[–3,000]
56	0305164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE).	96,840	96,840
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**1,181,177**	**1,199,677**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
58	0603840F	GLOBAL BROADCAST SERVICE (GBS)	14,652	14,652
59	0604222F	NUCLEAR WEAPONS SUPPORT	25,713	25,713
60	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING	6,583	6,583
61	0604270F	ELECTRONIC WARFARE DEVELOPMENT	1,975	1,975
62	0604280F	JOINT TACTICAL RADIO	2,594	2,594
63	0604281F	TACTICAL DATA NETWORKS ENTERPRISE	24,534	24,534
64	0604287F	PHYSICAL SECURITY EQUIPMENT	51	51
65	0604329F	SMALL DIAMETER BOMB (SDB)—EMD	143,000	143,000
66	0604421F	COUNTERSPACE SYSTEMS	28,797	28,797
67	0604425F	SPACE SITUATION AWARENESS SYSTEMS	267,252	267,252
68	0604429F	AIRBORNE ELECTRONIC ATTACK	4,118	4,118
69	0604441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD	448,594	446,594
		Project decrease		[–2,000]
70	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT	9,951	9,951
71	0604604F	SUBMUNITIONS	2,567	2,567
72	0604617F	AGILE COMBAT SUPPORT	13,059	13,059
73	0604706F	LIFE SUPPORT SYSTEMS	9,720	9,720
74	0604735F	COMBAT TRAINING RANGES	9,222	9,222
76	0604750F	INTELLIGENCE EQUIPMENT	803	803
77	0604800F	F–35—EMD	1,210,306	1,210,306
78	0604851F	INTERCONTINENTAL BALLISTIC MISSILE—EMD	135,437	135,437

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79	0604853F	EVOLVED EXPENDABLE LAUNCH VEHICLE PROGRAM (SPACE)—EMD.	7,980	7,980
80	0604932F	LONG RANGE STANDOFF WEAPON	2,004	2,004
81	0604933F	ICBM FUZE MODERNIZATION	73,512	73,512
82	0605213F	F–22 MODERNIZATION INCREMENT 3.2B	140,100	140,100
83	0605221F	NEXT GENERATION AERIAL REFUELING AIRCRAFT	1,815,588	1,815,588
84	0605229F	CSAR HH–60 RECAPITALIZATION	123,210	123,210
85	0605278F	HC/MC–130 RECAP RDT&E	19,039	19,039
86	0605931F	B–2 DEFENSIVE MANAGEMENT SYSTEM	281,056	281,056
87	0101125F	NUCLEAR WEAPONS MODERNIZATION	80,200	80,200
89	0207604F	READINESS TRAINING RANGES, OPERATIONS AND MAINTENANCE.	310	310
90	0207701F	FULL COMBAT MISSION TRAINING	14,861	14,861
91	0305230F	MC–12	19,949	19,949
92	0401138F	C–27J AIRLIFT SQUADRONS		25,000
		Joint Cargo Aircraft		[25,000]
93	0401318F	CV–22	28,027	28,027
94	0401845F	AIRBORNE SENIOR LEADER C3 (SLC3S)	1,960	1,960
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION.	**4,966,724**	**4,989,724**
		RDT&E MANAGEMENT SUPPORT		
95	0604256F	THREAT SIMULATOR DEVELOPMENT	22,812	22,812
96	0604759F	MAJOR T&E INVESTMENT	42,236	42,236
97	0605101F	RAND PROJECT AIR FORCE	25,579	25,579
99	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	45,001
		Program increase		[34,950]
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**	**1,225,299**
		OPERATIONAL SYSTEMS DEVELOPMENT		
112	0603423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT.	371,595	370,095
		Project decrease		[–1,500]
114	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF–IPPS)	91,697	91,697
115	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY	17,037	17,037
117	0101113F	B–52 SQUADRONS	53,208	53,208
118	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM)	431	431
119	0101126F	B–1B SQUADRONS	16,265	16,265
120	0101127F	B–2 SQUADRONS	35,970	35,970
121	0101313F	STRAT WAR PLANNING SYSTEM—USSTRATCOM	30,889	30,889
122	0101314F	NIGHT FIST—USSTRATCOM	10	10
124	0102326F	REGION/SECTOR OPERATION CONTROL CENTER MODERNIZATION PROGRAM.	5,609	5,609
126	0203761F	WARFIGHTER RAPID ACQUISITION PROCESS (WRAP) RAPID TRANSITION FUND.	15,098	15,098
127	0205219F	MQ–9 UAV	147,971	147,971
128	0207040F	MULTI-PLATFORM ELECTRONIC WARFARE EQUIPMENT	49,848	49,848
129	0207131F	A–10 SQUADRONS	13,538	13,538
130	0207133F	F–16 SQUADRONS	190,257	190,257
131	0207134F	F–15E SQUADRONS	192,677	192,677
132	0207136F	MANNED DESTRUCTIVE SUPPRESSION	13,683	13,683
133	0207138F	F–22A SQUADRONS	371,667	371,667
134	0207142F	F–35 SQUADRONS	8,117	8,117
135	0207161F	TACTICAL AIM MISSILES	8,234	8,234
136	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM)	87,041	87,041
137	0207170F	JOINT HELMET MOUNTED CUEING SYSTEM (JHMCS)	1,472	1,472
138	0207224F	COMBAT RESCUE AND RECOVERY	2,095	2,095
139	0207227F	COMBAT RESCUE—PARARESCUE	1,119	1,119
140	0207247F	AF TENCAP	63,853	63,853
141	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT	1,063	1,063
142	0207253F	COMPASS CALL	12,094	12,094
143	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM	187,984	187,984
145	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM)	7,950	7,950
146	0207410F	AIR & SPACE OPERATIONS CENTER (AOC)	76,315	76,315
147	0207412F	CONTROL AND REPORTING CENTER (CRC)	8,653	8,653
148	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS)	65,200	65,200

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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	4,316
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	64,965
221	0305940F	SPACE SITUATION AWARENESS OPERATIONS	19,586	19,586
223	0308699F	SHARED EARLY WARNING (SEW)	1,175	1,175
224	0401115F	C–130 AIRLIFT SQUADRON	5,000	5,000
225	0401119F	C–5 AIRLIFT SQUADRONS (IF)	35,115	35,115
226	0401130F	C–17 AIRCRAFT (IF)	99,225	99,225
227	0401132F	C–130J PROGRAM	30,652	30,652
228	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM)	7,758	7,758
229	0401139F	LIGHT MOBILITY AIRCRAFT (LIMA)	100	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	119,327
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

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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**	**15,866,472**
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, AF.	**25,428,046**	**25,512,996**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		BASIC RESEARCH		
1	0601000BR	DTRA BASIC RESEARCH INITIATIVE	45,071	45,071
2	0601101E	DEFENSE RESEARCH SCIENCES	309,051	309,051
3	0601110D8Z	BASIC RESEARCH INITIATIVES	19,405	19,405
4	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	39,676	39,676
5	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	87,979	87,979
6	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	50,566	50,566
		SUBTOTAL, BASIC RESEARCH	**551,748**	**551,748**
		APPLIED RESEARCH		
7	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	20,615	20,615
8	0602115E	BIOMEDICAL TECHNOLOGY	110,900	110,900
9	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE.		10,000
		Program increase		[10,000]
10	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	36,826	36,826
11	0602250D8Z	SYSTEMS 2020 APPLIED RESEARCH	7,898	7,898
12	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	392,421	392,421
13	0602304E	COGNITIVE COMPUTING SYSTEMS	30,424	30,424
15	0602383E	BIOLOGICAL WARFARE DEFENSE	19,236	19,236
16	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	223,269	223,269
17	0602663D8Z	DATA TO DECISIONS APPLIED RESEARCH	13,753	13,753
18	0602668D8Z	CYBER SECURITY RESEARCH	18,985	18,985
19	0602670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) APPLIED RESEARCH.	6,771	6,771
20	0602702E	TACTICAL TECHNOLOGY	233,209	233,209
21	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	166,067	166,067
22	0602716E	ELECTRONICS TECHNOLOGY	222,416	222,416
23	0602718BR	WEAPONS OF MASS DESTRUCTION DEFEAT TECHNOLOGIES	172,352	172,352
24	1160401BB	SPECIAL OPERATIONS TECHNOLOGY DEVELOPMENT	28,739	28,739
		SUBTOTAL, APPLIED RESEARCH	**1,703,881**	**1,713,881**
		ADVANCED TECHNOLOGY DEVELOPMENT (ATD)		
25	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	25,612	25,612
26	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	26,324	26,324
27	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	77,144	77,144
28	0603160BR	COUNTERPROLIFERATION INITIATIVES—PROLIFERATION PREVENTION AND DEFEAT.	275,022	275,022
29	0603175C	BALLISTIC MISSILE DEFENSE TECHNOLOGY	79,975	79,975
31	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	20,032	20,032
32	0603264S	AGILE TRANSPORTATION FOR THE 21ST CENTURY (AT21)—THEATER CAPABILITY.	3,892	3,892
33	0603274C	SPECIAL PROGRAM—MDA TECHNOLOGY	36,685	36,685
34	0603286E	ADVANCED AEROSPACE SYSTEMS	174,316	149,316
		Program decrease		[–25,000]
35	0603287E	SPACE PROGRAMS AND TECHNOLOGY	159,704	159,704
36	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT.	234,280	234,280
37	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	6,983	6,983
38	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	158,263	158,263
39	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	25,393	25,393
40	0603663D8Z	DATA TO DECISIONS ADVANCED TECHNOLOGY DEVELOPMENT.	13,754	13,754
42	0603668D8Z	CYBER SECURITY ADVANCED RESEARCH	19,935	19,935
43	0603670D8Z	HUMAN, SOCIAL AND CULTURE BEHAVIOR MODELING (HSCB) ADVANCED DEVELOPMENT.	8,235	8,235
44	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM.	21,966	21,966
45	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT	24,662	24,662
47	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	24,605	24,605
48	0603713S	DEPLOYMENT AND DISTRIBUTION ENTERPRISE TECHNOLOGY.	30,678	30,678
49	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	65,282	65,282
50	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT.	72,234	82,234
		Program increase		[10,000]
51	0603727D8Z	JOINT WARFIGHTING PROGRAM	8,403	8,403

