In the Senate of the United States,
December 4, 2012.

Resolved, That the bill from the House of Representa-
tives (H.R. 4310) entitled “An Act to authorize appropriations for fiscal year 2013 for military activities of the Depart-
ment 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 pur-
poses.”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause and insert:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “National Defense Au-

3 thorization Act for Fiscal Year 2013”.

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

5 CONTENTS.

6 (a) DIVISIONS.—This Act is organized into seven divi-

7 sions 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.

(5) Division E—Housing Assistance for Veterans.

(6) Division F—Stolen Valor Act.

(7) Division G—Miscellaneous.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees.
Sec. 4. Scoring of budgetary effects.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

Subtitle A—Authorization of Appropriations

Sec. 101. Authorization of appropriations.

Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority for Army CH–47F helicopters.

Subtitle C—Navy Programs

Sec. 121. Refueling and complex overhaul of the U.S.S. Abraham Lincoln.
Sec. 122. Ford class aircraft carriers.
Sec. 123. Limitation on availability of amounts for second Ford class aircraft carrier.
Sec. 124. Multiyear procurement authority for Virginia class submarine program.
Sec. 125. Multiyear procurement authority for Arleigh Burke class destroyers and associated systems.
Sec. 126. Authority for relocation of certain AEGIS weapon system assets between and within the DDG–51 class destroyer and AEGIS Ashore programs in order to meet mission requirements.
Sec. 127. Designation of mission modules of the Littoral Combat Ship as a major defense acquisition program.
Sec. 128. Transfer of certain fiscal year 2012 Procurement of Ammunition, Navy and Marine Corps funds.
Sec. 129. Transfer of certain fiscal year 2012 Procurement, Marine Corps funds for procurement of weapons and combat vehicles.
Sec. 130. Sense of Congress on Marine Corps amphibious lift and presence requirements.
Sec. 131. Sense of Senate on Department of Navy fiscal year 2014 budget request for tactical aviation aircraft.
Sec. 132. SPIDERNet/Spectral Warrior Hardware.

Subtitle D—Air Force Programs

Sec. 141. Reduction in number of aircraft required to be maintained in strategic airlift aircraft inventory.
Sec. 142. Treatment of certain programs for the F–22A Raptor aircraft as major defense acquisition programs.
Sec. 143. Avionics systems for C–130 aircraft.
Sec. 144. Procurement of space-based infrared system satellites.
Sec. 145. Transfer of certain fiscal year 2011 and 2012 funds for Aircraft Procurement for the Air Force.

Subtitle E—Joint and Multiservice Matters

Sec. 151. Multiyear procurement authority for V–22 joint aircraft program.
Sec. 152. Limitation on availability of funds for full-rate production of Handheld, Manpack, and Small Form/Fit radios under the Joint Tactical Radio System program.
Sec. 153. Shallow Water Combat Submersible program.
Sec. 154. AC–130 aircraft electro-optical and infrared sensors.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.

Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. Next Generation Foundry for the Defense Microelectronics Activity.
Sec. 212. Advanced rotorcraft initiative.
Sec. 213. Transfer of certain fiscal year 2012 Navy research, development, test, and evaluation funds.
Sec. 214. Authority for Department of Defense laboratories to enter into education partnerships with educational institutions in United States territories and possessions.
Sec. 215. Transfer of certain fiscal year 2012 Air Force research, development, test, and evaluation funds.
Sec. 216. Relocation of C–band radar from Antigua to H.E. Holt Station in Western Australia to enhance space situational awareness capabilities.

Subtitle C—Missile Defense Matters

Sec. 231. Homeland ballistic missile defense.
Sec. 232. Regional ballistic missile defense.
Sec. 233. Missile defense cooperation with Russia.
Sec. 234. Next generation Exo-atmospheric Kill Vehicle.
Sec. 235. Modernization of the Patriot air and missile defense system.
Sec. 236. Medium Extended Air Defense System.
Sec. 237. Availability of funds for Iron Dome short-range rocket defense program.
Sec. 238. Readiness and flexibility of intercontinental ballistic missile force.
Sec. 239. Sense of Congress on the submittal to Congress of the homeland defense hedging policy and strategy report of the Secretary of Defense.

Subtitle D—Reports

Sec. 251. Mission Packages for the Littoral Combat Ship.
Sec. 252. Comptroller General of the United States annual reports on the acquisition program for the Amphibious Combat Vehicle.

Subtitle E—Other Matters

Sec. 271. Transfer of administration of Ocean Research and Resources Advisory Panel from Department of the Navy to National Oceanic and Atmospheric Administration.
Sec. 272. Sense of Senate on increasing the cost-effectiveness of training exercises for members of the Armed Forces.

TITLE III—OPERATION AND MAINTENANCE

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Subtitle B—Energy and Environmental Provisions

Sec. 311. Department of Defense guidance on environmental exposures at military installations.
Sec. 312. Funding of agreements under the Sikes Act.
Sec. 313. Report on property disposals and additional authorities to assist local communities around closed military installations.

Subtitle C—Logistics and Sustainment

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

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Sec. 331. Annual report on Department of Defense long-term corrosion strategy.
Sec. 332. Modified deadline for Comptroller General review of annual report on prepositioned materiel and equipment.

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Sec. 342. NATO Special Operations Headquarters.
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Sec. 344. Sense of the Congress on Navy Fleet requirements.
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Sec. 401. End strengths for active forces.
Sec. 402. Additional Marine Corps personnel for the Marine Corps Security Guard Program.

Subtitle B—Reserve Forces

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

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Sec. 421. Military personnel.

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Sec. 502. Exception to 30-year retirement for regular Navy warrant officers in the grade of chief warrant officer, W–5.
Sec. 503. Modification of definition of joint duty assignment to include all instructor assignments for joint training and education.
Sec. 504. Sense of Senate on inclusion of assignments as academic instructor at the military service academies as joint duty assignments.

Subtitle B—Reserve Component Management

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Sec. 512. Reserve component suicide prevention and resilience program.
Sec. 513. Report on mechanisms to ease the reintegration into civilian life of members of the National Guard and the Reserves following a deployment on active duty.

Subtitle C—General Service Authorities

Sec. 521. Diversity in the Armed Forces and related reporting requirements.
Sec. 522. Modification of authority to conduct programs on career flexibility to enhance retention of members of the Armed Forces.
Sec. 523. Authority for additional behavioral health professionals to conduct pre-separation medical examinations for post-traumatic stress disorder.
Sec. 524. Quarterly reports on involuntary separation of members of the Armed Forces.
Sec. 525. Review of eligibility of victims of domestic terrorism for award of the Purple Heart and the Defense Medal of Freedom.
Sec. 526. Extension of temporary increase in accumulated leave carryover for members of the Armed Forces.
Sec. 527. Prohibition on waiver for commissioning or enlistment in the Armed Forces for any individual convicted of a felony sexual offense.
Sec. 528. Research study on resilience in members of the Army.

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Sec. 531. Clarification and enhancement of the role of the Staff Judge Advocate to the Commandant of the Marine Corps.

Sec. 532. Additional information in reports on annual surveys of the committee on the Uniform Code of Military Justice.

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Sec. 542. Additional elements in comprehensive Department of Defense policy on sexual assault prevention and response.

Sec. 543. Hazing in the Armed Forces.

Sec. 544. Retention of certain forms in connection with Restricted Reports on sexual assault involving members of the Armed Forces.

Sec. 545. Prevention and response to sexual harassment in the Armed Forces.

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Subtitle F—Education and Training

Sec. 551. Inclusion of the School of Advanced Military Studies Senior Level Course as a senior level service school.

Sec. 552. Modification of eligibility for associate degree programs under the Community College of the Air Force.

Sec. 553. Support of Naval Academy athletic programs.

Sec. 554. Grade of commissioned officers in uniformed medical accession programs.

Sec. 555. Authority for service commitment for Reservists who accept fellowships, scholarships, or grants to be performed in the Selected Reserve.

Sec. 556. Repeal of requirement for eligibility for in-State tuition of at least 50 percent of participants in Senior Reserve Officers’ Training Corps program.

Sec. 557. Modification of requirements on plan to increase the number of units of the Junior Reserve Officers’ Training Corps.

Sec. 558. Consolidation of military department authority to issue arms, tentage, and equipment to educational institutions not maintaining units of the Junior ROTC.

Sec. 559. Modification of requirement for reports in Federal Register on institutions of higher education ineligible for contracts and grants for denial of ROTC or military recruiter access to campus.


Sec. 561. Report on Department of Defense efforts to standardize educational transcripts issued to separating members of the Armed Forces.

Sec. 562. Comptroller General of the United States reports on joint professional military education matters.

Sec. 563. Troops-to-Teachers program enhancements.

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

Sec. 571. Impact aid for children with severe disabilities.
Sec. 572. Continuation of authority to assist local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.

Sec. 573. Amendments to the Impact Aid program.

Sec. 574. Military spouses.

Sec. 575. Modification of authority to allow Department of Defense domestic dependent elementary and secondary schools to enroll certain students.

Sec. 576. Sense of Congress regarding support for Yellow Ribbon Day.


Subtitle H—Other Matters

Sec. 581. Family briefings concerning accountings for members of the Armed Forces and Department of Defense civilian employees listed as missing.

Sec. 582. Enhancement of authority to accept gifts and services.

Sec. 583. Clarification of authorized Fisher House residents at the Fisher House for the Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware.


Sec. 585. Posthumous honorary promotion of Sergeant Paschal Conley to second lieutenant in the Army.

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Sec. 602. Payment of benefit for nonparticipation of eligible members in Post-Deployment/Mobilization Respite Absence program due to Government error.

Sec. 603. Extension of authority to provide temporary increase in rates of basic allowance for housing under certain circumstances.

Subtitle B—Bonuses and Special and Incentive Pays

Sec. 611. One-year extension of certain bonus and special pay authorities for reserve forces.

Sec. 612. One-year extension of certain bonus and special pay authorities for health care professionals.

Sec. 613. One-year extension of special pay and bonus authorities for nuclear officers.

Sec. 614. One-year extension of authorities relating to title 37 consolidated special pay, incentive pay, and bonus authorities.

Sec. 615. One-year extension of authorities relating to payment of other title 37 bonuses and special pays.

Sec. 616. Increase in amount of officer affiliation bonus for officers in the Selected Reserve.

Sec. 617. Increase in maximum amount of incentive bonus for reserve component members who convert military occupational specialty to ease personnel shortages.
Subtitle C—Travel and Transportation Allowances

Sec. 631. Permanent change of station allowances for members of Selected Reserve units filling a vacancy in another unit after being involuntarily separated.

Sec. 632. Authority for comprehensive program for space-available travel on Department of Defense aircraft.

Subtitle D—Disability, Retired Pay, and Survivor Benefits

Sec. 641. Repeal of requirement for payment of Survivor Benefit Plan premiums when participant waives retired pay to provide a survivor annuity under Federal Employees Retirement System and termination of payment of Survivor Benefit Plan annuity.

Sec. 642. Repeal of automatic enrollment in Family Servicemembers’ Group Life Insurance for members of the Armed Forces married to other members.

Sec. 643. Clarification of computation of combat-related special compensation for chapter 61 disability retirees.

Subtitle E—Military Lending Matters

Sec. 651. Enhancement of protections on consumer credit for members of the Armed Forces and their dependents.

Sec. 652. Additional enhancements of protections on consumer credit for members of the Armed Forces and their dependents.

Sec. 653. Relief in civil actions for violations of protections on consumer credit extended to members of the Armed Forces and their dependents.

Sec. 654. Modification of definition of dependent for purposes of limitations on terms of consumer credit extended to members of the Armed Forces and their dependents.

Sec. 655. Enforcement of protections on consumer credit for members of the Armed Forces and their dependents.

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Sec. 661. Transitional compensation for dependent children who are carried during pregnancy at time of dependent-abuse offense.

Sec. 662. Report on issuance by Armed Forces Medical Examiner of death certificates for members of the Armed Forces who die on active duty abroad.