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52	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	111,008	111,008
54	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	237,859	212,859
		Program reduction		[–25,000]
55	0603765E	CLASSIFIED DARPA PROGRAMS	3,000	3,000
56	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	236,883	236,883
57	0603767E	SENSOR TECHNOLOGY	299,438	299,438
58	0603769SE	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT.	12,195	12,195
59	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	30,036	30,036
60	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	107,002	107,002
62	0603828J	JOINT EXPERIMENTATION	21,230	21,230
63	0603832D8Z	DOD MODELING AND SIMULATION MANAGEMENT OFFICE	47,433	47,433
64	0603901C	DIRECTED ENERGY RESEARCH	46,944	76,944
		Program increase		[30,000]
65	0603902C	NEXT GENERATION AEGIS MISSILE	224,077	224,077
66	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	92,602	92,602
68	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	26,244	26,244
69	0303310D8Z	CWMD SYSTEMS	53,946	53,946
70	1160402BB	SPECIAL OPERATIONS ADVANCED TECHNOLOGY DEVELOPMENT.	45,317	45,317
71	1160422BB	AVIATION ENGINEERING ANALYSIS	861	861
72	1160472BB	SOF INFORMATION AND BROADCAST SYSTEMS ADVANCED TECHNOLOGY.	4,959	4,959
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT (ATD).	**3,194,413**	**3,184,413**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
73	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P.	33,234	33,234
74	0603527D8Z	RETRACT LARCH	21,023	21,023
75	0603600D8Z	WALKOFF	94,624	94,624
77	0603714D8Z	ADVANCED SENSOR APPLICATIONS PROGRAM	16,958	16,958
78	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM.	75,941	75,941
79	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT	316,929	316,929
80	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT.	903,172	1,363,172
		East Coast site planning and development, and EIS work		[103,000]
		Program increase		[357,000]
81	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL	179,023	179,023
82	0603884C	BALLISTIC MISSILE DEFENSE SENSORS	347,012	347,012
84	0603890C	BMD ENABLING PROGRAMS	362,711	362,711
85	0603891C	SPECIAL PROGRAMS—MDA	272,387	272,387
86	0603892C	AEGIS BMD	992,407	992,407
87	0603893C	SPACE TRACKING & SURVEILLANCE SYSTEM	51,313	51,313
88	0603895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS	6,912	6,912
89	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT & COMMUNICATION.	366,552	366,552
90	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT	55,550	55,550
91	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC).	63,043	63,043
92	0603906C	REGARDING TRENCH	11,371	11,371
93	0603907C	SEA BASED X-BAND RADAR (SBX)	9,730	9,730
94	0603913C	ISRAELI COOPERATIVE PROGRAMS	99,836	267,836
		Increase to DSWS, ASIP, Arrow-3 cooperative programs		[168,000]
95	0603914C	BALLISTIC MISSILE DEFENSE TEST	454,400	454,400
96	0603915C	BALLISTIC MISSILE DEFENSE TARGETS	435,747	435,747
97	0603920D8Z	HUMANITARIAN DEMINING	13,231	13,231
98	0603923D8Z	COALITION WARFARE	11,398	11,398
99	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM	3,283	3,283
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
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	50,000
		Project decrease to support technology development		[–247,375]
111	0604886C	ADVANCED REMOTE SENSOR TECHNOLOGY (ARST)	58,742	58,742
113	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM	3,158	3,158
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**6,282,166**	**6,662,791**
		SYSTEM DEVELOPMENT AND DEMONSTRATION (SDD)		
115	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD.	6,817	6,817

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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	15,110
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**	**887,928**
		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

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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	241,452
		Program increase		[50,000]
211	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM	36,575	46,575
		Program increase		[10,000]
212	0303153K	DEFENSE SPECTRUM ORGANIZATION	24,278	24,278
213	0303170K	NET-CENTRIC ENTERPRISE SERVICES (NCES)	2,924	2,924
214	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO)	1,294	1,294
215	0303610K	TELEPORT PROGRAM	6,050	6,050
217	0304210BB	SPECIAL APPLICATIONS FOR CONTINGENCIES	17,058	17,058
222	0305103K	CYBER SECURITY INITIATIVE	4,189	4,189
223	0305125D8Z	CRITICAL INFRASTRUCTURE PROTECTION (CIP)	10,462	10,462
227	0305186D8Z	POLICY R&D PROGRAMS	6,360	6,360
229	0305199D8Z	NET CENTRICITY	21,190	21,190
232	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS	7,114	7,714
		Program increase		[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	61,405
		Program increase		[35,000]
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	3,774,416
		Program increases		[10,000]
		Program increases		[9,900]
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	**4,667,738**	**4,783,238**
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	**17,982,161**	**18,478,286**
		OPERATIONAL TEST & EVAL, DEFENSE		
		RDT&E MANAGEMENT SUPPORT		
1	0605118OTE	OPERATIONAL TEST AND EVALUATION	72,501	107,501
		Program increase for DOT&E cyber—range operations		[25,000]
		Program increase for DOT&E cyber—threat development and assessment.		[10,000]
2	0605131OTE	LIVE FIRE TEST AND EVALUATION	49,201	49,201
3	0605814OTE	OPERATIONAL TEST ACTIVITIES AND ANALYSES	63,566	63,566
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT	**185,268**	**220,268**
		TOTAL, OPERATIONAL TEST & EVAL, DEFENSE	**185,268**	**220,268**
		TOTAL RDT&E	**69,407,767**	**70,387,256**

1 **SEC. 4202. RESEARCH, DEVELOPMENT, TEST AND EVALUA-**
2 **TION FOR OVERSEAS CONTINGENCY OPER-**
3 **ATIONS.**

SEC. 4202. RESEARCH, DEVELOPMENT, TEST AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Program Element	Item	FY 2013 Request	House Authorized
		RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY		
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
60	0603747A	SOLDIER SUPPORT AND SURVIVABILITY	19,860	19,860
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**19,860**	**19,860**
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY.	**19,860**	**19,860**
		RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY		
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES		
56	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT	4,600	4,600
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.	**4,600**	**4,600**
		SYSTEM DEVELOPMENT & DEMONSTRATION		
131	0604771N	MEDICAL DEVELOPMENT	2,173	2,173
		SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION.	**2,173**	**2,173**
		RDT&E MANAGEMENT SUPPORT		
160	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT	5,200	5,200
		SUBTOTAL, RDT&E MANAGEMENT SUPPORT	**5,200**	**5,200**
		OPERATIONAL SYSTEMS DEVELOPMENT		
195	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT	6,762	6,762
221	0305233N	RQ–7 UAV	7,600	7,600
230A	9999999999	CLASSIFIED PROGRAMS	33,784	33,784
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	**48,146**	**48,146**
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, NAVY.	**60,119**	**60,119**
		RESEARCH, DEVELOPMENT, TEST & EVAL, AF		
		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**
		RESEARCH, DEVELOPMENT, TEST & EVAL, DW		
		APPLIED RESEARCH		
9	0602228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES (HBCU) SCIENCE.		10,000
		Program increase		[10,000]
		SUBTOTAL, APPLIED RESEARCH		**10,000**
		ADVANCED TECHNOLOGY DEVELOPMENT (ATD)		
27	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT		25,000
		Program increase		[25,000]
		SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT (ATD).		**25,000**
		ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.		
94	0603913C	ISRAELI COOPERATIVE PROGRAMS		680,000
		Iron Dome		[680,000]
102	0604775D8Z	DEFENSE RAPID INNOVATION PROGRAM		200,000
		Program increase		[200,000]
		SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES.		**880,000**
		OPERATIONAL SYSTEMS DEVELOPMENT		
239	0305231BB	MQ–8 UAV	5,000	5,000
276A	9999999999	CLASSIFIED PROGRAMS	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
		SUBTOTAL, OPERATIONAL SYSTEMS DEVELOPMENT	**112,387**	**112,387**
		TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DW.	**112,387**	**1,027,387**
		TOTAL RDT&E	**245,516**	**1,160,516**

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
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
10	MANEUVER UNITS	1,223,087	1,223,087
20	MODULAR SUPPORT BRIGADES	80,574	80,574
30	ECHELONS ABOVE BRIGADE	723,039	723,039
40	THEATER LEVEL ASSETS	706,974	706,974
50	LAND FORCES OPERATIONS SUPPORT	1,226,650	1,226,650
60	AVIATION ASSETS	1,319,832	1,319,832
70	FORCE READINESS OPERATIONS SUPPORT	3,447,174	3,447,174
80	LAND FORCES SYSTEMS READINESS	454,774	454,774
90	LAND FORCES DEPOT MAINTENANCE	1,762,757	1,762,757
100	BASE OPERATIONS SUPPORT	7,401,613	7,401,613
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,041,074	3,234,674
	Realignment to Cemeterial Expenses, Army		[–25,000]
	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**	**22,630,471**
	MOBILIZATION		
180	STRATEGIC MOBILITY	405,496	405,496
190	ARMY PREPOSITIONING STOCKS	195,349	195,349
200	INDUSTRIAL PREPAREDNESS	6,379	6,379
	SUBTOTAL, MOBILIZATION	**607,224**	**607,224**
	TRAINING AND RECRUITING		
210	OFFICER ACQUISITION	112,866	112,866
220	RECRUIT TRAINING	73,265	73,265
230	ONE STATION UNIT TRAINING	51,227	51,227
240	SENIOR RESERVE OFFICERS TRAINING CORPS	443,306	443,306
250	SPECIALIZED SKILL TRAINING	1,099,556	1,099,556
260	FLIGHT TRAINING	1,130,627	1,130,627
270	PROFESSIONAL DEVELOPMENT EDUCATION	191,683	191,683
280	TRAINING SUPPORT	652,095	652,095
290	RECRUITING AND ADVERTISING	507,510	507,510
300	EXAMINING	156,964	156,964
310	OFF-DUTY AND VOLUNTARY EDUCATION	244,343	244,343
320	CIVILIAN EDUCATION AND TRAINING	212,477	212,477
330	JUNIOR ROTC	182,691	182,691
	SUBTOTAL, TRAINING AND RECRUITING	**5,058,610**	**5,058,610**
	ADMIN & SRVWIDE ACTIVITIES		
350	SERVICEWIDE TRANSPORTATION	601,331	601,331
360	CENTRAL SUPPLY ACTIVITIES	741,324	741,324
370	LOGISTIC SUPPORT ACTIVITIES	610,136	610,136
380	AMMUNITION MANAGEMENT	478,707	478,707

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
390	ADMINISTRATION	556,307	556,307
400	SERVICEWIDE COMMUNICATIONS	1,547,925	1,547,925
410	MANPOWER MANAGEMENT	362,205	362,205
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**	**8,502,840**
	UNDISTRIBUTED ADJUSTMENTS		
500	UNDISTRIBUTED ADJUSTMENTS		–350,700
	Army Medical Evacuation Paramedic Certification Training		[5,000]
	Historical unobligated balances		[–289,200]
	Overestimate of Foreign Currency Fluctuation Costs		[–66,500]
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		**–350,700**
	TOTAL, OPERATION & MAINTENANCE, ARMY	**36,608,592**	**36,448,445**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
10	MISSION AND OTHER FLIGHT OPERATIONS	4,918,144	4,927,144
	Cruiser Retention		[9,000]
20	FLEET AIR TRAINING	1,886,825	1,886,825
30	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	44,032	44,032
40	AIR OPERATIONS AND SAFETY SUPPORT	101,565	101,565
50	AIR SYSTEMS SUPPORT	374,827	374,827
60	AIRCRAFT DEPOT MAINTENANCE	960,802	960,802
70	AIRCRAFT DEPOT OPERATIONS SUPPORT	37,545	37,545
80	AVIATION LOGISTICS	328,805	328,805
90	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	587,329
	Cruiser Retention		[–9,000]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	Fiscal year 2013 portion of USS ENTERPRISE Inactivation Costs		[–470,000]
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**	**1,038,648**
	TRAINING AND RECRUITING		
370	OFFICER ACQUISITION	147,807	147,807
380	RECRUIT TRAINING	10,473	10,473
390	RESERVE OFFICERS TRAINING CORPS	139,220	139,220
400	SPECIALIZED SKILL TRAINING	582,177	582,177
410	FLIGHT TRAINING	5,456	5,456
420	PROFESSIONAL DEVELOPMENT EDUCATION	170,746	170,746
430	TRAINING SUPPORT	153,403	153,403
440	RECRUITING AND ADVERTISING	241,329	242,267
	Naval Sea Cadet Corps		[938]
450	OFF-DUTY AND VOLUNTARY EDUCATION	108,226	108,226
460	CIVILIAN EDUCATION AND TRAINING	105,776	105,776
470	JUNIOR ROTC	51,817	51,817
	SUBTOTAL, TRAINING AND RECRUITING	**1,716,430**	**1,717,368**
	ADMIN & SRVWD ACTIVITIES		
480	ADMINISTRATION	797,177	797,177
490	EXTERNAL RELATIONS	12,872	12,872
500	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT	120,181	120,181
510	MILITARY MANPOWER AND PERSONNEL MANAGEMENT	235,753	235,753
520	OTHER PERSONNEL SUPPORT	263,060	263,060
530	SERVICEWIDE COMMUNICATIONS	363,213	363,213
550	SERVICEWIDE TRANSPORTATION	182,343	182,343
570	PLANNING, ENGINEERING AND DESIGN	282,464	282,464
580	ACQUISITION AND PROGRAM MANAGEMENT	1,092,123	1,092,123
590	HULL, MECHANICAL AND ELECTRICAL SUPPORT	53,560	53,560
600	COMBAT/WEAPONS SYSTEMS	25,299	25,299
610	SPACE AND ELECTRONIC WARFARE SYSTEMS	64,418	64,418
620	NAVAL INVESTIGATIVE SERVICE	580,042	580,042
680	INTERNATIONAL HEADQUARTERS AND AGENCIES	4,984	4,984
710	CLASSIFIED PROGRAMS	537,079	537,079
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	**4,614,568**	**4,614,568**
	UNDISTRIBUTED ADJUSTMENTS		
720	UNDISTRIBUTED ADJUSTMENTS		–166,400
	Historical unobligated balances		[–166,400]
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		**–166,400**
	TOTAL, OPERATION & MAINTENANCE, NAVY	**41,606,943**	**41,132,565**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
10	OPERATIONAL FORCES	788,055	788,055
20	FIELD LOGISTICS	762,614	762,614
30	DEPOT MAINTENANCE	168,447	168,447
40	MARITIME PREPOSITIONING	100,374	100,374
50	SUSTAINMENT, RESTORATION & MODERNIZATION	825,039	847,839
	Restoration and Modernization of Facilities		[22,800]
60	BASE OPERATING SUPPORT	2,188,883	2,188,883
	SUBTOTAL, OPERATING FORCES	**4,833,412**	**4,856,212**
	TRAINING AND RECRUITING		
70	RECRUIT TRAINING	18,251	18,251
80	OFFICER ACQUISITION	869	869
90	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	178,609
	Recruiting and advertising		[10,000]
130	OFF-DUTY AND VOLUNTARY EDUCATION	56,865	56,865
140	JUNIOR ROTC	19,912	19,912

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	SUBTOTAL, TRAINING AND RECRUITING	**680,314**	**690,314**
	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**
	UNDISTRIBUTED ADJUSTMENTS		
200	UNDISTRIBUTED ADJUSTMENTS		–23,900
	Historical unobligated balances		[–23,900]
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		**–23,900**
	TOTAL, OPERATION & MAINTENANCE, MARINE CORPS	**5,983,163**	**5,992,063**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
10	PRIMARY COMBAT FORCES	2,973,141	2,973,141
20	COMBAT ENHANCEMENT FORCES	1,611,032	1,744,032
	Global Hawk Block 30		[133,000]
30	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,472,806	1,472,806
40	DEPOT MAINTENANCE	5,545,470	5,545,470
50	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	1,353,987	1,569,487
	Restoration and Modernization of Facilities		[215,500]
60	BASE SUPPORT	2,595,032	2,595,032
70	GLOBAL C3I AND EARLY WARNING	957,040	957,040
80	OTHER COMBAT OPS SPT PROGRAMS	916,200	916,200
100	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES	733,716	733,716
110	LAUNCH FACILITIES	314,490	314,490
120	SPACE CONTROL SYSTEMS	488,762	488,762
130	COMBATANT COMMANDERS DIRECT MISSION SUPPORT	862,979	862,979
140	COMBATANT COMMANDERS CORE OPERATIONS	222,429	222,429
	SUBTOTAL, OPERATING FORCES	**20,047,084**	**20,395,584**
	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

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
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		–43,700
	Historical unobligated balances		[–141,700]
	Overestimate of Foreign Currency Fluctuation Costs		[–32,000]
	Retain Air Force Force Structure		[130,000]
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		**–43,700**
	TOTAL, OPERATION & MAINTENANCE, AIR FORCE	**35,435,360**	**35,740,160**
	OPERATION & MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
10	JOINT CHIEFS OF STAFF	485,708	485,708
20	SPECIAL OPERATIONS COMMAND		5,091,001
	Transfer from line 025		[5,091,001]
25	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		
30	DEFENSE ACQUISITION UNIVERSITY	147,210	144,710
	Program decrease		[–2,500]
40	NATIONAL DEFENSE UNIVERSITY	84,999	82,499
	Program decrease		[–2,500]
	SUBTOTAL, TRAINING AND RECRUITING	**232,209**	**227,209**
	ADMIN & SRVWD ACTIVITIES		
50	CIVIL MILITARY PROGRAMS	161,294	161,294
80	DEFENSE CONTRACT AUDIT AGENCY	573,973	573,973
90	DEFENSE CONTRACT MANAGEMENT AGENCY	1,293,196	1,293,196
100	DEFENSE FINANCE AND ACCOUNTING SERVICE	17,513	17,513
110	DEFENSE HUMAN RESOURCES ACTIVITY	676,186	676,186
120	DEFENSE INFORMATION SYSTEMS AGENCY	1,346,847	1,346,847
140	DEFENSE LEGAL SERVICES AGENCY	35,137	35,137
150	DEFENSE LOGISTICS AGENCY	431,893	431,893
160	DEFENSE MEDIA ACTIVITY	224,013	224,013
170	DEFENSE POW/MIA OFFICE	21,964	21,964
180	DEFENSE SECURITY COOPERATION AGENCY	557,917	557,917
190	DEFENSE SECURITY SERVICE		506,662
	Transfer from Line 280		[506,662]
200	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	35,319	35,319
210	DEFENSE THREAT REDUCTION AGENCY		443,382
	Transfer from Line 280		[443,382]
220	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,744,971	2,744,971
230	MISSILE DEFENSE AGENCY	259,975	259,975
250	OFFICE OF ECONOMIC ADJUSTMENT	253,437	253,437
260	OFFICE OF THE SECRETARY OF DEFENSE	2,095,362	2,135,362
	Advancing Diversity and EO		[5,000]
	Office of Net Assessment		[10,000]
	Readiness Environmental Protection Initiative		[25,000]
270	WASHINGTON HEADQUARTERS SERVICE	521,297	521,297
280	CLASSIFIED PROGRAMS	14,933,801	14,045,757
	Program increase		[62,000]
	Transfer to Line 190		[–506,662]
	Transfer to Line 210		[–443,382]
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	**26,184,095**	**26,286,095**
	UNDISTRIBUTED ADJUSTMENTS		
290	UNDISTRIBUTED ADJUSTMENTS		–107,700
	DOD Impact Aid		[30,000]
	Historical unobligated balances		[–128,000]
	Overestimate of Foreign Currency Fluctuation Costs		[–9,700]