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Sec. 702. Inclusion of certain over-the-counter drugs in TRICARE uniform formulary.

Sec. 703. Expansion of evaluation of the effectiveness of the TRICARE program.


Sec. 705. Certain treatment of developmental disabilities, including autism, under the TRICARE program.

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Sec. 706. Sense of Congress on health care for retired members of the uniformed services.

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Sec. 711. Use of Department of Defense funds for abortions in cases of rape and incest.
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Sec. 713. Modification of requirements on mental health assessments for members of the Armed forces deployed in connection with a contingency operation.

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Sec. 722. Research program to enhance Department of Defense efforts on mental health in the National Guard and Reserves through community partnerships.

Subtitle D—Reports and Other Matters

Sec. 731. Reports on performance data on Warriors in Transition programs.
Sec. 732. Report on Department of Defense support of members of the Armed Forces who experience traumatic injury as a result of vaccinations required by the Department.
Sec. 733. Plan to eliminate gaps and redundancies in programs of the Department of Defense on psychological health and traumatic brain injury among members of the Armed Forces.
Sec. 734. Report on implementation of recommendations of the Comptroller General of the United States on prevention of hearing loss among members of the Armed Forces.
Sec. 735. Sense of Senate on mental health counselors for members of the Armed Forces, veterans, and their families.
Sec. 736. Prescription drug take-back program for members of the Armed Forces and their dependents.

Subtitle E—Mental Health Care Matters

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Sec. 752. Comprehensive program on prevention of suicide among members of the Armed Forces.
Sec. 753. Quality review of Medical Evaluation Boards, Physical Evaluation Boards, and Physical Evaluation Board Liaison Officers.
Sec. 754. Assessment of adequacy of mental health care benefits under the TRICARE program.
Sec. 755. Sharing between Department of Defense and Department of Veterans Affairs of records and information retained under the medical tracking system for members of the Armed Forces deployed overseas.
Sec. 756. Participation of members of the Armed Forces in peer support counseling programs of the Department of Veterans Affairs.
Sec. 757. Research and medical practice on mental health conditions.
Sec. 758. Disposal of controlled substances.
Sec. 759. Transparency of mental health care services.
Sec. 760. Expansion of Vet Center program to include furnishing counseling to certain members of the Armed Forces and their family members.
Sec. 761. Authority for Secretary of Veterans Affairs to furnish mental health care through facilities other than Vet Centers to immediate family members of members of the Armed Forces deployed in connection with a contingency operation.
Sec. 762. Organization of the Readjustment Counseling Service in Department of Veterans Affairs.
Sec. 763. Recruiting mental health providers for furnishing of mental health services on behalf of the Department of Veterans Affairs without compensation from the Department.
Sec. 764. Peer support.

TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

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Sec. 801. Limitation on use of cost-type contracts.
Sec. 802. Acquisition strategies for major subsystems and subassemblies on major defense acquisition programs.
Sec. 803. Management structure for developmental test and evaluation.
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Sec. 805. Technical change regarding programs experiencing critical cost growth due to change in quantity purchased.
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Subtitle B—Acquisition Policy and Management

Sec. 821. One-year extension of temporary limitation on aggregate annual amount available for contract services.
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Sec. 823. Availability of amounts in Defense Acquisition Workforce Development Fund for temporary members of workforce.
Sec. 824. Department of Defense policy on contractor profits.
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Sec. 845. Extension of contractor conflict of interest limitations.
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Sec. 862. Annual reports on contract support for overseas contingency operations involving combat operations.
Sec. 863. Inclusion of contract support in certain requirements for Department of Defense planning, joint professional military education, and management structure.
Sec. 864. Risk assessment and mitigation for contractor performance of critical functions in support of overseas contingency operations.
Sec. 865. Extension and modification of reports on contracting in Iraq and Afghanistan.
Sec. 866. Extension of temporary authority to acquire products and services in countries along a major route of supply to Afghanistan.
Sec. 867. Compliance with Berry amendment required for uniform components supplied to Afghanistan military or Afghanistan National Police.
Sec. 868. Sense of Senate on the contributions of Latvia and other North Atlantic Treaty Organization member nations to the success of the Northern Distribution Network.
Sec. 869. Responsibilities of inspectors general for overseas contingency operations.
Sec. 870. Agency reports and inspector general audits of certain information on overseas contingency operations.
Sec. 871. Oversight of contracts and contracting activities for overseas contingency operations in responsibilities of Chief Acquisition Officers of Federal agencies.
Sec. 872. Reports on responsibility within Department of State and the United States Agency for International Development for contract support for overseas contingency operations.
Sec. 873. Professional education for Department of State personnel on acquisition for Department of State support and participation in overseas contingency operations.
Sec. 874. Database on price trends of items and services under Federal contracts.
Sec. 875. Information on corporate contractor performance and integrity through the Federal Awardee Performance and Integrity Information System.
Sec. 876. Inclusion of data on contractor performance in past performance databases for executive agency source selection decisions.
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Sec. 884. Authority to provide fee-for-service inspection and testing by Defense Contract Management Agency for certain critical equipment in the absence of a procurement contract.
Sec. 885. Disestablishment of Defense Materiel Readiness Board.
Sec. 886. Modification of period of wait following notice to Congress of intent to contract for leases of certain vessels and vehicles.
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Sec. 889A. Study on army small arms and ammunition acquisition.
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Subtitle F—Ending Trafficking in Government Contracting
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Sec. 924. Next-generation host-based cyber security system for the Department of Defense.
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Sec. 926. Competition in connection with Department of Defense data link systems.
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Sec. 1012. Requirement for biennial certification on provision of support for counter-drug activities to certain foreign governments.
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Sec. 1024. Notice to Congress for the review of proposals to name naval vessels.

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Sec. 1044. Participation of veterans in the Transition Assistance Program of the Department of Defense.
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Sec. 1048. Enhancement of authorities on admission of defense industry civilians to certain Department of Defense educational institutions and programs.
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Sec. 1064. Report on program on return of rare earth phosphors from Department of Defense fluorescent lighting waste to the domestic rare earth supply chain.

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Sec. 1067. Report on military resources necessary to execute United States Force Posture Strategy in the Asia Pacific Region.

Sec. 1068. Report on planned efficiency initiatives at Space and Naval Warfare Systems Command.

Sec. 1069. Study on ability of national air and ground test and evaluation infrastructure facilities to support defense hypersonic test and evaluation activities.

Sec. 1069A. Report on simulated tactical flight training in a sustained gravity environment.

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Sec. 1082. Technical amendments to repeal statutory references to United States Joint Forces Command.

Sec. 1083. Sense of Congress on non-United States citizens who are graduates of United States educational institutions with advanced degrees in science, technology, engineering, and mathematics.

Sec. 1084. Sense of Senate on the maintenance by the United States of a triad of strategic nuclear delivery systems.

Sec. 1085. Plan to partner with State and local entities to address veterans claims backlog.

Sec. 1086. Sense of the Senate on protection of Department of Defense airfields, training airspace, and air training routes.

Sec. 1087. Extension of authorities to carry out a program of referral and counseling services to veterans at risk of homelessness who are transitioning from certain institutions.

Sec. 1088. Sense of Congress that the bugle call commonly known as Taps should be designated as the National Song of Military Remembrance.

Sec. 1089. Reports on the potential security threat posed by Boko Haram.

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Sec. 1091. White Sands Missile Range and Fort Bliss.
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Sec. 1093. Renewal of expired prohibition on return of veterans memorial objects without specific authorization in law.
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Sec. 5311. Short title.
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Sec. 5316. Improving recovery of improper payments.

Subtitle C—Sense of Congress Regarding Spectrum.

Sec. 5317. Sense of Congress regarding spectrum.

1 SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.

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

5 SEC. 4. SCORING OF BUDGETARY EFFECTS.

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 Senate Budget Committee, provided that
such statement has been submitted prior to the vote on passage.

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–47F HELICOPTERS.

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

(b) Condition for Out-Year Contract Payments.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal
year 2013 is subject to the availability of appropriations for that purpose for such later fiscal year.

**Subtitle C—Navy Programs**

**SEC. 121. REFUELING AND COMPLEX OVERHAUL OF THE U.S.S. ABRAHAM LINCOLN.**

(a) **Amount Authorized From SCN Account.**—Of the amount authorized to be appropriated for fiscal year 2013 by section 101 and available for shipbuilding and conversion as specified in the funding table in section 4101, $1,613,392,000 is authorized to be available for the commencement of the nuclear refueling and complex overhaul of the U.S.S. Abraham Lincoln (CVN–72) during fiscal year 2013. The amount authorized to be made available in the preceding sentence is the first increment in the two-year sequence of incremental funding planned for the nuclear refueling and complex overhaul of that vessel.

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

(c) **Condition for Out-Year Contract Payments.**—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations for that purpose for such later fiscal year.
year 2013 is subject to the availability of appropriations for that purpose for that later fiscal year.

SEC. 122. FORD CLASS AIRCRAFT CARRIERS.

(a) Contract Authority for Construction of Aircraft Carriers Designated CVN–78, CVN–79, and CVN–80.—In the fiscal year immediately following the last fiscal year of the contract for advance procurement for a CVN–21 class aircraft carrier designated CVN–78, CVN–79 or CVN–80, the Secretary of the Navy may enter into a contract for the construction of such aircraft carrier to be funded in the fiscal year of such contract for construction and the succeeding four fiscal years, in the case of the vessel designated CVN–78, and the succeeding five fiscal years, in the case of the vessels designated CVN–79 and CVN–80.

(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 any subsequent fiscal year is subject to the availability of appropriations for that purpose for such subsequent fiscal year.

(c) Repeal of Superceded Provision.—Section 121 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2104) is repealed.
SEC. 123. LIMITATION ON AVAILABILITY OF AMOUNTS FOR SECOND FORD CLASS AIRCRAFT CARRIER.

(a) LIMITATION.—Of the amount authorized to be appropriated for fiscal year 2013 by section 101 and available for shipbuilding and conversion for the second Ford class aircraft carrier as specified in the funding table in section 4101, not more than 50 percent of such amount may be obligated or expended until the Secretary of the Navy submits to the congressional defense committees a report setting forth a description of the program management and cost control measures that will be employed in constructing the second Ford class aircraft carrier.

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

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

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

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

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

(5) To increase outfitting levels for assembled units before erection in the dry-dock.
(6) To increase overall ship completion levels at each key construction event.

(7) To improve facilities in a manner that will lead to improved productivity.

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

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

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

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

SEC. 124. MULTIYEAR PROCUREMENT AUTHORITY FOR VIRGINIA CLASS SUBMARINE PROGRAM.

(a) Authority for Multiyear Procurement.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into multiyear contracts, beginning with the fiscal year 2014 program year, for procurement of Virginia class submarines and Government-furnished equipment associated with the Virginia class submarine program.
(b) Authority for Advance Procurement.—The Secretary may enter into one or more contracts, beginning in fiscal year 2013, for advance procurement associated with the vessels and equipment for which authorization to enter into a multiyear procurement contract is provided under subsection (a).

(c) Condition for Out-Year Contract Payments.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(d) Limitation on Termination Liability.—contract for construction of vessels or equipment, entered into in accordance with subsection (a) shall include a clause that limits the liability of the Government to the contractor for any termination of the contract. The maximum liability of the Government under the clause shall be the amount appropriated for the vessels or equipment covered by the contract. Additionally, in the event of cancellation, the maximum liability of the Government shall include the amount of the unfunded cancellation ceiling in the contract.

(e) Authority to Expand Multiyear Procurement.—The Secretary may employ incremental funding for the procurement of Virginia class submarines and Govern-
ment-furnished equipment associated with the Virginia class submarines to be procured during fiscal years 2013 through 2018 if the Secretary—

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

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

SEC. 125. MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE CLASS DESTROYERS AND ASSOCIATED SYSTEMS.