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		**–107,700**
	TOTAL, OPERATION & MAINTENANCE, DEFENSE-WIDE	**31,993,013**	**31,982,313**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
10	MANEUVER UNITS	1,391	1,391
20	MODULAR SUPPORT BRIGADES	20,889	20,889
30	ECHELONS ABOVE BRIGADE	592,724	592,724
40	THEATER LEVEL ASSETS	114,983	114,983
50	LAND FORCES OPERATIONS SUPPORT	633,091	633,091
60	AVIATION ASSETS	76,823	76,823
70	FORCE READINESS OPERATIONS SUPPORT	481,997	481,997
80	LAND FORCES SYSTEMS READINESS	70,118	70,118
90	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	16,074
180	RECRUITING AND ADVERTISING	60,683	60,683
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	**127,079**	**127,079**
	UNDISTRIBUTED ADJUSTMENTS		
190	UNDISTRIBUTED ADJUSTMENTS		1,100
	Army Medical Evacuation Paramedic Certification Training		[5,000]
	Deny request of increase for technicians		[–3,900]
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		**1,100**
	TOTAL, OPERATION & MAINTENANCE, ARMY RES	**3,162,008**	**3,183,808**
	OPERATION & MAINTENANCE, NAVY RES		
	OPERATING FORCES		
10	MISSION AND OTHER FLIGHT OPERATIONS	616,776	616,776
20	INTERMEDIATE MAINTENANCE	15,076	15,076
30	AIR OPERATIONS AND SAFETY SUPPORT	1,479	1,479
40	AIRCRAFT DEPOT MAINTENANCE	107,251	107,251
50	AIRCRAFT DEPOT OPERATIONS SUPPORT	355	355
60	MISSION AND OTHER SHIP OPERATIONS	82,186	82,186
70	SHIP OPERATIONS SUPPORT & TRAINING	589	589
80	SHIP DEPOT MAINTENANCE	48,593	48,593
90	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	House Authorized
	OPERATING FORCES		
10	OPERATING FORCES	89,690	89,690
20	DEPOT MAINTENANCE	16,735	16,735
30	SUSTAINMENT, RESTORATION AND MODERNIZATION	37,913	37,913
40	BASE OPERATING SUPPORT	103,746	103,746
	SUBTOTAL, OPERATING FORCES	**248,084**	**248,084**
	ADMIN & SRVWD ACTIVITIES		
50	SERVICEWIDE TRANSPORTATION	873	873
60	ADMINISTRATION	14,330	14,330
70	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		
10	PRIMARY COMBAT FORCES	2,089,326	2,089,326
20	MISSION SUPPORT OPERATIONS	112,992	112,992
30	DEPOT MAINTENANCE	406,101	406,101
40	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	71,564	78,264
	Restoration and Modernization of Facilities		[6,700]
50	BASE SUPPORT	364,862	364,862
	SUBTOTAL, OPERATING FORCES	**3,044,845**	**3,051,545**
	ADMIN & SRVWD ACTIVITIES		
60	ADMINISTRATION	78,824	78,824
70	RECRUITING AND ADVERTISING	16,020	16,020
80	MILITARY MANPOWER AND PERS MGMT (ARPC)	19,496	19,496
90	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		161,617
	Retain Air Force Reserve Force Structure		[161,617]
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		**161,617**
	TOTAL, OPERATION & MAINTENANCE, AF RESERVE	**3,166,482**	**3,334,799**
	OPERATION & MAINTENANCE, ARNG		
	OPERATING FORCES		
10	MANEUVER UNITS	680,206	680,206
20	MODULAR SUPPORT BRIGADES	186,408	186,408
30	ECHELONS ABOVE BRIGADE	865,628	865,628
40	THEATER LEVEL ASSETS	112,651	112,651
50	LAND FORCES OPERATIONS SUPPORT	36,091	36,091
60	AVIATION ASSETS	907,011	907,011
70	FORCE READINESS OPERATIONS SUPPORT	751,606	751,606
80	LAND FORCES SYSTEMS READINESS	60,043	60,043
90	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**

SEC. 4301. OPERATION AND MAINTENANCE
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	UNDISTRIBUTED ADJUSTMENTS		
190	UNDISTRIBUTED ADJUSTMENTS		–79,700
	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**
	TOTAL, OPERATION & MAINTENANCE, ARNG	**7,108,612**	**7,078,312**
	OPERATION & MAINTENANCE, ANG		
	OPERATING FORCES		
10	AIRCRAFT OPERATIONS	3,559,824	3,563,329
	Aerospace Control Alert		[3,505]
20	MISSION SUPPORT OPERATIONS	721,225	721,225
30	DEPOT MAINTENANCE	774,875	774,875
40	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	270,709	295,409
	Restoration and Modernization of Facilities		[24,700]
50	BASE SUPPORT	624,443	624,443
	SUBTOTAL, OPERATING FORCES	**5,951,076**	**5,979,281**
	ADMIN & SRVWD ACTIVITIES		
60	ADMINISTRATION	32,358	32,358
70	RECRUITING AND ADVERTISING	32,021	32,021
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	**64,379**	**64,379**
	UNDISTRIBUTED ADJUSTMENTS		
80	UNDISTRIBUTED ADJUSTMENTS		286,800
	Retain Air National Guard Force Structure		[286,800]
	SUBTOTAL, UNDISTRIBUTED ADJUSTMENTS		**286,800**
	TOTAL, OPERATION & MAINTENANCE, ANG	**6,015,455**	**6,330,460**
	MISCELLANEOUS APPROPRIATIONS		
	MISCELLANEOUS APPROPRIATIONS		
20	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID	108,759	108,759
30	COOPERATIVE THREAT REDUCTION	519,111	519,111
40	ACQ WORKFORCE DEV FD	274,198	274,198
50	ENVIRONMENTAL RESTORATION, ARMY	335,921	335,921
	SUBTOTAL, MISCELLANEOUS APPROPRIATIONS	**1,237,989**	**1,237,989**
	MISCELLANEOUS APPROPRIATIONS		
60	ENVIRONMENTAL RESTORATION, NAVY	310,594	310,594
	SUBTOTAL, MISCELLANEOUS APPROPRIATIONS	**310,594**	**310,594**
	MISCELLANEOUS APPROPRIATIONS		
70	ENVIRONMENTAL RESTORATION, AIR FORCE	529,263	529,263
	SUBTOTAL, MISCELLANEOUS APPROPRIATIONS	**529,263**	**529,263**
	MISCELLANEOUS APPROPRIATIONS		
10	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE	13,516	13,516
80	ENVIRONMENTAL RESTORATION, DEFENSE	11,133	11,133
	SUBTOTAL, MISCELLANEOUS APPROPRIATIONS	**24,649**	**24,649**
	MISCELLANEOUS APPROPRIATIONS		
90	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**

SEC. 4301. OPERATION AND MAINTENANCE (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
	TOTAL, OPERATION & MAINTENANCE	**174,938,933**	**175,082,230**

1 **SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS**

2 **CONTINGENCY OPERATIONS.**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2013 Request	House Authorized
	OPERATION & MAINTENANCE, ARMY		
	OPERATING FORCES		
40	THEATER LEVEL ASSETS	2,758,162	2,758,162
50	LAND FORCES OPERATIONS SUPPORT	991,396	991,396
60	AVIATION ASSETS	40,300	40,300
70	FORCE READINESS OPERATIONS SUPPORT	1,755,445	1,755,445
80	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	12,395,137
	Reduction to Task Force for Business and Stability Operations		[–129,000]
150	COMMANDERS EMERGENCY RESPONSE PROGRAM	400,000	200,000
	Historical underexecution		[–200,000]
160	RESET	3,687,973	3,437,973
	Unexecutable depot-level maintenance		[–250,000]
	SUBTOTAL, OPERATING FORCES	**23,107,822**	**22,528,822**
	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	137,277
430	OTHER SERVICE SUPPORT	72,293	72,293
490	CLASSIFIED PROGRAMS	1,828,717	1,828,717
	SUBTOTAL, ADMIN & SRVWIDE ACTIVITIES	**5,483,619**	**5,483,619**
	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**
	OPERATION & MAINTENANCE, NAVY		
	OPERATING FORCES		
10	MISSION AND OTHER FLIGHT OPERATIONS	937,098	937,098
30	AVIATION TECHNICAL DATA & ENGINEERING SERVICES	1,000	1,000
40	AIR OPERATIONS AND SAFETY SUPPORT	15,794	15,794
50	AIR SYSTEMS SUPPORT	19,013	19,013
60	AIRCRAFT DEPOT MAINTENANCE	201,912	201,912
70	AIRCRAFT DEPOT OPERATIONS SUPPORT	3,000	3,000
80	AVIATION LOGISTICS	44,150	44,150
90	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**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	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**
	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**
	OPERATION & MAINTENANCE, MARINE CORPS		
	OPERATING FORCES		
10	OPERATIONAL FORCES	1,921,258	1,921,258
20	FIELD LOGISTICS	1,094,028	1,094,028
30	DEPOT MAINTENANCE	222,824	222,824
60	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**
	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**
	OPERATION & MAINTENANCE, AIR FORCE		
	OPERATING FORCES		
10	PRIMARY COMBAT FORCES	1,494,144	1,494,144
20	COMBAT ENHANCEMENT FORCES	809,531	809,531
30	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	13,095	13,095
40	DEPOT MAINTENANCE	1,403,238	1,403,238
50	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	155,954	155,954
60	BASE SUPPORT	342,226	342,226
70	GLOBAL C3I AND EARLY WARNING	15,108	15,108
80	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

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
170	DEPOT MAINTENANCE	554,943	554,943
180	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	4,431	4,431
190	BASE SUPPORT	9,256	9,256
	SUBTOTAL, MOBILIZATION	**3,799,350**	**3,799,350**
	TRAINING AND RECRUITING		
230	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	424	424
240	BASE SUPPORT	1,036	1,036
250	SPECIALIZED SKILL TRAINING	10,923	10,923
260	FLIGHT TRAINING	72	72
270	PROFESSIONAL DEVELOPMENT EDUCATION	323	323
280	TRAINING SUPPORT	352	352
	SUBTOTAL, TRAINING AND RECRUITING	**13,130**	**13,130**
	ADMIN & SRVWD ACTIVITIES		
360	LOGISTICS OPERATIONS	100,429	100,429
390	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	47,200	47,200
400	BASE SUPPORT	7,242	7,242
410	ADMINISTRATION	1,552	1,552
420	SERVICEWIDE COMMUNICATIONS	82,094	82,094
430	OTHER SERVICEWIDE ACTIVITIES	582,977	582,977
480	CLASSIFIED PROGRAMS	20,270	20,270
	SUBTOTAL, ADMIN & SRVWD ACTIVITIES	**841,764**	**841,764**
	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**
	OPERATION & MAINTENANCE, DEFENSE-WIDE		
	OPERATING FORCES		
10	JOINT CHIEFS OF STAFF	2,000	2,000
20	SPECIAL OPERATIONS COMMAND	2,503,060	2,503,060
	SUBTOTAL, OPERATING FORCES	**2,505,060**	**2,505,060**
	ADMIN & SRVWD ACTIVITIES		
80	DEFENSE CONTRACT AUDIT AGENCY	30,674	30,674
90	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	1,550,000
	Program Decrease—Coalition Support Funds		[–650,000]
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**	**4,669,519**
	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**
	OPERATION & MAINTENANCE, ARMY RES		
	OPERATING FORCES		
30	ECHELONS ABOVE BRIGADE	78,600	78,600
50	LAND FORCES OPERATIONS SUPPORT	20,811	20,811
70	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		

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	OPERATING FORCES		
10	MISSION AND OTHER FLIGHT OPERATIONS	24,834	24,834
20	INTERMEDIATE MAINTENANCE	300	300
40	AIRCRAFT DEPOT MAINTENANCE	13,364	13,364
60	MISSION AND OTHER SHIP OPERATIONS	8,213	8,213
80	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		
10	OPERATING FORCES	22,657	22,657
40	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		
10	PRIMARY COMBAT FORCES	7,600	7,600
30	DEPOT MAINTENANCE	106,768	106,768
50	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		
10	MANEUVER UNITS	38,485	38,485
20	MODULAR SUPPORT BRIGADES	1,959	1,959
30	ECHELONS ABOVE BRIGADE	20,076	20,076
40	THEATER LEVEL ASSETS	2,028	2,028
60	AVIATION ASSETS	183,811	183,811
70	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		
20	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		
10	SUSTAINMENT	2,523,825	2,523,825
20	INFRASTRUCTURE	190,000	190,000
30	EQUIPMENT AND TRANSPORTATION	241,521	241,521
40	TRAINING AND OPERATIONS	758,380	758,380
	SUBTOTAL, MINISTRY OF DEFENSE	**3,713,726**	**3,713,726**
	MINISTRY OF INTERIOR		
50	SUSTAINMENT	1,305,950	1,305,950
60	INFRASTRUCTURE	50,000	50,000
70	EQUIPMENT AND TRANSPORTATION	84,859	84,859
80	TRAINING AND OPERATIONS	569,868	569,868
	SUBTOTAL, MINISTRY OF INTERIOR	**2,010,677**	**2,010,677**

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Line	Item	FY 2013 Request	House Authorized
	RELATED ACTIVITIES		
90	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		
10	POWER	400,000	375,000
	Program Decrease		[–25,000]
	SUBTOTAL, AFGHANISTAN INFRASTRUCTURE FUND	**400,000**	**375,000**
	TOTAL, AFGHANISTAN INFRASTRUCTURE FUND	**400,000**	**375,000**
	TOTAL, OPERATION & MAINTENANCE	**62,512,514**	**60,977,114**

TITLE XLIV—MILITARY PERSONNEL

SEC. 4401. MILITARY PERSONNEL.

SEC. 4401. MILITARY PERSONNEL
(In Thousands of Dollars)

Item	FY 2013 Request	House Authorized
MILITARY PERSONNEL	135,111,799	135,726,855
Army medical evacuation paramedic certification training		[2,000]
Basic allowance for housing for members of the National Guard (Section 603)		[6,000]
Non-medical attendant travel (Section 621)		[2,000]
Reserve Components administrative absence (Section 604)		[2,000]
Restore accrual payments to the Medicare eligible health care trust fund		[672,000]
Retain 128 Air National Guard AGRs for two air sovereignty alert locations		[8,300]
Retain Air Force Force Structure		[30,000]
Retain Air Force Reserve Force Structure		[20,000]
Retain Air National Guard Force Structure		[70,826]
Retain Global Hawk		[22,200]
Unobligated balances		[–352,000]
USMC military personnel in lieu of LAV funding		[131,730]

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
MILITARY PERSONNEL	14,060,094	14,060,094

TITLE XLV—OTHER AUTHORIZATIONS

SEC. 4501. OTHER AUTHORIZATIONS.

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2013 Request	House 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		
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		
MPF MLP	38,000	38,000
POST DELIVERY AND OUTFITTING	39,386	39,386
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	16,148,263
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		281,900
Foreign currency fluctuation		[–5,100]
Overfunding in electronic health record		[–30,000]
Restore estimated savings in TRICARE Prime and Standard enrollment fees and deductibles for TRICARE Standard		[273,000]
Restore pharmacy co-pay estimated savings		[179,000]
TRICARE rate adjustments		[90,000]
Unobligated balances		[–225,000]
RDT&E	672,977	672,977
PROCUREMENT	506,462	454,462
Overfunding in electronic health record		[–52,000]
TOTAL, DEFENSE HEALTH PROGRAM	**32,528,718**	**32,758,618**
CHEM AGENTS & MUNITIONS DESTRUCTION		
OPERATION & MAINTENANCE	635,843	635,843
RDT&E	647,351	647,351
PROCUREMENT	18,592	18,592

SEC. 4501. OTHER AUTHORIZATIONS
(In Thousands of Dollars)

Program Title	FY 2013 Request	House Authorized
TOTAL, CHEM AGENTS & MUNITIONS DESTRUCTION	**1,301,786**	**1,301,786**
DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF		
DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE	889,545	889,545
DRUG DEMAND REDUCTION PROGRAM	109,818	109,818
TOTAL, DRUG INTERDICTION & CTR-DRUG ACTIVITIES, DEF	**999,363**	**999,363**
OFFICE OF THE INSPECTOR GENERAL		
OPERATION & MAINTENANCE	272,821	272,821
PROCUREMENT	1,000	1,000
TOTAL, OFFICE OF THE INSPECTOR GENERAL	**273,821**	**273,821**
CEMETERIAL EXPENSES, ARMY		
OPERATION & MAINTENANCE	41,000	41,000
CONSTRUCTION	4,800	4,800
FACILITIES MAINTENANCE		25,000
Realignment from Operation and Maintenance, Army		[25,000]
TOTAL, CEMETERIAL EXPENSES, ARMY	**45,800**	**70,800**
TOTAL OTHER AUTHORIZATIONS	**37,273,808**	**37,528,708**

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
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		

SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Program Title	FY 2013 Request	House Authorized
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**

1 # TITLE XLVI—MILITARY
2 # CONSTRUCTION

3 ## SEC. 4601. MILITARY CONSTRUCTION.

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
	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	Lightning Protection System	5,800	5,800
Army	Concord	Engineering/Housing Maintenance Shop	3,100	3,100
	Colorado			
Army	Fort Carson, Colorado	Digital Multipurpose Training Range	18,000	18,000
Army	Fort Carson	Central Energy Plant	0	0
	District of Columbia			
Army	Fort McNair	Vehicle Storage Building, Installation	7,200	7,200
	Georgia			
Army	Fort Gordon	Modified Record Fire Range	4,000	4,000
Army	Fort Stewart, Georgia	Unmanned Aerial Vehicle Complex	24,000	24,000
Army	Fort Stewart, Georgia	Automated Combat Pistol Qual Crse	3,650	3,650
Army	Fort Stewart, Georgia	Digital Multipurpose Training Range	22,000	22,000
Army	Fort Gordon	Multipurpose Machine Gun Range	7,100	7,100
Army	Fort Benning	Ground Source Heat Transfer System	16,000	16,000
Army	Fort Gordon	Ground Source Heat Transfer System	12,200	12,200
	Hawaii			
Army	Schofield Barracks	Barracks	55,000	55,000
Army	Pohakuloa Training Area	Automated Infantry Platoon Battle Course	29,000	29,000
Army	Schofield Barracks	Barracks	41,000	41,000
Army	Wheeler Army Air Field	Combat Aviation Brigade Barracks	85,000	85,000
	Italy			
Army	Vicenza	Simulations Center	32,000	32,000
Army	Camp Ederle	Barracks	36,000	36,000
	Japan			
Army	Sagami	Vehicle Maintenance Shop	18,000	18,000
Army	Okinawa	Satellite Communications Facility	78,000	78,000
	Kansas			
Army	Fort Riley, Kansas	Unmanned Aerial Vehicle Complex	12,200	12,200
	Kentucky			
Army	Fort Campbell, Kentucky	Battalion Headquarters Complex	55,000	55,000
Army	Fort Knox	Automated Infantry Squad Battle Course	6,000	6,000
Army	Fort Campbell, Kentucky	Live Fire Exercise Shoothouse	3,800	3,800
Army	Fort Campbell, Kentucky	Unmanned Aerial Vehicle Complex	23,000	23,000
	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