(a) Authority for Multiyear Procurement.— Subject to section 2306b of title 10, United States Code, the Secretary of the Navy may enter into multiyear contracts, beginning with the fiscal year 2013 program year, for the procurement of up to 10 Arleigh Burke class Flight IIA guided missile destroyers, as well as the AEGIS Weapon Systems, MK 41 Vertical Launching Systems, and Commercial Broadband Satellite Systems associated with those vessels.

(b) Authority for Advance Procurement.—The Secretary may enter into one or more contracts, beginning in fiscal year 2013, for advance procurement associated with the vessels and systems for which authorization to enter into a multiyear procurement contract is provided under subsection (a).
(c) Condition for Out-Year Contract Payments.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

SEC. 126. Authority for Relocation of Certain Aegis Weapon System Assets Between and Within the DDG–51 Class Destroyer and Aegis Ashore Programs in Order to Meet Mission Requirements.

(a) Authority.—

(1) Transfer to Aegis Ashore System.—Notwithstanding any other provision of law, the Secretary of the Navy may transfer AEGIS Weapon System (AWS) equipment with ballistic missile defense (BMD) capability to the Missile Defense Agency for use in the AEGIS Ashore System of the Agency for installation in the country designated as Host Nation #1 (HN–1) by transferring to the Agency such equipment procured with amounts authorized to be appropriated to the SCN account for fiscal years 2010 and 2011 for the DDG–51 Class Destroyer Program.

(2) Adjustments in Equipment Deliveries.—
(A) Use of FY12 Funds for AWS Systems on Destroyers Procured with FY11 Funds.—Amounts authorized to be appropriated to the SCN account for fiscal year 2012, and any AEGIS Weapon System assets procured with such amounts, may be used to deliver complete, mission-ready AEGIS Weapon Systems with ballistic missile defense capability to any DDG–51 class destroyer for which amounts were authorized to be appropriated for the SCN account for fiscal year 2011.

(B) Use of AWS Systems Procured with RDTE Funds on Destroyers.—The Secretary may install on any DDG–51 class destroyer AEGIS weapon systems with ballistic missile defense capability transferred pursuant to paragraph (3).

(3) Transfer from AEGIS Ashore System.—The Director of the Missile Defense Agency shall transfer AEGIS Weapon System equipment with ballistic missile defense capability procured for installation in the AEGIS Ashore System to the Department of the Navy for the DDG–51 Class Destroyer Program to replace any equipment transferred to Agency under paragraph (1).
(4) TREATMENT OF TRANSFER IN FUNDING DESTROYER CONSTRUCTION.—Notwithstanding the source of funds for any equipment transferred under paragraph (3), the Secretary shall fund all work necessary to complete construction and outfitting of any destroyer in which such equipment is installed in the same manner as if such equipment had been acquired using amounts in the SCN account.

(5) SCN ACCOUNT DEFINED.—In this subsection, the term "SCN account" means the Shipbuilding and Conversion, Navy account.

(b) RELATIONSHIP TO OTHER LAW.—Nothing in this section shall be construed to repeal or otherwise modify in any way the limitation on obligation or expenditure of funds for missile defense interceptors in Europe as specified in section 223 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 Public Law 111–383; 124 Stat. 4168).

SEC. 127. DESIGNATION OF MISSION MODULES OF THE LITTORAL COMBAT SHIP AS A MAJOR DEFENSE ACQUISITION PROGRAM.

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

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

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

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

SEC. 128. TRANSFER OF CERTAIN FISCAL YEAR 2012 PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS FUNDS.

(a) IN GENERAL.—To the extent provided in appropriations Acts, the Secretary of the Navy may transfer from fiscal year 2012 Procurement of Ammunition, Navy and
Marine Corps funds, $88,300,000 to other, higher priority programs of the Navy and the Marine Corps.

(b) COVERED FUNDS.—For purposes of this section, the term “fiscal year 2012 Procurement of Ammunition, Navy and Marine Corps funds” means amounts authorized to be appropriated for fiscal year 2012 by section 101 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1317) and available for Procurement of Ammunition, Navy and Marine Corps as specified in the funding table in section 4101 of that Act.

(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) CONSTRUCTION OF AUTHORITY.—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

SEC. 129. TRANSFER OF CERTAIN FISCAL YEAR 2012 PROCUREMENT, MARINE CORPS FUNDS FOR PROCUREMENT OF WEAPONS AND COMBAT VEHICLES.

(a) IN GENERAL.—To the extent provided in appropriations Acts, the Secretary of the Navy may transfer from
fiscal year 2012 Procurement, Marine Corps funds for procurement of weapons and combat vehicles, $135,200,000 to other, higher priority programs of the Navy and the Marine Corps.

(b) COVERED FUNDS.—For purposes of this section, the term “fiscal year 2012 Procurement, Marine Corps funds for procurement of weapons and combat vehicles” means amounts authorized to be appropriated for fiscal year 2012 by section 101 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1317) and available for Procurement, Marine Corps for the procurement of weapons and combat vehicles as specified in the funding table in section 4101 of that Act.

(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) CONSTRUCTION OF AUTHORITY.—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

SEC. 130. SENSE OF CONGRESS ON MARINE CORPS AMPHIBIOUS LIFT AND PRESENCE REQUIREMENTS.

(a) FINDINGS.—Congress makes the following findings:
(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) Due to fiscal constraints 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 30 operationally available vessels and has submitted a shipbuilding and ship retirement plan to Congress which will reduce the force to 28 vessels.

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

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

(1) the Department of Defense should carefully
evaluate the maritime force structure necessary to exe-
cute demand for forces by the commanders of the com-
batant commands;

(2) the Department of the Navy carefully evalu-
ate amphibious lift capabilities to meet current and
projected requirements;

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

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

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

(6) maintaining a robust amphibious ship build-
ing industrial base is vital for the future of the na-
tional security of the United States.
SEC. 131. SENSE OF SENATE ON DEPARTMENT OF NAVY FISCAL YEAR 2014 BUDGET REQUEST FOR TACTICAL AVIATION AIRCRAFT.

It is the sense of Senate that, if the budget request of the Department of the Navy for fiscal year 2014 for F–18 aircraft includes a request for funds for more than 13 new F–18 aircraft, the budget request of the Department of the Navy for fiscal year 2014 for F–35 aircraft should include a request for funds for not fewer than 6 F–35B aircraft and 4 F–35C aircraft, presuming that development, testing, and production of the F–35 aircraft are proceeding according to current plans.

SEC. 132. SPIDERNET/SPECTRAL WARRIOR HARDWARE.

(a) ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, NAVY.—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by $2,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for other procurement, Navy, Satellite Communications, line 085, Satellite Communications Systems, as specified in the funding table in section 4101.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to procure SPIDERNet/Spectral Warrior Hardware and installation in order to provide a
cloud network for Spectral Warrior terminals in support of requirements of the commanders of the combatant commands.

Subtitle D—Air Force Programs

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

(a) Reduction in Inventory Requirement.—Section 8062(g)(1) of title 10, United States Code, is amended—

(1) by striking “Effective October 1, 2011, the” and inserting “The”; and

(2) by striking “301 aircraft” and inserting “275 aircraft”.

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

(c) Preservation of Certain Retired C–5 Aircraft.—The Secretary of the Air Force shall preserve each C–5 aircraft retired by the Secretary after September 30, 2012, such that the aircraft—

(1) is stored in flyable condition;

(2) can be returned to service; and
(3) is not used to supply parts to other aircraft unless specifically authorized by the Secretary of Defense upon a request by the Secretary of the Air Force.

SEC. 142. TREATMENT OF CERTAIN PROGRAMS FOR THE F–22A RAPTOR AIRCRAFT AS MAJOR DEFENSE ACQUISITION PROGRAMS.

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

(b) COVERED PROGRAMS.—The programs referred to in this subsection for the F–22A Raptor aircraft are the following:

(1) Any modernization program through Increment 3.2A.

(2) The Reliability and Maintainability Maturations Program (RAMMP) and the Structural Repair Program (SRP II).

(3) The modernization Increment 3.2B and any future F–22A Raptor aircraft modernization program that would otherwise, if a standalone program, qualify for treatment as a major defense acquisition pro-
gram for purposes of chapter 144 of title 10, United States Code.

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

(a) LIMITATIONS.—

(1) AVIONICS MODERNIZATION PROGRAM.—The Secretary of the Air Force shall take no action to cancel or modify the Avionics Modernization Program (AMP) for the C–130 aircraft until 30 days after the date of the submittal to the congressional defense committees of the report required by subsection (b).

(2) CNS/ATM PROGRAM.—

(A) IN GENERAL.—The Secretary shall take no action described in subparagraph (B) until 30 days after the date of the submittal to the congressional defense committees of the report required by subsection (b).

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

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

(ii) to replace the current Avionics
Modernization Program for the C–130 air-
craft.

(b) REPORT.—Not later than 30 days after the date
of the enactment of this Act, the Secretary of Defense shall
submit to the congressional defense committees report on the
results of a study to be conducted by the Office of Cost As-
essment and Program Evaluation of the Department of De-
fense on the following:

(1) The costs and schedule to complete the cur-
rent program of record for the Avionics Moderniza-
tion Program for the C–130 aircraft, as anticipated
at the time of the last certification on that program
under section 2433a of title 10, United States Code.

(2) The total cost and schedule, from start to
completion, of any proposed alternative communica-
tion, navigation, surveillance, and air traffic manage-
ment program for the C–130 aircraft.

(3) The projected manpower savings to be de-
derived from the current program of record for the Avi-
onics Modernization Program for the C–130 aircraft
in comparison with the projected manpower savings
to be derived from any proposed alternative commu-
nication, navigation, surveillance, and air traffic
management program for the C–130 aircraft.

SEC. 144. PROCUREMENT OF SPACE-BASED INFRARED SYS-
TEM SATELLITES.

(a) CONTRACT AUTHORITY.—

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

(2) COST REDUCTION.—The Secretary may in-
clude in a contract entered into under paragraph (1)
the following:

(A) The procurement of material and equip-
ment in economic order quantities if the procure-
ment of such material and equipment in such
quantities will result in cost savings.

(B) Cost reduction initiatives.

(3) USE OF INCREMENTAL FUNDING.—The Sec-
retary may use incremental funding for a contract
entered into under paragraph (1) for a period not to
exceed six fiscal years.

(4) LIABILITY.—A contract entered into under
paragraph (1) shall provide that—

(A) any obligation of the United States to
make a payment under the contract is subject to
the availability of appropriations for that purpose; and

(B) the total liability of the Federal Government for the termination of the contract shall be limited to the total amount of funding obligated at the time of the termination of the contract.

(b) LIMITATION OF COSTS.—

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

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

(A) Plans.

(B) Technical data packages.

(C) Post-delivery and program-related support costs.

(D) Technical support for obsolescence studies.

(c) ADJUSTMENT TO LIMITATION AMOUNT.—

(1) IN GENERAL.—The Secretary may increase the limitation set forth in subsection (b)(1) by the amount of an increase described in paragraph (2) if
(2) INCREASE DESCRIBED.—An increase described in this paragraph is one of the following:

(A) An increase in costs that is attributable to economic inflation after September 30, 2012.

(B) An increase in costs that is attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2012.

(C) An increase in the cost of a space-based infrared system satellite that is attributable to the insertion of a new technology into the satellite that was not built into such satellites procured before fiscal year 2013, if the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology into the satellite is—

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

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

(d) REPORTS.—
(1) REPORT ON CONTRACTS.—Not later than 30 days after the date on which the Secretary enters into a contract under subsection (a), the Secretary shall submit to the congressional defense committees a report on the contract that includes the following:

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

(B) The type and duration of the contract.

(C) The total value of the contract.

(D) The funding profile under the contract by year.

(E) 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.

(2) PLAN FOR USING COST SAVINGS.—Not later than 90 days after the date on which the Secretary enters into a contract under subsection (a), the Secretary shall submit to the congressional defense committees a plan for using the cost savings described in paragraph (1)(A) to improve the capability of military infrared and early warning satellites that includes a description of the following:
(A) The available funds, by year, resulting from such cost savings.