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
Army	Fort Leonard Wood	Vehicle Maintenance Shop	39,000	39,000
Army	Fort Leonard Wood	Trainee Barracks Complex 3, Ph 2	58,000	58,000
	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	U.S. Military Academy	Cadet Barracks	192,000	192,000
Army	Fort Drum, New York	Aircraft Maintenance Hangar	95,000	95,000
	North Carolina			
Army	Fort Bragg	Aerial Gunnery Range	42,000	42,000
Army	Fort Bragg	Infrastructure	30,000	30,000
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	Fort Hood, Texas	Modified Record Fire Range	4,200	4,200
Army	Corpus Christi	Aircraft Component Maintenance Shop	13,200	13,200
Army	Joint Base San Antonio	Barracks	21,000	21,000
Army	Fort Bliss	Multipurpose Machine Gun Range	7,200	7,200
Army	Fort Hood, Texas	Unmanned Aerial Vehicle Complex	22,000	22,000
Army	Fort Hood, Texas	Training Aids Center	25,000	25,000
Army	Corpus Christi	Aircraft Paint Shop	24,000	24,000
	Virginia			
Army	Fort Belvoir	Secure Admin/Operations Facility	94,000	94,000
Army	Fort Lee	Adv Individual Training Barracks Cplx, Ph2	81,000	81,000
Army	Arlington	Cemetery Expansion Millennium Site	84,000	84,000
	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	Minor Construction FY 13	25,000	25,000
Army	Unspecified Worldwide Locations	Host Nation Support FY 13	34,000	34,000
Army	Unspecified Worldwide Locations	Planning and Design FY13	65,173	65,173
Total Military Construction, Army			**1,923,323**	**1,923,323**
	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	Transient Quarters	41,529	0
Navy	SW Asia	Combined Dining Facility	9,819	0
	California			
Navy	Miramar	Hangar 5 Renovations & Addition	27,897	27,897
Navy	Camp Pendleton, California	Comm. Information Systems Ops Complex	78,897	78,897
Navy	Point Mugu	Bams Maintenance Training Facility	0	12,790
Navy	Camp Pendleton, California	San Jacinto Road Extension	5,074	5,074
Navy	Coronado	H–60s Simulator Training Facility	2,478	2,478
Navy	Lemoore	Bams Maintenance Training Facility	14,843	0
Navy	Camp Pendleton, California	MV22 Aviation Simulator Building	4,139	4,139
Navy	Coronado	Bachelor Quarters	76,063	76,063
Navy	Twentynine Palms, California	Land Expansion Phase 2	47,270	47,270
Navy	Seal Beach	Strategic Systems Weapons Eval. Test Lab	30,594	30,594
Navy	San Diego	LCS Training Facility	59,436	59,436
Navy	San Diego	Entry Control Point (Gate Five)	11,752	11,752
	Diego Garcia			
Navy	Diego Garcia	Communications Infrastructure	1,691	1,691
	Djibouti			
Navy	Camp Lemonier, Djibouti	Fitness Center	26,960	0
Navy	Camp Lemonier, Djibouti	Joint HQ/Joint Operations Center Facility	42,730	0
Navy	Camp Lemonier, Djibouti	Galley Addition and Warehouse	22,220	0
Navy	Camp Lemonier, Djibouti	Containerized Living and Work Units	7,510	0

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
	Florida			
Navy	Jacksonville	Bams Mission Control Complex	21,980	21,980
	Greece			
Navy	Souda Bay	Intermodal Access Road	4,630	4,630
Navy	Souda Bay	Aircraft Parking Apron Expansion	20,493	20,493
	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	Vertical Take-Off and Landing Pad North	7,416	7,416
Navy	Iwakuni	Maintenance Hangar Improvements	5,722	5,722
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	33,498
	North Carolina			
Navy	Camp Lejeune, North Carolina	Base Access and Road—Phase 3	40,904	40,904
Navy	New River	Personnel Administration Center	8,525	8,525
Navy	Cherry Point Marine Corps Air Station	Marine Air Support Squadron Compound	34,310	34,310
Navy	Camp Lejeune, North Carolina	Staff NCO Academy Facilities	28,986	28,986
Navy	Cherry Point Marine Corps Air Station	Armory	11,581	11,581
	Romania			
Navy	Deveselu, Romania	Aegis Ashore Missile Defense Complex	45,205	45,205
	South Carolina			
Navy	Beaufort	Simulated Lhd Flight Deck	12,887	12,887
Navy	Beaufort	Ground Support Equipment Shop	9,465	9,465
Navy	Beaufort	Aircraft Maintenance Hangar	42,010	42,010
Navy	Beaufort	Airfield Security Upgrades	13,675	13,675
Navy	Parris Island	Front Gate Atfp Improvements	10,135	10,135
Navy	Beaufort	Recycling/Hazardous Waste Facility	3,743	3,743
	Spain			
Navy	Rota	General Purpose Warehouse	3,378	3,378
Navy	Rota	High Explosive Magazine	13,837	13,837
	Virginia			
Navy	Quantico	Weapons Training Battalion Mess Hall	12,876	12,876
Navy	Dahlgren	Cruiser/Destroyer Upgrade Training Facility	16,494	16,494
Navy	Yorktown	Supply Warehouse Facility	8,939	8,939
Navy	Yorktown	Motor Transportation Facility	6,188	6,188
Navy	Yorktown	Bachelor Enlisted Quarters	18,422	18,422
Navy	Yorktown	Armory	4,259	4,259
Navy	Yorktown	Regimental Headquarters	11,015	11,015
Navy	Quantico	Infrastruture—Widen Russell Road	14,826	14,826
Navy	Quantico	The Basic School Student Quarters—Phase 7	31,012	31,012
Navy	Portsmouth	Drydock 8 Electrical Distribution Upgrade	32,706	32,706
Navy	Dahlgren	Physical Fitness Center	11,734	11,734
Navy	Oceana Naval Air Station	A School Barracks	39,086	39,086
	Washington			
Navy	Kitsap	Explosives Handling Wharf #2 (Inc)	280,041	280,041
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	Various Worldwide Locations	BAMS Operational Facilities	34,048	34,048
Navy	Unspecified Worldwide Locations	Unspecified Minor Construction	16,535	16,535
Total Military Construction, Navy			**1,701,985**	**1,549,164**
	Arkansas			
AF	Little Rock AFB	C–130J Fuel Systems Maintenance Hangar	26,000	26,000
AF	Little Rock AFB	C–130J Flight Simulator Addition	4,178	4,178
	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	Dormitory (48 Pn)	24,500	24,500
AF	Thule AB	Consolidated Engineer Shop and Supply Facility	0	0
	Guam			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
AF	Andersen AFB	Fuel Systems Hangar	0	0
	Italy			
AF	Aviano AB	F–16 Mission Training Center	9,400	9,400
	Nebraska			
AF	Offutt AFB	US STRATCOM Replacement Facility, Incr 2	161,000	161,000
	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 Modular Storage Magazines	2,280	2,280
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
	Worldwide Unspecified			
AF	Unspecified Worldwide Locations	Transient Aircraft Hangars	15,032	15,032
AF	Unspecified Worldwide Locations	Transient Contingency Dormitory—100 Rm	17,625	17,625
AF	Unspecified Worldwide Locations	Planning and Design	18,635	18,635
AF	Various Worldwide Locations	Unspecified Minor Construction	18,200	18,200
AF	Unspecified Worldwide Locations	Sanitary Sewer Lift/Pump Station	2,000	2,000
Total Military Construction, Air Force			**388,200**	**388,200**
	Arizona			
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 Mobile Comm Detachment Support Facility	10,120	10,120
Def-Wide	Coronado	SOF Indoor Dynamic Shooting Facility	31,170	31,170
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
Def-Wide	Def Fuel Support Point—San Diego	Replace Fuel Pier	91,563	91,563
	Colorado			
Def-Wide	Fort Carson, Colorado	SOF Battalion Operations Complex	56,673	56,673
Def-Wide	Buckley Air Force Base	Denver Power House	30,000	30,000
Def-Wide	Pikes Peak	High Altitude Medical Research Lab	3,600	3,600
	Conus Classified			
Def-Wide	Classified Location	SOF Parachute Training Facility	6,477	6,477
	Delaware			
Def-Wide	Dover AFB	Replace Truck Off-Load Facility	2,000	2,000
	Florida			
Def-Wide	Hurlburt Field	Construct Fuel Storage Facility	16,000	16,000
Def-Wide	Eglin AFB	SOF Avfid Ops and Maintenance Facilities	41,695	41,695
Def-Wide	MacDill AFB	SOF Joint Special Ops University Fac (JSOU)	34,409	34,409
	Germany			
Def-Wide	Stuttgart-Patch Barracks	DISA Europe Facility Upgrades	2,413	2,413
Def-Wide	Rhine Ordnance Barracks	Medical Center Replacement Incr 2	127,000	127,000
Def-Wide	Weisbaden	Weisbaden High School Addition	52,178	52,178
Def-Wide	Vogelweh	Replace Vogelweh Elementary School	61,415	61,415
	Guam			
Def-Wide	Andersen AFB	Upgrade Fuel Pipeline	67,500	67,500
	Guantanamo Bay, Cuba			
Def-Wide	Guantanamo Bay	Replace Truck Load Facility	2,600	2,600
Def-Wide	Guantanamo Bay	Replace Fuel Pier	37,600	37,600
	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	Kadena AB	Replace Elementary School	71,772	71,772
Def-Wide	Zukeran	Replace Zukeran Elementary School	79,036	79,036
Def-Wide	Sasebo	Replace Sasebo Elementary School	35,733	35,733

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
Def-Wide	Camp Zama	Renovate Zama High School	13,273	13,273
Def-Wide	Kadena AB	Replace Stearley Heights Elementary School	71,773	71,773
	Kentucky			
Def-Wide	Fort Campbell, Kentucky	SOF Landgraf Hangar Extension	3,559	3,559
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
	Korea			
Def-Wide	Osan AFB	Hospital Addition/Alteration	34,600	34,600
Def-Wide	Kunsan Air Base	Medical/Dental Clinic Addition	13,000	13,000
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	Fort Meade	NSAW Recapitalize Building #1/Site M Inc 1	25,000	25,000
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	300,521
Def-Wide	Bethesda Naval Hospital	Base Installation Access./Appearance Plan	7,000	7,000
Def-Wide	Bethesda Naval Hospital	Temporary Medical Facilities	26,600	26,600
Def-Wide	Annapolis	Health Clinic Replacement	66,500	66,500
Def-Wide	Bethesda Naval Hospital	Electrical Capacity and Cooling Towers	35,600	35,600
	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	Soldier Specialty Care Clinic	17,300	17,300
Def-Wide	Fort Drum, New York	Idt Complex	25,900	25,900
	North Carolina			
Def-Wide	Seymour Johnson AFB	Replace Pipeline	1,850	1,850
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 Support Addition	3,875	3,875
Def-Wide	Fort Bragg	SOF Battalion Operations Facility	40,481	40,481
Def-Wide	Fort Bragg	SOF Civil Affairs Battalion Complex	31,373	31,373
Def-Wide	Seymour Johnson AFB	Medical Clinic Replacement	53,600	53,600
Def-Wide	Fort Bragg	SOF Sustainment Brigade Complex	24,693	24,693
	Pennsylvania			
Def-Wide	Def Distribution Depot New Cumberland	Replace Sewage Treatment Plant	6,300	6,300
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
	Romania			
Def-Wide	Deveselu, Romania	Aegis Ashore Missile Defense System Complex	157,900	82,900
	South Carolina			
Def-Wide	Shaw AFB	Medical Clinic Replacement	57,200	57,200
	Texas			
Def-Wide	Joint Base San Antonio	Ambulatory Care Center Phase 3 Incr	80,700	80,700
Def-Wide	Red River Army Depot	DFAS Facility	16,715	16,715
Def-Wide	Fort Bliss	Hospital Replacement Incr 4	207,400	207,400
	United Kingdom			
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
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
	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	Norfolk	Veterinary Facility Replacement	8,500	8,500
Def-Wide	Joint Expeditionary Base Little Creek—Story	SOF Combat Services Support Facility—East	11,132	11,132
	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

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
	Worldwide Unspecified			
Def-Wide	Unspecified Worldwide Locations	Planning and Design	27,620	27,620
Def-Wide	Unspecified Worldwide Locations	Planning and Design	8,300	8,300
Def-Wide	Unspecified Worldwide Locations	Planning and Design	4,548	4,548
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	4,091	4,091
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Milcon	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design	2,919	2,919
Def-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction	6,440	6,440
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Const	10,000	10,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design	47,978	47,978
Def-Wide	Unspecified Worldwide Locations	Planning and Design	105,569	105,569
Def-Wide	Unspecified Worldwide Locations	Planning and Design	7,928	7,928
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	7,254	7,254
Def-Wide	Unspecified Worldwide Locations	Planning & Design	5,000	5,000
Def-Wide	Unspecified Worldwide Locations	Energy Conservation Investment Program	150,000	150,000
Def-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction	3,000	3,000
Def-Wide	Unspecified Worldwide Locations	Planning and Design	105,700	105,700
Def-Wide	Unspecified Worldwide Locations	SOF Operations and Skills Training Complex	0	0
Def-Wide	Unspecified Worldwide Locations	Minor Construction	5,000	5,000
Def-Wide	Unspecified Worldwide Locations	Contingency Construction	10,000	0
Total Military Construction, Defense-Wide			**3,654,623**	**3,569,623**
	Colorado			
Chem Demil	Pueblo Depot	Ammunition Demilitarization Facility, Ph XIV	36,000	36,000
	Kentucky			
Chem Demil	Blue Grass Army Depot	Ammunition Demilitarization Ph XIII	115,000	115,000
Total Chemical Demilitarization Construction, Defense			**151,000**	**151,000**
	Worldwide Unspecified			
NATO	NATO Security Investment Program	NATO Security Investment Program	254,163	254,163
Total NATO Security Investment Program			**254,163**	**254,163**
	Alabama			
Army NG	Fort McClellan	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	Miramar	Readiness Center	20,000	20,000
Army NG	Camp Blanding	Combined Arms Collective Training Fac	9,000	9,000
	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	Terre Haute	Field Maintenance Shop	9,000	9,000
Army NG	South Bend	Armed Forces Reserve Center Add/Alt	21,000	21,000
	Iowa			
Army NG	Camp Dodge	Urban Assault Course	3,000	3,000
	Kansas			
Army NG	Topeka	Taxiway, Ramp & Hangar Alterations	9,500	9,500

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
	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	Camp Ripley	Scout Reconnaisance Range	17,000	17,000
Army NG	St Paul	Readiness Center	17,000	17,000
	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	Perryville	Readiness Center Add/Alt	700	700
Army NG	Monett	Readiness Center Add/Alt	820	820
	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	Delaware	Readiness Center	12,000	12,000
Army NG	Chillicothe	Field Maintenance Shop Add/Alt	3,100	3,100
	Oklahoma			
Army NG	Camp Gruber	Operations Readiness Training Complex	25,000	25,000
	Puerto Rico			
Army NG	Guaynabo	Readiness Center (JFHQ)	15,000	15,000
Army NG	Gurabo	Readiness Center	14,700	14,700
Army NG	Ceiba	Refill Station Building	2,200	2,200
Army NG	Camp Santiago	Readiness Center	3,800	3,800
	Utah			
Army NG	Camp Williams	Regional Training Institute Ph2	21,000	21,000
Army NG	Camp Williams	BEQ Facility (Regional Training Institute)	15,000	15,000
	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	UPH Barracks	4,300	4,300
Army Res	Tustin	Army Reserve Center	27,000	27,000
Army Res	Fort Hunter Liggett	Access Control Point	0	0
Army Res	Fort Hunter Liggett	ORTC	64,000	64,000
	Illinois			
Army Res	Fort Sheridan	Army Reserve Center	28,000	28,000
	Maryland			
Army Res	Baltimore	Add/Alt Army Reserve Center	10,000	10,000
Army Res	Aberdeen Proving Ground	Army Reserve Center	21,000	21,000
	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			

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
Army Res	Fort McCoy	ECS Tactical Equip. Maint. Facilty (TEMF)	27,000	27,000
Army Res	Fort McCoy	Central Issue Facility	12,200	12,200
Army Res	Fort McCoy	Dining Facility	8,600	8,600
	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	Meghee-Tyson Airport	Dormitory Classroom Facility	0	0
	Worldwide Unspecified			
Air NG	Various Worldwide Locations	Unspecified Minor Construction	5,900	5,900
Air NG	Various Worldwide Locations	Planning and Design	4,000	4,000
	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	Maintenance of Real Property	109,534	109,534
FH Ops Army	Unspecified Worldwide Locations	Leasing	203,533	203,533
FH Ops Army	Unspecified Worldwide Locations	Miscellaneous Account	620	620
FH Ops Army	Unspecified Worldwide Locations	Furnishings Account	31,785	31,785
FH Ops Army	Unspecified Worldwide Locations	Services Account	13,487	13,487
FH Ops Army	Unspecified Worldwide Locations	Utilities Account	88,112	88,112
FH Ops Army	Unspecified Worldwide Locations	Management Account	56,970	56,970
FH Ops Army	Unspecified Worldwide Locations	Privatization Support Costs	26,010	26,010
Total Family Housing Operation And Maintenance, Army			**530,051**	**530,051**

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
	Worldwide Unspecified			
FH Con AF	Unspecified Worldwide Locations	Improvements	79,571	79,571
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	Leasing	62,730	62,730
FH Ops AF	Unspecified Worldwide Locations	Housing Privatization	46,127	46,127
FH Ops AF	Unspecified Worldwide Locations	Maintenance (RPMA RPMC)	201,937	201,937
FH Ops AF	Unspecified Worldwide Locations	Services Account	16,550	16,550
FH Ops AF	Unspecified Worldwide Locations	Furnishings Account	37,878	37,878
FH Ops AF	Unspecified Worldwide Locations	Utilities Account	75,662	75,662
FH Ops AF	Unspecified Worldwide Locations	Miscellaneous Account	1,943	1,943
FH Ops AF	Unspecified Worldwide Locations	Management Account	55,002	55,002
Total Family Housing Operation And Maintenance, Air Force			**497,829**	**497,829**
	Worldwide Unspecified			
FH Con Navy	Unspecified Worldwide Locations	Improvements	97,655	97,655
FH Con Navy	Unspecified Worldwide Locations	Design	4,527	4,527
Total Family Housing Construction, Navy And Marine Corps			**102,182**	**102,182**
	Worldwide Unspecified			
FH Ops Navy	Unspecified Worldwide Locations	Privatization Support Costs	27,798	27,798
FH Ops Navy	Unspecified Worldwide Locations	Utilities Account	80,860	80,860
FH Ops Navy	Unspecified Worldwide Locations	Furnishings Account	17,697	17,697
FH Ops Navy	Unspecified Worldwide Locations	Management Account	62,741	62,741
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	Services Account	19,615	19,615
FH Ops Navy	Unspecified Worldwide Locations	Miscellaneous Account	491	491
Total Family Housing Operation And Maintenance, Navy And Marine Corps			**378,230**	**378,230**
	Worldwide Unspecified			
FH Ops DW	Unspecified Worldwide Locations	Maintenance of Real Property	567	567
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	Management Account	371	371
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	283	283
FH Ops DW	Unspecified Worldwide Locations	Utilities Account	12	12
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	Services Account	31	31
FH Ops DW	Unspecified Worldwide Locations	Furnishings Account	20	20
Total Family Housing Operation And Maintenance, Defense-Wide			**52,238**	**52,238**

SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	House Agreement
FHIF	Worldwide Unspecified Unspecified Worldwide Locations	Family Housing Improvement Fund	1,786	1,786
Total DOD Family Housing Improvement Fund			**1,786**	**1,786**
BRAC 05	Worldwide Unspecified Unspecified Worldwide Locations	Program Management Various Locations	605	605
BRAC 05	Unspecified Worldwide Locations	USA–223: Fort Monmouth, NJ	9,989	9,989
BRAC 05	Unspecified Worldwide Locations	USA–36: Red River Army Depot	1,385	1,385
BRAC 05	Unspecified Worldwide Locations	USA–242: RC Transformation in NY	172	172
BRAC 05	Unspecified Worldwide Locations	USA–212: USAR Cmd & Cntrl—New England	222	222
BRAC 05	Unspecified Worldwide Locations	USA–167: USAR Command and Control—NE	175	175
BRAC 05	Unspecified Worldwide Locations	DON–84: JRB Willow Grove & Cambria Reg Ap	189	189
BRAC 05	Unspecified Worldwide Locations	USA–253: RC Transformation in PA	100	100
BRAC 05	Unspecified Worldwide Locations	USA–113: Fort Monroe, VA	12,184	12,184
BRAC 05	Unspecified Worldwide Locations	MED–57: Brooks City Base, TX	326	326
BRAC 05	Unspecified Worldwide Locations	DON–168: NS Newport, RI	1,742	1,742
BRAC 05	Unspecified Worldwide Locations	DON–100: Planing, Design and Management	5,038	5,038
BRAC 05	Unspecified Worldwide Locations	Comm Add 3: Galena Fol, AK	1,337	1,337
BRAC 05	Unspecified Worldwide Locations	IND–112: River Bank Army Ammo Plant, CA	22,431	22,431
BRAC 05	Unspecified Worldwide Locations	DON–172: NWS Seal Beach, Concord, CA	2,129	2,129
BRAC 05	Unspecified Worldwide Locations	USA–236: RC Transformation in CT	557	557
BRAC 05	Unspecified Worldwide Locations	DON–157: MCSA Kansas City, MO	39	39
BRAC 05	Unspecified Worldwide Locations	USA–222: Fort McPherson, GA	6,772	6,772
BRAC 05	Unspecified Worldwide Locations	USA–121: Fort Gillem, GA	4,976	4,976
BRAC 05	Unspecified Worldwide Locations	DON–138: NAS Brunswick, ME	4,897	4,897
BRAC 05	Unspecified Worldwide Locations	MED–2: Walter Reed NMMC, Bethesda, MD	7,787	7,787
BRAC 05	Unspecified Worldwide Locations	DON–101: Various Locations	4,176	4,176
BRAC 05	Unspecified Worldwide Locations	IND–110: Mississippi Army Ammo Plant, MS	160	160
BRAC 05	Unspecified Worldwide Locations	Program Management Various Locations	20,453	20,453
BRAC 05	Unspecified Worldwide Locations	IND–119: Newport Chemical Depot, IN	197	197
BRAC 05	Unspecified Worldwide Locations	IND–106: Kansas Army Ammunition Plant, KS	7,280	7,280
BRAC 05	Unspecified Worldwide Locations	IND–122: Lone Star Army Ammo Plant, TX	11,379	11,379
Total Base Realignment and Closure Account 2005			**126,697**	**126,697**
BRAC IV	Worldwide Unspecified Base Realignment & Closure, Navy	Base Realignment & Closure	146,951	146,951
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
Total Base Realignment and Closure Account 1990			**349,396**	**349,396**
PYS	Worldwide Unspecified Unspecified Worldwide Locations	BRAC 2005	0	–126,697
PYS	Unspecified Worldwide Locations	Contingency Construction	0	–20,000
Total Prior Year Savings			**0**	**–146,697**
Total Military Construction			**11,222,710**	**10,838,192**

SEC. 4602. OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4602. OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2013 Request	Agreement
	Bahrain Island			
Navy	SW Asia	Transient Quarters	0	41,529
Navy	SW Asia	Combined Dining Facility	0	9,819
	Djibouti			
Navy	Camp Lemonier, Djibouti	Joint HQ/Joint Operations Center Facility	0	42,730
Navy	Camp Lemonier, Djibouti	Galley Addition and Warehouse	0	22,220
Navy	Camp Lemonier, Djibouti	Fitness Center	0	26,960
Navy	Camp Lemonier, Djibouti	Containerized Living and Work Units	0	7,510
Total Military Construction, Navy			**0**	**150,768**
	Worldwide Unspecified			
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			**0**	**0**

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	FY2013 Request	House Authorized
Discretionary Summary By Appropriation		
Energy And Water Development, And Related Agencies		
Appropriation Summary:		
Energy Programs		
Electricity delivery and energy reliability	6,000	6,000
Atomic Energy Defense Activities		
National nuclear security administration:		
Weapons activities	7,577,341	7,900,979
Defense nuclear nonproliferation	2,458,631	2,485,631
Naval reactors	1,088,635	1,187,635
Office of the administrator	411,279	363,279
Total, National nuclear security administration	11,535,886	11,937,524
Environmental and other defense activities:		
Defense environmental cleanup	5,472,001	5,482,001
Other defense activities	735,702	685,702
Total, Environmental & other defense activities	6,207,703	6,167,703
Total, Atomic Energy Defense Activities	17,743,589	18,105,227
Total, Discretionary Funding	**17,749,589**	**18,111,227**
Electricity Delivery & Energy Reliability		
Electricity Delivery & Energy Reliability		
Infrastructure security & energy restoration	6,000	6,000
Weapons Activities		
Directed stockpile work		
Life extension programs		
B61 Life extension program	369,000	435,000
W76 Life extension program	174,931	255,931

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY2013 Request	House Authorized
Total, Life extension programs	543,931	690,931
Stockpile systems		
B61 Stockpile systems	72,364	72,364
W76 Stockpile systems	65,445	65,445
W78 Stockpile systems	139,207	151,207
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	128,217
Total, Stockpile systems	590,409	607,409
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	32,103
R&D certification and safety	191,632	218,632
Management, technology, and production	175,844	184,844
Plutonium sustainment	141,685	150,685
Total, Stockpile services	902,669	957,669
Total, Directed stockpile work	2,088,274	2,307,274
Campaigns:		
Science campaign		
Advanced certification	44,104	73,604
Primary assessment technologies	94,000	101,000
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	395,604
Engineering campaign		
Enhanced surety	46,421	54,921
Weapon systems engineering assessment technology	18,983	18,983
Nuclear survivability	21,788	21,788
Enhanced surveillance	63,379	71,379
Total, Engineering campaign	150,571	167,071
Inertial confinement fusion ignition and high yield campaign		
Diagnostics, cryogenics and experimental support	81,942	81,942
Ignition	84,172	54,172
Support of other stockpile programs	14,817	34,817
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	450,000
Advanced simulation and computing campaign	600,000	570,000
Readiness Campaign		
Nonnuclear readiness	64,681	64,681
Tritium readiness	65,414	65,414
Total, Readiness campaign	130,095	130,095
Total, Campaigns	1,690,770	1,712,770
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
Total, Operations of facilities	1,419,403	1,419,403
Science, technology and engineering capability support	166,945	166,945

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY2013 Request	House Authorized
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	17,909	17,909
09–D–404 Test capabilities revitalization II, Sandia National Laboratories,	11,332	11,332
08–D–802 High explosive pressing facility Pantex Plant, Amarillo, TX	24,800	24,800
06–D–141 PED/Construction, UPF Y–12, Oak Ridge, TN	340,000	340,000
04–D–125 Chemistry and metallurgy facility replacement project, Los Ala	0	100,000
Total, Construction	450,134	550,134
Total, Readiness in technical base and facilities	2,239,828	2,339,828
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	72,639
Total, Site stewardship	90,001	72,639
Defense nuclear security		
Operations and maintenance	643,285	643,285
NNSA CIO activities	155,022	155,022
Legacy contractor pensions	185,000	185,000
National security applications	18,248	18,248
Subtotal, Weapons activities	7,577,341	7,900,979
Total, Weapons Activities	**7,577,341**	**7,900,979**
Defense Nuclear Nonproliferation		
Nonproliferation and verification R&D		
Operations and maintenance	548,186	548,186
Nonproliferation and international security	150,119	150,119
International nuclear materials protection and cooperation	311,000	311,000
Fissile materials disposition		
U.S. surplus fissile materials disposition		
Operations and maintenance		
U.S. plutonium disposition	498,979	498,979
U.S. uranium disposition	29,736	29,736
Total, Operations and maintenance	528,715	528,715
Construction:		
99–D–143 Mixed oxide fuel fabrication facility, Savannah River, SC	388,802	388,802
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
Total, Defense Nuclear Nonproliferation	**2,458,631**	**2,485,631**

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY2013 Request	House Authorized
Naval Reactors		
Naval reactors development	418,072	418,072
Ohio replacement reactor systems development	89,700	186,700
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
08–D–190 Expended Core Facility M–290 recovering discharge station, Nav	5,700	5,700
Total, Construction	49,590	49,590
Program direction	43,212	45,212
Subtotal, Naval Reactors	1,088,635	1,187,635
Adjustments:		
Rescission of prior year balances	0	0
Total, Naval Reactors	**1,088,635**	**1,187,635**
Office Of The Administrator		
Office of the administrator	411,279	363,279
Total, Office Of The Administrator	**411,279**	**363,279**
Defense Environmental Cleanup		
Closure sites:		
Closure sites administration	1,990	1,990
Hanford site:		
River corridor and other cleanup operations	389,347	389,347
Central plateau remediation	558,820	558,820
Richland community and regulatory support	15,156	15,156
Total, Hanford site	963,323	963,323
Idaho National Laboratory:		
Idaho cleanup and waste disposition	396,607	396,607
Idaho community and regulatory support	3,000	3,000
Total, Idaho National Laboratory	399,607	399,607
NNSA sites		
Lawrence Livermore National Laboratory	1,484	1,484
Nuclear facility D & D Separations Process Research Unit	24,000	24,000
Nevada	64,641	64,641
Sandia National Laboratories	5,000	5,000
Los Alamos National Laboratory	239,143	239,143
Total, NNSA sites and Nevada off-sites	334,268	334,268
Oak Ridge Reservation:		
Building 3019	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

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS
(In Thousands of Dollars)

Program	FY2013 Request	House Authorized
Construction:		
05–D–405 Salt waste processing facility, Savannah River	22,549	22,549
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	30,000
Uranium enrichment D&D fund contribution	463,000	463,000
Subtotal, Defense environmental cleanup	5,494,124	5,504,124
Adjustments		
Use of prior year balances	–12,123	–12,123
Use of unobligated balances	–10,000	–10,000
Total, Adjustments	–22,123	–22,123
Total, Defense Environmental Cleanup	**5,472,001**	**5,482,001**
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
Total, Health, safety and security	245,500	195,500
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		
Defense related administrative support	118,836	118,836
Office of hearings and appeals	4,801	4,801
Subtotal, Other defense activities	735,702	685,702
Total, Other Defense Activities	**735,702**	**685,702**

Passed the House of Representatives May 18, 2012.

Attest:

Clerk.

112th CONGRESS
2d Session

H. R. 4310

AN ACT

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.