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

(C) The objectives for each such activity or subprogram.

(D) The criteria used by the Secretary to determine which such activities or subprograms to fund.

(E) The method by which the Secretary will determine which such activities or subprograms to fund, including whether that determination will be on a competitive basis.

(F) The plan for encouraging participation in such activities and subprograms by small businesses.

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

(e) Use of Funds Available for Space Vehicle Number 5 for Space Vehicle Number 6.—The Secretary may obligate and expend amounts authorized to be
appropriated for fiscal year 2013 by section 101 for procurement for the Air Force as specified in the funding table in section 4101 and available for the advanced procurement of long-lead parts and the replacement of obsolete parts for space-based infrared system satellite space vehicle number 5 for the advanced procurement of long-lead parts and the replacement of obsolete parts for space-based infrared system space vehicle number 6.

(f) Sense of Congress.—It is the sense of Congress that the Secretary should not enter into a fixed-price contract under subsection (a) for the procurement of two space-based infrared system satellites unless the Secretary determines that entering into such a contract will save the Air Force not less than 20 percent over the cost of procuring two such satellites separately.

SEC. 145. TRANSFER OF CERTAIN FISCAL YEAR 2011 AND 2012 FUNDS FOR AIRCRAFT PROCUREMENT FOR THE AIR FORCE.

(a) In General.—To the extent provided in appropriations Acts, the Secretary of the Air Force may transfer from fiscal year 2011 and 2012 Aircraft Procurement, Air Force funds, an aggregate of $920,748,000 to other, higher priority programs of the Air Force.
(b) COVERED FUNDS.—For purposes of this section, the term “fiscal year 2011 and 2012 Aircraft Procurement, Air Force funds” means—

(1) amounts authorized to be appropriated for fiscal year 2011 by section 103(1) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4152) for aircraft procurement for the Air Force; and

(2) amounts authorized to be appropriated for fiscal year 2012 by section 101 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1317) and available for Aircraft Procurement, Air Force as specified in the funding table in section 4101 of that Act.

(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) CONSTRUCTION OF AUTHORITY.—The transfer authority in this section is in addition to any other transfer authority provided in this Act.
Subtitle E—Joint and Multiservice Matters

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

(a) AUTHORITY FOR MULTIYEAR PROCUREMENT.—

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

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

SEC. 152. LIMITATION ON AVAILABILITY OF FUNDS FOR FULL-RATE PRODUCTION OF HANDHELD, MANPACK, AND SMALL FORM/FIT RADIOS UNDER THE JOINT TACTICAL RADIO SYSTEM PROGRAM.

Amounts available for the Joint Tactical Radio System (JTRS) program may not be obligated or expended for full-rate production of the Handheld, Manpack, and Small
Form/Fit (HMS) radios under that program until the
Under Secretary of Defense for Acquisition, Technology,
and Logistics certifies to the congressional defense commit-
tees that the acquisition strategy for such radios provides,
to the maximum extent practicable, for full and open com-
petition in the acquisition of such radios.

SEC. 153. SHALLOW WATER COMBAT SUBMERSIBLE PRO-
GRAM.

(a) INITIAL REPORT.—Not later than 90 days after the
date of the enactment of this Act, the Commander of the
United States Special Operations Command shall submit
to the congressional defense committees a report setting
forth the following:

(1) A description of the efforts of the contractor
under the Shallow Water Combat Submersible
(SWCS) program and the United States Special Op-
erations Command to improve the accuracy of the
tracking of the schedule and costs of the program.

(2) The revised timeline for the initial and full
operational capability of the Shallow Water Combat
Submersible.

(3) A current estimate of the cost to meet the
basis of issue requirement under the program.

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

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

SEC. 154. AC–130 AIRCRAFT ELECTRO-OPTICAL AND INFRA-RED SENSORS.

(a) ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by $6,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for procurement, Defense-wide, other procurement programs, line 079, Combat mission requirements, as specified in the funding table in section 4101.

(b) AVAILABILITY OF AMOUNT.—To the extent provided in appropriations Acts, the amount authorized and
made available by subsection (a) may be obligated and ex-

pended for a new program to procure color electro-optical

and infrared imaging sensors for AC–130 aircraft used by

the United States Special Operations Command in ongoing

contingency operations.

**TITLE II—RESEARCH, DEVELOP-

MENT, TEST, AND EVALUA-

TION**

**Subtitle A—Authorization of

Appropriations**

**SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fis-
cal 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 FOUNDRY FOR THE DEFENSE

MICROELECTRONICS ACTIVITY.**

Amounts authorized to be appropriated for fiscal year
2013 by section 201 and available for research, develop-
ment, test, and evaluation for the Next Generation Foundry
for the Defense Microelectronics Activity (DMEA) (PE
#6037208) as specified in the funding table in section 4201
may not be obligated or expended for that purpose until
60 days after the date on which the Assistant Secretary of
Defense for Research and Engineering—

(1) develops a microelectronics strategy as de-
scribed in the Senate report to accompany S. 1235 of
the 112th Congress (S. Rept. 112–26) and an estimate
of the full life-cycle costs for the upgrade of the Next
Generation Foundry; and

(2) submits the strategy and cost estimate re-
quired by paragraph (1) to the congressional defense
committees.

SEC. 212. ADVANCED ROTORCRAFT INITIATIVE.

(a) In General.—Not later than 180 days after the
date of the enactment of this Act, the Under Secretary of
Defense for Acquisition, Technology, and Logistics shall, in
consultation with the military departments, the Defense Ad-
vanced Research Projects Agency, and industry (including
the Vertical Lift Consortium (VLC)), submit to the congres-
sional defense committees a report setting forth a strategy
for the use of integrated platform design teams and agile
prototyping approaches for the development of advanced
rotorcraft capabilities.

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

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

(2) A restructuring of the Joint Multi-role (JMR) development program of the Army to include more technology demonstration platforms with challenge goals of significant reductions in cost and time to flight.

(3) A restructuring of the X-Plane Rotorcraft program of the Defense Advanced Research Projects Agency to develop performance objectives beyond the Joint Multi-role development program, including at least two competing teams.

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

SEC. 213. TRANSFER OF CERTAIN FISCAL YEAR 2012 NAVY RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS.

(a) In General.—To the extent provided in appropriations Acts, the Secretary of the Navy may transfer from fiscal year 2012 Navy research, development, test, and eval-
ation funds, $8,832,000 to other, higher priority programs of the Navy.

(b) COVERED FUNDS.—For purposes of this section, the term “fiscal year 2012 Navy research, development, test, and evaluation funds” means amounts authorized to be appropriated for fiscal year 2012 by section 201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1329) and available for Research, Development, Test, and Evaluation, Navy as specified in the funding table in section 4201 of that Act.

(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) CONSTRUCTION OF AUTHORITY.—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

SEC. 214. AUTHORITY FOR DEPARTMENT OF DEFENSE LABORATORIES TO ENTER INTO EDUCATION PARTNERSHIPS WITH EDUCATIONAL INSTITUTIONS IN UNITED STATES TERRITORIES AND POSSESSIONS.

(a) AUTHORITY.—Subsection (a) of section 2194 of title 10, United States Code, is amended by inserting “,
the Commonwealth of Puerto Rico, the Commonwealth of
the Northern Mariana Islands, and any possession of the
United States” after “institutions of the United States”.

(b) **TECHNICAL AMENDMENT.**—Subsection (f)(2) of
such section is amended by inserting “(20 U.S.C. 7801)”
before the period.

**SEC. 215. TRANSFER OF CERTAIN FISCAL YEAR 2012 AIR
FORCE RESEARCH, DEVELOPMENT, TEST,
AND EVALUATION FUNDS.**

(a) **IN GENERAL.**—To the extent provided in appro-
priations Acts, the Secretary of the Air Force may transfer
from fiscal year 2012 Air Force research, development, test,
and evaluation funds, $78,426,000 to other, higher priority
programs of the Air Force.

(b) **COVERED FUNDS.**—For purposes of this section,
the term “fiscal year 2012 Air Force research, development,
test, and evaluation funds” means amounts authorized to
be appropriated for fiscal year 2012 by section 201 of the
(Public Law 112–81; 125 Stat. 1329) and available for Re-
search, Development, Test, and Evaluation, Air Force as
specified in the funding table in section 4201 of that Act.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A trans-
fer made from one account to another under the authority
of this section shall be deemed to increase the amount au-
authorized for the account to which the amount is transferred
by an amount equal to the amount transferred.

(d) CONSTRUCTION OF AUTHORITY.—The transfer au-

thority in this section is in addition to any other transfer

authority provided in this Act.

SEC. 216. RELOCATION OF C–BAND RADAR FROM ANTIGUA

TO H.E. HOLT STATION IN WESTERN AUSTRALIA TO ENHANCE SPACE SITUATIONAL

AWARENESS CAPABILITIES.

To the extent provided in appropriations Acts, of the

amounts authorized to be appropriated for fiscal year 2013

by section 201 and available for research, development, test,

and evaluation for Space Situation Awareness Systems

(PE 0604425F) for System Development and Demonstra-

tion as specified in the funding table in section 4201,

$3,000,000 may be obligated and expended for a new pro-

gram for the relocation and research and development ac-

tivities to enhance Space Situational Awareness capabili-

ties through—

(1) the repurposing of the C–Band Radar at Ant-

tigua;

(2) the relocation of that radar to the H.E. Holt

Station in Western Australia;
(3) upgrades of the hardware and software of that radar to meet Space Situational Awareness mission needs;

(4) operational testing of that radar; and

(5) transfer of jurisdiction of that radar to the Air Force Space Command for operations and sustainment by September 30, 2016.

SEC. 217. DETAILED DIGITAL RADIO FREQUENCY MODULATION COUNTERMEASURES STUDIES AND SIMULATIONS.

(a) Additional Amount for RDT&E, Army.—The amount authorized to be appropriated for fiscal year 2013 by section 201 is hereby increased by $38,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for research, development, test, and evaluation, Army, for system development and demonstration (PE 0605457A) Army Integrated Air and Missile Defense (AIAMD), as specified in the funding table in section 4201.

(b) Availability of Amount.—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to conduct detailed digital radio frequency modulation (DRFM) countermeasures studies and simulations to develop algorithms to address this threat.
change in support of the accelerated fielding of a new capability in Patriot, Sentinel, and Integrated Air and Missile Defense (IAMD) for the requirements of the commanders of the combatant commands.

Subtitle C—Missile Defense Matters

SEC. 231. HOMELAND BALLISTIC MISSILE DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The Ballistic Missile Defense Review of February 2010 stated as its first policy priority that “the United States will continue to defend the homeland against the threat of limited ballistic missile attack” and that “an essential element of the United States’ homeland ballistic missile defense strategy is to hedge against future uncertainties, including both the uncertainty of future threat capabilities and the technical risks inherent to our own development plans”.

(2) The United States currently has an operational Ground-based Midcourse Defense (GMD) system with 30 Ground-Based Interceptors (GBIs) deployed in Alaska and California, protecting the United States against the potential future threat of limited ballistic missile attack from countries such as North Korea and Iran.

(3) As Deputy Assistant Secretary of Defense for Nuclear and Missile Defense Policy Bradley Roberts
testified before the Committee on Armed Services of the Senate on April 25, 2012, “[w]ith 30 GBIs in place, the United States is in an advantageous position vis-à-vis the threats from North Korea and Iran,” and “neither has successfully tested an ICBM or demonstrated an ICBM-class warhead”.

(4) Deputy Assistant Secretary Roberts testified that maintaining this advantageous position “requires continued improvement to the GMD system, including enhanced performance by the GBIs and the deployment of new sensors. It also requires the development of the Precision Tracking Space System (PTSS) to handle larger raid sizes and the Standard Missile-3 (SM–3) Block IIB as the ICBM threat from states like Iran and North Korea matures. These efforts will help to ensure that the United States possesses the capability to counter the projected threat for the foreseeable future”.

(5) As its highest priority, the Missile Defense Agency is designing a correction to the problem that caused a December 2010 flight test failure of the Ground-based Midcourse Defense system using the Capability Enhancement II (CE–II) model of exo-atmospheric kill vehicle, and plans to demonstrate the correction in two flight tests before resuming production
or assembly of additional Capability Enhancement II
kill vehicles.

(6) The Department of Defense has a program to
improve the performance and reliability of the
Ground-based Midcourse Defense system, including a
plan to test every component of the Ground-Based
Interceptors for reliability. According to Department
of Defense officials, the goal of the Ground-Based In-
terceptor reliability program is to double the number
of threat Intercontinental Ballistic Missiles (ICBMs)
that our current inventory of Ground-Based Intercep-
tors could defeat, thereby effectively doubling the ca-
pability of our current Ground-based Midcourse De-
Fense system.

(7) The Missile Defense Agency, working with the
Director of Operational Test and Evaluation and
with United States Strategic Command, has devel-
oped a comprehensive Integrated Master Test Plan
(IMTP) for missile defense, with flight tests for the
Ground-based Midcourse Defense system planned
through fiscal year 2022, including salvo testing, mul-
ple simultaneous engagement testing, and oper-
ational testing.

(8) The Director of Operational Test and Eval-
uation, who must review, approve, and sign each
semi-annual version of the Integrated Master Test Plan, testified that the Test Plan is “a robust and rigorous test plan”. He also testified that the current pace of Ground-based Midcourse Defense system testing of one flight test per year is the “best that we’ve been able to achieve over a decade”.

(9) The Director of the Missile Defense Agency testified before the Committee on Armed Services of the Senate on April 25, 2012, that flight testing the Ground-based Midcourse Defense system more often than once per year could cause “greater risk of further failure and setbacks to developing our homeland defense capability as rapidly as possible”.

(10) As part of its homeland defense hedging strategy, the Department of Defense has already decided upon or implemented a number of actions to improve the missile defense posture of the United States in case the threat of Intercontinental Ballistic Missiles from North Korea or Iran emerges sooner or in greater numbers than anticipated. These include the following actions:

(A) The Missile Defense Agency has completed construction of Missile Field-2 at Fort Greely, Alaska, with eight extra silos available to
deploy additional operational Ground-Based Interceptors, if needed.

(B) With its request for 5 additional Ground-Based Interceptors in the budget of the President for fiscal year 2013, the Missile Defense Agency plans to have enough test and spare Ground-Based Interceptors to emplace in the 8 extra silos from 2014 through 2025, and will keep the Ground-Based Interceptor production line active for 5 additional years, thus allowing additional Ground-Based Interceptor purchases in the future, if needed.

(C) The Department has decided not to decommission prototype Missile Field-1 at Fort Greely but, instead, to keep it in a storage status that would permit it to be refurbished and reactivated within a few years if future threat developments make that necessary.

(D) The Missile Defense Agency plans to build an in-flight interceptor communications terminal at Fort Drum, New York, to enhance the performance of Ground-Based Interceptors defending the eastern United States against possible future missile threats from Iran.
(E) The Missile Defense Agency is continuing the development and testing of the two-stage Ground-Based Interceptor for possible deployment in the future, if needed.

(F) The Missile Defense Agency is upgrading early warning radars in Clear, Alaska, and Cape Cod, Massachusetts, to enhance the ability to defend against potential multiple future Intercontinental Ballistic Missile threats from North Korea and Iran.

(G) The Missile Defense Agency is pursuing development of the Standard Missile-3 Block IIB interceptor for Phase 4 of the European Phased Adaptive Approach. It is intended to augment the Ground-based Midcourse Defense system as a cost-effective first layer of defense of the homeland against a possible future Intercontinental Ballistic Missile threat from Iran.

(H) The Missile Defense Agency is pursuing development of the Precision Tracking Space System, a satellite sensor system to provide persistent tracking of large numbers of missiles in flight, and fire-control quality targeting data to various missile defense interceptor systems. According to the Director of the Missile Defense
Agency, “the greatest future enhancement for both homeland and regional defense in the next ten years is the development of the Precision Tracking Space System satellites”.

(11) As part of its homeland defense hedging strategy review, the Department of Defense is considering other options to enhance the future United States posture to defend the homeland, including the feasibility, advisability and affordability of deploying additional Ground-Based Interceptors, either in Alaska or at a missile defense site on the East Coast of the United States.

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

(1) it is a national priority to defend the homeland against the potential future threat of limited ballistic missile attack from countries such as North Korea and Iran;

(2) the currently deployed Ground-based Mid-course Defense system, with 30 Ground-Based Interceptors deployed in Alaska and California, provides protection of the United States homeland against the potential future threat of limited ballistic missile attack from North Korea and Iran;
(3) it is essential for the Ground-based Midcourse Defense system to achieve the levels of reliability, availability, sustainability, and operational performance that will allow it to continue providing protection of the United States homeland against limited ballistic missile attack;

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

(5) the Department of Defense should continue to enhance the performance and reliability of the Ground-based Midcourse Defense system, and enhance the capability of the Ballistic Missile Defense System, to provide improved capability to defend the homeland against possible increased future missile threats from North Korea and Iran;

(6) the Missile Defense Agency should continue its robust, rigorous, and realistic testing of the Ground-based Midcourse Defense system at a pace of one flight test per year, as described in the Integrated Master Test Plan, including salvo testing, multiple si-
multaneous engagement testing, and operational testing;

(7) if successfully developed, the Standard Missile-3 Block IIB interceptor would provide an essential first layer of defense of the homeland against an emerging Intercontinental Ballistic Missile threat from Iran, using a cost-effective forward-based early intercept system that could permit holding Ground-Based Interceptors in reserve, and if such interceptor could be deployed on ships, it would also provide a significant enhancement to defense against possible future threats from North Korea;

(8) the Precision Tracking Space System has the potential to improve dramatically the capability of homeland and regional missile defense systems against large numbers of missiles launched simultaneously, and should remain a high priority for development;

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

(10) the Department of Defense should continue to evaluate the evolution of the long-range missile
threat from North Korea and Iran and consider other possibilities for prudent, affordable, cost-effective, and operationally significant steps to improve the posture of the United States to defend the homeland against possible future growth in the threat.

(c) REPORT.—

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

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

(A) A detailed description of the actions taken or planned to improve the reliability, availability, and capability of the Ground-based Midcourse Defense system.

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

(C) A description of the results of the two planned flight tests of the Ground-based Midcourse Defense system (Control Test Vehicle flight test-1, and GMD Flight Test–06b) intended to
demonstrate the success of the correction of the
problem that caused the flight test failure of De-
cember 2010, and the status of any decision to
resume production of the Capability Enhance-
ment-II kill vehicle.

(D) A detailed description of actions taken
or planned to improve the homeland defense pos-
ture of the United States to hedge against poten-
tial future Intercontinental Ballistic Missile
threat growth from North Korea and Iran.

(E) Any other matters the Secretary con-
siders appropriate.

(3) FORM OF REPORT.—The report shall be sub-
mitted in unclassified form, but may include a classi-
ified annex.

SEC. 232. REGIONAL BALLISTIC MISSILE DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) In the introduction to the Ballistic Missile
Defense Review of February 2010, Secretary of De-
fense Robert Gates states that “I have made defending
against near-term regional threats a top priority of
our missile defense plans, programs and capabilities”.

(2) In describing the threat of regional ballistic
missiles, the report of the Ballistic Missile Defense Re-
view states that “there is no uncertainty about the ex-
istence of regional threats. They are clear and present. The threat from short-range, medium-range, and intermediate-range ballistic missiles (SRBMs, MRBMs, and IRBMs) in regions where the United States deploys forces and maintains security relationships is growing at a particularly rapid pace”.

(3) In testimony before the Committee on Armed Services of the Senate on April 25, 2012, Dr. Bradley Roberts, Deputy Assistant Secretary of Defense for Nuclear and Missile Defense Policy stated, with respect to regional missile defense, that “the need arises from the rapidly emerging threats to our armed forces in Europe, the Middle East, and East Asia from regional missile proliferators and the basic challenge such proliferation poses to the safety and security of our forces and allies and to our power projection strategy”.

(4) Iran has the largest inventory of regional ballistic missiles in the Middle East, with hundreds of missiles that can reach southeastern Europe and all of the Middle East, including Israel. Iran is improving its existing missiles and developing new and longer-range missiles.

(5) North Korea has a large and growing inventory of short-range and medium-range ballistic mis-
siles that can reach United States forces and allies in South Korea and Japan. North Korea is improving its existing missiles and developing new and longer-range missiles.

(6) In September 2009, President Barack Obama announced that he had accepted the unanimous recommendation of the Secretary of Defense and the Joint Chiefs of Staff to establish a European Phased Adaptive Approach to missile defense, designed to protect deployed United States forces and allies and partners in Europe against the large and growing threat of ballistic missiles from Iran.

(7) In November 2010, at the Lisbon Summit, the North Atlantic Treaty Organization (NATO) decided to adopt the core mission of missile defense of its population, territory and forces. The North Atlantic Treaty Organization agreed to enhance its missile defense command and control system, the Active Layered Theater Ballistic Missile Defense, to provide a North Atlantic Treaty Organization command and control capability. This is in addition to contributions of missile defense capability from individual nations.

(8) During 2011, the United States successfully implemented Phase 1 of the European Phased Adapt-
ive Approach, including deployment of an AN/TPY–2 radar in Turkey, deployment of an Aegis Ballistic Missile Defense ship in the eastern Mediterranean Sea with Standard Missile-3 Block IA interceptors, and establishment of a missile defense command and control system in Germany.

(9) During 2011, the United States successfully negotiated all the international agreements with North Atlantic Treaty Organization allies needed to permit future phases of the European Phased Adaptive Approach, including agreements with Romania and Poland to permit the deployment of Aegis Ashore missile defense systems on their territory, an agreement with Turkey to permit deployment of an AN/TPY–2 radar on its territory, and an agreement with Spain to permit the forward stationing of four Aegis Ballistic Missile Defense ships at Rota.

(10) Phase 2 of the European Phased Adaptive Approach is planned for deployment in 2015, and is planned to include the deployment of Standard Missile-3 Block IB interceptors on Aegis Ballistic Missile Defense ships and at an Aegis Ashore site in Romania.

(11) Phase 3 of the European Phased Adaptive Approach is planned for deployment in 2018, and is
planned to include the deployment of Standard Missile-3 Block IIA interceptors on Aegis Ballistic Missile Defense ships and at an Aegis Ashore site in Poland.

(12) Phase 4 of the European Phased Adaptive Approach is planned for deployment in 2020, and is planned to include the deployment of Standard Missile-3 Block IIB interceptors at Aegis Ashore sites. This interceptor is intended to protect both Europe and the United States against potential future long-range ballistic missiles from Iran.

(13) At the North Atlantic Treaty Organization Summit in Chicago in 2012, the North Atlantic Treaty Organization plans to announce it has achieved an “interim capability” for the North Atlantic Treaty Organization missile defense system, including initial capability of its Active Layered Theater Ballistic Missile Defense system at a command and control facility in Germany.

(14) The United States has a robust program of missile defense cooperation with Israel, including joint development of the Arrow Weapon System and the new Arrow-3 upper tier interceptor, designed to defend Israel against ballistic missiles from Iran. These jointly developed missile defense systems are designed to be interoperable with United States ballistic
missile defenses, and these interoperable systems are tested in large military exercises. The United States has deployed an AN/TPY–2 radar in Israel to enhance missile defense against missiles from Iran.

(15) The United States is working with the nations of the Gulf Cooperation Council on enhanced national and regional missile defense capabilities against growing missile threats from Iran. As part of this effort, the United Arab Emirates plans to purchase two batteries of the Terminal High Altitude Air Defense (THAAD) system, as well as other equipment.

(16) The United States has a strong program of missile defense cooperation with Japan, including the co-development of the Standard Missile-3 (SM–3) Block IIA interceptor for the Aegis Ballistic Missile Defense system, intended to be deployed by Japan and in Phase 3 of the European Phased Adaptive Approach, Japan’s fleet of Aegis Ballistic Missile Defense ships using the SM–3 Block IA interceptors, and the United States deployment of an AN/TPY–2 radar in Japan.

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

(1) the threat from regional ballistic missiles, particularly from Iran and North Korea, is serious
and growing, and puts at risk forward-deployed
United States forces and allies and partners in Eu-
rope, the Middle East, and the Asia-Pacific region;

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

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

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

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

(6) the Department of Defense—

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

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

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

(8) the Department of Defense should continue with the development of the key enablers of enhanced regional missile defense, including the Precision Tracking Space System.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the status and progress of regional missile defense programs and efforts.
(2) ELEMENTS OF REPORT.—The report required by paragraph (1) shall include the following:

(A) An assessment of the adequacy of the existing and planned European Phased Adaptive Approach to provide force protection for forward deployed United States forces in Europe against ballistic missile threats from Iran, and an assessment whether adequate force protection would be available absent the European Phased Adaptive Approach.

(B) An assessment whether the European Phased Adaptive Approach and other planned regional missile defense approaches of the United States meet the integrated priorities of the commanders of the regional combatant commands in an affordable and balanced manner.

(C) A description of the progress made in the development and testing of elements of systems intended for deployment in Phases 2 through 4 of the European Phased Adaptive Approach, including the Standard Missile-3 Block IB interceptor and the Aegis Ashore system.

(D) A description of the manner in which elements of regional missile defense architectures, such as forward-based X-band radars in Turkey
and Japan, contribute to the enhancement of homeland defense of the United States.

(E) A description of the current and planned contributions of North Atlantic Treaty Organization allies, both collectively and individually, to missile defense in Europe.

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

SEC. 233. MISSILE DEFENSE COOPERATION WITH RUSSIA.

(a) FINDINGS.—Congress makes the following findings:

(1) For more than a decade, the United States and Russia have discussed a variety of options for cooperation on shared early warning and ballistic missile defense. For example, on May 1, 2001, President George W. Bush spoke of a “new cooperative relationship” with Russia and said “it should be premised on openness, mutual confidence and real opportunities for cooperation, including the area of missile defense. It should allow us to share information so that each nation can improve its early warning capability, and its capability to defend its people and territory. And perhaps one day, we can even cooperate in a joint defense”. 
(2) Section 1231 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 1654A–329) authorized the Department of Defense to establish in Russia a “joint center for the exchange of data from systems to provide early warning of launches of ballistic missiles and for notification of launches of such missiles”, also known as the Joint Data Exchange Center (JDEC).

(3) On March 31, 2008, Deputy Secretary of Defense Gordon England stated that “we have offered Russia a wide-ranging proposal to cooperate on missile defense—everything from modeling and simulation, to data sharing, to joint development of a regional missile defense architecture—all designed to defend the United States, Europe, and Russia from the growing threat of Iranian ballistic missiles. An extraordinary series of transparency measures have also been offered to reassure Russia. Despite some Russian reluctance to sign up to these cooperative missile defense activities, we continue to work toward this goal”.

(4) On July 6, 2009, President Barack Obama and Russian President Dmitry Medvedev issued a joint statement on missile defense issues, which stated
that “Russia and the United States plan to continue
the discussion concerning the establishment of co-
operation in responding to the challenge of ballistic
missile proliferation... We have instructed our ex-
perts to work together to analyze the ballistic missile
challenges of the 21st century and to prepare appro-
priate recommendations”.

(5) The February 2010 report of the Ballistic
Missile Defense Review established as one of its cen-
tral policy pillars that increased international missile
defense cooperation is in the national security interest
of the United States and, with regard to cooperation
with Russia, the United States “is pursuing a broad
agenda focused on shared early warning of missile
launches, possible technical cooperation, and even
operational cooperation”.

(6) at the November 2010 Lisbon Summit, the
North Atlantic Treaty Organization (NATO) decided
to develop a missile defense system to “protect NATO
European populations, territory and forces” and also
to seek cooperation with Russia on missile defense. In
its Lisbon Summit Declaration, the North Atlantic
Treaty Organization reaffirmed its readiness to “in-
vite Russia to explore jointly the potential for linking
current and planned missile defence systems at an
appropriate time in mutually beneficial ways”. The new NATO Strategic Concept adopted at the Lisbon Summit states that “we will actively seek cooperation on missile defense with Russia”, that “NATO-Russia cooperation is of strategic importance”, and that “the security of the North Atlantic Treaty Organization and Russia is intertwined”.

(7) In a December 18, 2010, letter to the leadership of the Senate, President Obama wrote that the North Atlantic Treaty Organization “invited Russia to cooperate on missile defense, which could lead to adding Russian capabilities to those deployed by NATO to enhance our common security against common threats. The Lisbon Summit thus demonstrated that the Alliance’s missile defenses can be strengthened by improving NATO-Russian relations. This comes even as we have made clear that the system we intend to pursue with Russia will not be a joint system, and it will not in any way limit United States’ or NATO’s missile defense capabilities. Effective cooperation with Russia could enhance the overall efficiency of our combined territorial missile defenses, and at the same time provide Russia with greater security”.
(8) Section 221(a)(3) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4167) states that it is the sense of Congress “to support the efforts of the United States Government and the North Atlantic Treaty Organization to pursue cooperation with the Russian Federation on ballistic missile defense relative to Iranian missile threats”.

(9) In a speech in Russia on March 21, 2011, Secretary of Defense Robert Gates cited “the NATO-Russian decision to cooperate on defense against ballistic missiles. We’ve disagreed before, and Russia still has uncertainties about the European Phased Adaptive Approach, a limited system that poses no challenges to the large Russian nuclear arsenal. However, we’ve mutually committed to resolving these difficulties in order to develop a roadmap toward truly effective anti-ballistic missile collaboration. This collaboration may include exchanging launch information, setting up a joint data fusion center, allowing greater transparency with respect to our missile defense plans and exercises, and conducting a joint analysis to determine areas of future cooperation”.

(10) In testimony to the Committee on Armed Services of the Senate on April 13, 2011, Deputy As-
sistant Secretary of Defense for Nuclear and Missile Defense Policy Bradley H. Roberts stated that the United States has been pursuing a Defense Technology Cooperation Agreement with Russia since 2004, and that such an agreement is necessary “for the safeguarding of sensitive information in support of cooperation” on missile defense, and to “provide the legal framework for undertaking cooperative efforts”. Further, Dr. Roberts stated that the United States would not provide any classified information to Russia without first conducting a National Disclosure Policy review. He also stated that the United States is not considering sharing “hit-to-kill” technology with Russia.

(11) In a March 2012 answer to a question from the Committee on Armed Services of the Senate on missile defense cooperation with Russia, Acting Under Secretary of Defense for Policy Jim Miller wrote that “I support U.S.-Russian cooperation on missile defenses first and foremost because it could improve the effectiveness of U.S. and NATO missile defenses, thereby improving the protection of the United States, our forces overseas, and our Allies. Missile defense cooperation with Russia is in the security interests of the United States, NATO, and Rus-
sia, first and foremost because it could strengthen ca-
pabilities across Europe to intercept Iranian mis-
soles”. He also wrote that “[t]he United States has
pursued missile defense cooperation with Russia with
the clear understanding that we would not accept con-
straints on missile defense, and that we would under-
take necessary qualitative and quantitative improve-
ments to meet U.S. Security needs”.

(12) In February 2012, an international group
of independent experts known as the Euro-Atlantic
Security Initiative issued a report proposing missile
defense cooperation between the United States (with
its North Atlantic Treaty Organization allies) and
Russia. The group, whose leaders included Stephen
Hadley, the National Security Advisor to President
George W. Bush, proposed that the nations share sat-
ellite and radar early warning data at joint coopera-
tion centers in order to improve their ability to de-
tect, track, and defeat medium-range and inter-
mediate-range ballistic missiles from the Middle East.

(13) In a letter dated April 13, 2012, Robert
Nabors, Assistant to the President and Director of the
Office of Legislative Affairs, wrote that “it is Admin-
istration policy that we will only provide information
to Russia that will enhance the effectiveness of our
missile defenses. The Administration will not provide Russia with sensitive information that would in any way compromise our national security, including hit-to-kill technology and interceptor telemetry”.

(14) The United States and Russia already engage in substantial cooperation on a number of international security efforts, including nuclear non-proliferation, anti-piracy, counter-narcotics, nuclear security, counter-terrorism, and logistics resupply through Russia of coalition forces in Afghanistan. These areas of cooperation require each side to share and protect sensitive information, which they have both done successfully.

(15) The United States currently has shared early warning agreements and programs of cooperation with eight nations in addition to the North Atlantic Treaty Organization. The United States has developed procedures and mechanisms for sharing early warning information with partner nations while ensuring the protection of sensitive United States information.

(16) Russia and the United States each have missile launch early warning and detection and tracking sensors that could contribute to and enhance
each others’ ability to detect, track, and defend against ballistic missile threats from Iran.

(17) The Obama Administration has provided regular briefings to Congress on its discussions with Russia on possible missile defense cooperation.

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

(1) it is in the national security interest of the United States to pursue efforts at missile defense cooperation with Russia that would enhance the security of the United States, its North Atlantic Treaty Organization allies, and Russia, particularly against missile threats from Iran;

(2) the United States should pursue ballistic missile defense cooperation with Russia on both a bilateral basis and a multilateral basis with its North Atlantic Treaty Organization allies, particularly through the NATO-Russia Council;

(3) missile defense cooperation with Russia should not “in any way limit United States’ or NATO’s missile defense capabilities”, as acknowledged in the December 18, 2010, letter from President Obama to the leadership of the Senate, and should be mutually beneficial and reciprocal in nature;
(4) the United States should not provide Russia with sensitive missile defense information that would in any way compromise United States national security, including “hit-to-kill” technology and interceptor telemetry; and

(5) the United States should pursue missile defense cooperation with Russia in a manner that ensures that—

(A) United States classified information is appropriately safeguarded and protected from unauthorized disclosure;

(B) prior to sharing classified information with Russia, the United States conducts a National Disclosure Policy review and determines the types and levels of information that may be shared and whether any additional procedures are necessary to protect such information;

(C) prior to entering into missile defense technology cooperation projects, the United States enters into a Defense Technology Cooperation Agreement with Russia that establishes the legal framework for a broad spectrum of potential cooperative defense projects; and
(D) such cooperation does not limit the missile defense capabilities of the United States or its North Atlantic Treaty Organization allies.

SEC. 234. NEXT GENERATION EXO-ATMOSPHERIC KILL VEHICLE.

(a) Plan for Next Generation Kill Vehicle.—The Director of the Missile Defense Agency shall develop a long-term plan for the Exo-atmospheric Kill Vehicle (EKV) that addresses both modifications and enhancements to the current Exo-atmospheric Kill Vehicle and options for the competitive development of a next generation Exo-atmospheric Kill Vehicle for the Ground-Based Interceptor (GBI) of the Ground-based Midcourse Defense (GMD) system and any other interceptor that might be developed for the defense of the United States against long-range ballistic missiles.

(b) Definition of Parameters and Capabilities.—

(1) Assessment Required.—The Director shall define the desired technical parameters and performance capabilities for a next generation Exo-atmospheric Kill Vehicle using an assessment conducted by the Director for that purpose that is designed to ensure that a next generation Exo-atmospheric Kill Vehicle design—
(A) enables ease of manufacturing, high tolerances to production processes and supply chain variability, and inherent reliability;

(B) will be optimized to take advantage of the Ballistic Missile Defense System architecture and sensor system capabilities;

(C) leverages all relevant kill vehicle development activities and technologies, including from the current Standard Missile-3 Block IIB (SM–3 IIB) program and the previous Multiple Kill Vehicle technology development program;

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

(E) meets Department of Defense criteria, as established in the February 2010 Ballistic Missile Defense Review, for affordability, reliability, suitability, and operational effectiveness to defend against limited attacks from evolving and future threats from long-range missiles.

(2) **Evaluation of Payloads.**—The assessment required by paragraph (1) shall include an evaluation of the potential benefits and drawbacks of options for
both unitary and multiple Exo-atmospheric Kill Vehicle payloads.

(3) Standard Missle-3 Block IIB Interceptor.—As part of the assessment required by paragraph (1), the Director shall evaluate whether there are potential options and opportunities arising from the Standard Missile-3 Block IIB interceptor development program for development of an exo-atmospheric kill vehicle, or kill vehicle technologies or components, that could be used for potential upgrades to the Ground-Based Interceptor or for a next generation Exo-atmospheric Kill Vehicle.

(c) Report.—

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

(2) Form.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.
SEC. 235. MODERNIZATION OF THE PATRIOT AIR AND MISSILE DEFENSE SYSTEM.

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

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

(1) An assessment of the integrated air and missile defense capabilities required to meet the demands of evolving and emerging threats.

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

SEC. 236. MEDIUM EXTENDED AIR DEFENSE SYSTEM.

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 (MEADS).

SEC. 237. AVAILABILITY OF FUNDS FOR IRON DOME SHORT-RANGE ROCKET DEFENSE PROGRAM.

Of the amounts authorized to be appropriated for fiscal year 2013 by section 201 for research, development, test,
and evaluation, Defense-wide, and available for the Missile Defense Agency, $210,000,000 may be provided to the Government of Israel for the Iron Dome short-range rocket defense program as specified in the funding table in section 4201.

SEC. 238. READINESS AND FLEXIBILITY OF INTERCONTINENTAL BALLISTIC MISSILE FORCE.

The Secretary of Defense may, in a manner consistent with the obligations of the United States under international agreements—

(1) retain intercontinental ballistic missile launch facilities currently supporting deployed strategic nuclear delivery vehicles within the limit of 800 deployed and non-deployed strategic launchers;

(2) maintain intercontinental ballistic missiles on alert or operationally deployed status; and

(3) preserve intercontinental ballistic missile silos in operational or warm status.

SEC. 239. SENSE OF CONGRESS ON THE SUBMITTAL TO CONGRESS OF THE HOMELAND DEFENSE HEDGING POLICY AND STRATEGY REPORT OF THE SECRETARY OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Section 233 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–
81; 125 Stat. 1340) requires a homeland defense hedg-
ing policy and strategy report from the Secretary of
Defense.

(2) The report was required to be submitted not
later than 75 days after the date of the enactment of
the National Defense Authorization Act for Fiscal
Year 2012, namely by March 16, 2012.

(3) The Secretary of Defense has not yet sub-
mitted the report as required.

(4) In March 2012, General Charles Jacoby, Jr.,
Commander of the United States Northern Command,
the combatant command responsible for operation of
the Ground-based Midcourse Defense system to defend
the homeland against ballistic missile threats, testified
before Congress that “I am confident in my ability to
successfully defend the homeland from the current set
of limited long-range ballistic missile threats”, and
that “[a]gainst current threats from the Middle East,
I am confident we are well postured”.

(5) Phase 4 of the European Phased Adaptive
Approach (EPAA) is intended to augment the cur-
rently deployed homeland defense capability of the
Ground-based Midcourse Defense system against a po-
tential future Iranian long-range missile threat by de-
ploying an additional layer of forward-deployed
interceptors in Europe in the 2020 timeframe.

(6) The Director of National Intelligence, James
Clapper, has testified to Congress that, although the
intelligence community does “not know if Iran will
eventually decide to build nuclear weapons”, it judges
“that Iran would likely choose missile delivery as its
preferred method of delivering a nuclear weapon”. He
also testified that “Iran already has the largest inven-
tory of ballistic missiles in the Middle East, and it
is expanding the scale, reach, and sophistication of its
ballistic missile forces, many of which are inherently
capable of carrying a nuclear payload”.

(7) The 2012 Annual Report to Congress on the
Military Power of Iran by the Department of Defense
states that, in addition to increasing its missile in-
ventories, “Iran has boosted the lethality and effec-
tiveness of its existing missile systems with accuracy
improvements and new submunitions payloads”, and
that it continues to develop missiles that can strike
Israel and Eastern Europe. It also states that “Iran
has launched multistage space launch vehicles that
could serve as a testbed for developing long-range bal-
listic missiles technologies”, and that “[w]ith suffi-
cient foreign assistance, Iran may be technically ca-
pable of flight-testing an intercontinental ballistic
missile by 2015”.

(8) Despite the failure of its April 2012 satellite
launch attempt, North Korea warned the United
States in October 2012 that the United States main-
land is within range of its missiles.

(9) The threat of limited ballistic missile attack
against the United States homeland from countries
such as North Korea and Iran is increasing.

(b) SENSE OF CONGRESS.—It is the sense of the Con-
gress that—

(1) the homeland defense hedging policy and
strategy report required by section 233 of the Na-
tional Defense Authorization Act for Fiscal Year 2012
is necessary to inform Congress on options to protect
the United States homeland against the evolving bal-
listic missile threat, including potential options prior
to the deployment of Phase 4 of the European Phased
Adaptive Approach to missile defense; and

(2) the Secretary of Defense should comply with
the requirements of section 233 of the National De-
fense Authorization Act for Fiscal Year 2012 by sub-
mitting the homeland defense hedging policy and
strategy report to Congress.
Subtitle D—Reports

SEC. 251. MISSION PACKAGES FOR THE LITTORAL COMBAT SHIP.

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

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

(1) A plan for the Mission Packages demonstrating that Preliminary Design Review for every capability increment precedes Milestone B or equivalent approval for that increment.

(2) A plan for demonstrating that the capability increment for each Mission Package, combined with a Littoral Combat Ship, on the basis of a Preliminary Design Review and post-Preliminary Design Review assessment, will achieve the capability specified for that increment.

(3) A plan for demonstrating the survivability and lethality of the Littoral Combat Ship with its Mission Packages sufficiently early in the develop-
ment phase of the system to minimize costs of concurrency.

§ 252. COMPTROLLER GENERAL OF THE UNITED STATES

ANNUAL REPORTS ON THE ACQUISITION PROGRAM FOR THE AMPHIBIOUS COMBAT VEHICLE.

(a) Annual GAO Review.—The Comptroller General of the United States shall conduct on an annual basis a review of the acquisition program for the Amphibious Combat Vehicle (ACV).

(b) Annual Reports.—

(1) In general.—Not later than March 1 of each year beginning in 2013, the Comptroller General shall submit to the congressional defense committees a report on the review of the acquisition program for the Amphibious Combat Vehicle conducted under subsection (a).

(2) Matters to be included.—Each report on the review of the acquisition program for the Amphibious Combat Vehicle shall include, to the extent appropriate and feasible, the following:

(A) An assessment of the extent to which the program is meeting development and procurement cost, schedule, performance, and risk mitigation goals.
(B) With respect to meeting the desired initial operational capability and full operational capability dates for the Amphibious Combat Vehicle, an assessment of the progress and results of—

(i) developmental and operational testing of the vehicle; and

(ii) plans for correcting deficiencies in vehicle performance, operational effectiveness, reliability, suitability, and safety.

(C) An assessment of procurement plans, production results, and efforts to improve manufacturing efficiency and supplier performance in connection with the Amphibious Combat Vehicle.

(D) An assessment of the acquisition strategy for the Amphibious Combat Vehicle, including whether the strategy complies with acquisition management best-practices and the acquisition policy and regulations of the Department of Defense.

(E) A risk assessment of the integrated master schedule and the test and evaluation master plan of the Amphibious Combat Vehicle as it relates to—

(i) the probability of success;
(ii) the funding required for the vehicle in comparison with the funding programmed for the vehicle; and

(iii) development and production concurrency.

(3) ADDITIONAL INFORMATION IN FIRST REPORT.—In submitting to the congressional defense committees the first report under paragraph (1), the Comptroller General shall include, with respect to the Amphibious Combat Vehicle program, an assessment of the sufficiency and objectivity of the following documents:

(A) The analysis of alternatives.

(B) The initial capabilities document.

(C) The capability development document.

(4) INFORMATION IN SUBSEQUENT REPORTS.—

(A) CERTAIN INFORMATION REQUIRED ONLY FOLLOWING SIGNIFICANT CHANGES.—A report under this subsection after the first report under paragraph (1) shall address the matters identified in subparagraphs (C), (D), and (E) of paragraph (2) only to the extent that the Comptroller General determines that there have been significant changes to the applicable plans, strategies,
or schedules since the last report under this subsection addressing such matters.

(B) ADDITIONAL INFORMATION AFTER APPROVAL OR CHANGE OF DOCUMENTS.—If any document specified in paragraph (3) is approved or changed after the first report under paragraph (1), the Comptroller General shall provide an assessment of the sufficiency and objectivity of that document in the report to the congressional defense committees under paragraph (1) submitted immediately following such approval or change.

(5) TERMINATION.—No report is required under this subsection after the first report following the award of a contract for full rate production of the Amphibious Combat Vehicle.

SEC. 253. CONDITIONAL REQUIREMENT FOR REPORT ON AMPHIBIOUS ASSAULT VEHICLES FOR THE MARINE CORPS.

(a) IN GENERAL.—If the ongoing Marine Corps ground combat vehicle fleet mix study recommends the acquisition of a separate Marine Personnel Carrier, the Secretary of the Navy and the Commandant of the Marine Corps shall jointly submit to the congressional defense committees a report that includes the following:
(1) A detailed description of the capability gaps that Marine Personnel Carriers are intended to mitigate and the capabilities that the Marine Personnel Carrier will be required to have to mitigate such gaps, and an assessment whether, and to what extent, Amphibious Combat Vehicles could mitigate such gaps.

(2) A detailed explanation of the role of the Marine Personnel Carriers in fulfilling the forcible entry requirement for the two Marine Expeditionary Brigades (MEBs) that make up the assault echelons of the three Marine Expeditionary Brigade force required to meet applicable war plans of the combatant commands.

(3) A description of the fraction of the assault echelon of the brigades referred to in paragraph (2) that would be comprised of Marine Personnel Carriers.

(4) An assessment of the direct operational risk associated with using ship-to-shore connectors to deliver Marine Personnel Carriers to shore in an amphibious assault.

(5) An assessment of the indirect operational risk associated with using ship-to-shore connectors to
deliver Marine Personnel Carriers rather than tanks and artillery and other tactical vehicles.

(6) A comparative estimate of the acquisition and life-cycle costs of a split fleet of Amphibious Combat Vehicles and Marine Personnel Carriers with the acquisition and life-cycle costs of a pure fleet of Amphibious Combat Vehicles.

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

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

(2) February 1, 2013.

Subtitle E—Other Matters

SEC. 271. TRANSFER OF ADMINISTRATION OF OCEAN RESEARCH AND RESOURCES ADVISORY PANEL FROM DEPARTMENT OF THE NAVY TO NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) In General.—Subsection (a) of section 7903 of title 10, United States Code, is amended—

(1) in the matter preceding paragraph (1)—
(A) by inserting “, through the Administrator of the National Oceanic and Atmospheric Administration,” after “The Council”; 

(B) by inserting “and Resources” after “Ocean Research”; 

(C) by striking “Panel consisting” and inserting “Panel. The Panel shall consist”; and 

(D) by striking “chairman” and inserting “Administrator, on behalf of the Council”; 

(2) in paragraph (1), by striking “National Academy of Science” and inserting “National Academies of Science”; 

(3) by striking paragraphs (2) and (3); and 

(4) by redesignating paragraphs (4) and (5) as paragraphs (2) and (3), respectively.

(b) RESPONSIBILITIES OF PANEL.—Subsection (b) of such section is amended—

(1) by inserting “, through the Administrator of the National Oceanic and Atmospheric Administration,” after “The Council”; 

(2) by striking paragraph (2); 

(3) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and 

(4) by inserting after paragraph (1) the following new paragraphs (2) and (3):
“(2) To advise the Council on the determination of scientific priorities and needs.

“(3) To provide the Council strategic advice regarding national ocean program execution and collaboration.”.

(c) FUNDING TO SUPPORT ACTIVITIES OF PANEL.—Subsection (c) of such section is amended by striking “Secretary of the Navy” and inserting “Secretary of Commerce”.

(d) CONFORMING AMENDMENT.—Section 7902(c)(1) of such title is amended by striking “Ocean Research Advisory Panel” and inserting “Ocean Research and Resources Advisory Panel”.

(e) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of section 7903 of such title is amended to read as follows:

“§ 7903. Ocean Research and Resources Advisory Panel”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 665 of such title is amended by striking the item relating to section 7903 and inserting the following new item:

“7903. Ocean Research and Resources Advisory Panel.”.

(f) REFERENCES.—Any reference to the Ocean Research Advisory Panel in any law, regulation, map, document, record, or other paper of the United States shall be
deemed to be a reference to the Ocean Research and Resources Advisory Panel.

SEC. 272. SENSE OF SENATE ON INCREASING THE COST-EFFECTIVENESS OF TRAINING EXERCISES FOR MEMBERS OF THE ARMED FORCES.

It is the sense of the Senate that—

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

(2) while increased modeling and simulation has reduced overall costs of training of members of the Armed Forces, there are still significant costs associated with the human resources required to execute certain training exercises where role-playing actors for certain characters such as opposing forces, the civilian populace, other government agencies, and non-governmental organizations are required;

(3) technological advances in areas such as varying levels of autonomy for systems, multi-player gaming techniques, and artificial intelligence could reduce the number of personnel required to support certain training exercises for members of the Armed Forces, and thereby reduce the overall cost of the exercises; and
(4) the Secretary of Defense should develop a plan to increase the use of emerging technologies in autonomous systems, the commercial gaming sector, and artificial intelligence for training exercises for members of the Armed Forces to increase training effectiveness and reduce costs.

TITLE III—OPERATION AND MAINTENANCE

Subtitle A—Authorization of Appropriations

SEC. 301. OPERATION AND MAINTENANCE FUNDING.

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

Subtitle B—Energy and Environmental Provisions

SEC. 311. DEPARTMENT OF DEFENSE GUIDANCE ON ENVIRONMENTAL EXPOSURES AT MILITARY INSTALLATIONS.

(a) GUIDANCE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall issue to the appropriate military departments and other de-
fense agencies written guidance on environmental exposures at military installations. The guidance shall—

(1) set forth criteria for when and under what circumstances public health assessments by the Agency for Toxic Substances and Disease Registry shall be requested in connection with environmental contamination at military installations, including past incidents of environmental contamination;

(2) establish procedures for tracking and documenting the status and nature of responses to the findings and recommendations of the public health assessments of the Agency of Toxic Substances and Disease Registry that involve contamination at military installations; and

(3) prescribe appropriate actions with respect to the identification of military and civilian individuals who may have been exposed to contamination while living or working on military installations.

(b) REPORT.—Not later than 30 days after issuing the guidance required under subsection (a), the Secretary of Defense shall transmit a copy of the guidance to the congressional defense committees.
SEC. 312. FUNDING OF AGREEMENTS UNDER THE SIKES ACT.

Section 103a of the Sikes Act (16 U.S.C. 670c–1) is amended—

(1) in subsection (b)—

(A) by inserting “(1)” before “Funds”; and

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

“(2) In the case of a cooperative agreement under subsection (a)(2), such funds—

“(A) may be paid in a lump sum and include an amount intended to cover the future costs of the natural resource maintenance and improvement activities provided for under the agreement; and

“(B) may be placed by the recipient in an interest-bearing account, and any interest shall be applied for the same purposes as the principal.”; and

(2) by amending subsection (c) to read as follows:

“(c) AVAILABILITY OF FUNDS; AGREEMENT UNDER OTHER LAWS.—(1) Cooperative agreements and inter-agency agreements entered into under this section shall be subject to the availability of funds.

“(2) Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire
property or services for the direct benefit or use of the United States Government.”.

SEC. 313. REPORT ON PROPERTY DISPOSALS AND ADDITIONAL AUTHORITIES TO ASSIST LOCAL COMMUNITIES AROUND CLOSED MILITARY INSTALLATIONS.

(a) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the disposition of any not yet completed closure of an active duty military installation since 1988 in the United States that was not subject to the property disposal provisions contained in the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).

(b) Elements.—The report required by subsection (a) shall include the following:

(1) The status of property described in subsection (a) that is yet to be disposed of.

(2) An assessment of the environmental conditions of, and plans and costs for environmental remediation for, each such property.

(3) The anticipated schedule for the completion of the disposal of each such property.
(4) An estimate of the costs, and a description of additional potential future financial liability or other impacts on the Department of Defense, if the authorities provided by Congress for military installations closed under defense base closure and realignment (BRAC) are extended to military installations closed outside the defense base closure and realignment process and for which property has yet to be disposed.

(5) Such recommendations as the Secretary considers appropriate for additional authorities to assist the Department in expediting the disposal of property at closed military installations in order to facilitate economic redevelopment for local communities.

(c) MILITARY INSTALLATION DEFINED.—In this section, 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, 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.
Subtitle C—Logistics and Sustainment

SEC. 321. REPEAL OF CERTAIN PROVISIONS RELATING TO DEPOT-LEVEL MAINTENANCE.

(a) Repeal.—

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

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

(b) Revival of Superceded Provisions.—

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

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

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

“2464. Core logistics capabilities.”.

(c) CONFORMING AMENDMENTS.—

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

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

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

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on December 31, 2011, the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, immediately after the enactment of that Act.
SEC. 322. EXPANSION AND REAUTHORIZATION OF MULTI-
TRADES DEMONSTRATION PROJECT.

(a) EXPANSION.—Section 338 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 5013 note) is amended—

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

“(a) DEMONSTRATION PROJECT AUTHORIZED.—In accordance with section 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”.

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SEC. 323. RATING CHAINS FOR SYSTEM PROGRAM MANAGERS.

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

Subtitle D—Reports

SEC. 331. ANNUAL REPORT ON DEPARTMENT OF DEFENSE LONG-TERM CORROSION STRATEGY.

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

(1) in paragraph (1)—

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

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

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

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

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as para-
graph (2).

SEC. 332. MODIFIED DEADLINE FOR COMPTROLLER GEN-
eral review of annual report on
prepositioned materiel and equipment.

Section 2229a(b) of title 10, United States Code, is
amended by striking “By not later than 120 days after the
date on which a report is submitted under subsection (a),
the Comptroller General shall review the report” and insert-
ing “The Comptroller General shall review the report sub-
mitted under subsection (a)”.

Subtitle E—Other Matters

SEC. 341. SAVINGS TO BE ACHIEVED IN CIVILIAN WORK-
force and contractor employee work-
force of the Department of Defense.

(a) REQUIRED SAVINGS.—Commencing not later than
90 days after the date of the enactment of this Act, the Sec-

etary of Defense shall begin the implementation of an effi-

ciencies plan for the civilian workforce and the service con-

tractor workforce of the Department of Defense which shall

achieve savings in the funding for each such workforce over
the period from fiscal year 2012 through fiscal year 2017 that are not less, as a percentage of such funding, than the savings in funding for military personnel achieved by the planned reduction in military end strengths over the same period of time.

(b) EXCLUSIONS.—The funding reduction required by subsection (a) shall not include funding for the following:

(1) Civilian personnel expenses for personnel as follows:

(A) Personnel in Mission Critical Occupations, as defined by the Civilian Human Capital Strategic Plan of the Department of Defense and the Acquisition Workforce Plan of the Department of Defense.

(B) Personnel employed at facilities providing core logistics capabilities pursuant to section 2464 of title 10, United States Code.

(C) Personnel in the Offices of the Inspectors General of the Department of Defense.

(2) Service contractor expenses for personnel as follows:

(A) Personnel performing maintenance and repair of military equipment.

(B) Personnel providing medical services.
(C) Personnel performing financial audit services.

(3) Personnel expenses for personnel in the civilian personnel or service contractor workforce performing such other critical functions as may be identified by the Secretary as requiring exemption in the interest of the national defense.

(c) Reports.—

(1) Initial report.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report including a comprehensive description of the plan required by subsection (a).

(2) Status reports.—Not later than 60 days after the end of each fiscal year from fiscal year 2013 through fiscal year 2017, the Secretary shall submit to the congressional defense committees a report describing the implementation of the plan during the prior fiscal year. Each such report shall include a direct comparison of the savings achieved under the plan to the savings achieved in the same fiscal year through reductions in military end strengths. In any case in which savings fall short of the annual target, the report shall include an explanation of the reasons for such shortfall.
(3) **Exemptions.**—Each report under paragraphs (1) and (2) shall specifically identify any exemption granted by the Secretary under subsection (b)(3) in the period of time covered by the report.

(d) **Limitation on Transfers of Functions.**—The Secretary shall ensure that the savings required by this section are not achieved through unjustified transfers of functions between or among the military, civilian, and service contractor workforces of the Department of Defense.

(e) **Sense of Congress.**—It is the sense of Congress that an amount equal to 30 percent of the amount of the reductions in appropriated funds attributable to reduced budgets for the civilian and service contractor workforces of the Department by reason of the plan required by subsection (a) should be made available for costs of assisting military personnel separated from the Armed Forces in the transition from military service.

(f) **Service Contractor Workforce Defined.**—In this section, the term “service contractor workforce” means contractor employees performing contract services, as defined in section 2330(c)(2) of title 10, United States Code, other than contract services that are funded out of amounts available for overseas contingency operations.
SEC. 342. NATO SPECIAL OPERATIONS HEADQUARTERS.

(a) IN GENERAL.—Chapter 138 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 2350n. NATO Special Operations Headquarters

“(a) AUTHORIZATION.—Of the amounts authorized to be appropriated for fiscal year 2013 and for subsequent fiscal years for the Department of Defense for operation and maintenance, up to $50,000,000 may be used for a fiscal year for the purposes set forth in subsection (b) for support of operations of the North Atlantic Treaty Organization (NATO) Special Operations Headquarters.

“(b) PURPOSES.—The Secretary of Defense may provide funds for the NATO Special Operations Headquarters—

“(1) to improve coordination and cooperation between the special operations forces of NATO member countries;

“(2) to facilitate joint operations by special operations forces of NATO member countries;

“(3) to support command, control, and communications capabilities peculiar to special operations forces of NATO member countries;

“(4) to promote special operations forces intelligence and informational requirements within the NATO structure; and
“(5) to promote interoperability through the development of common equipment standards, tactics, techniques, and procedures, and through execution of multinational education and training programs.

“(c) ANNUAL REPORT.—Not later than April 1 of each year, the Secretary of Defense shall submit to the congressional defense committees a report regarding Department of Defense support for the NATO Special Operations Headquarters. Each report shall include the following:

“(1) The total amount of funding provided to the NATO Special Operations Headquarters.

“(2) A summary of the activities funded with such support.

“(3) Other contributions, financial or in kind, provided in support of the NATO Special Operations Headquarters by other NATO member countries.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2350m the following new item:

“2350n. NATO Special Operations Headquarters.”.

SEC. 343. REPEAL OF REDUNDANT AUTHORITY TO ENSURE INTEROPERABILITY OF LAW ENFORCEMENT AND EMERGENCY RESPONDER TRAINING.

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

(1) by striking ““(a) IN GENERAL.—”; and
(2) by striking subsection (b).

SEC. 344. SENSE OF THE CONGRESS ON NAVY FLEET REQUIREMENTS.

It is the sense of Congress that—

(1) The Secretary of the Navy, in supporting the operational requirements of the combatant commands, should maintain in the operational capability of and perform the necessary maintenance on each cruiser and dock landing ship belonging to the Navy;

(2) for retirements of ships owned by the Navy prior to their projected end of service life, the Chief of Naval Operations must explain to the Congressional Defense Committees how the retention of each ship would degrade the overall readiness of the fleet and endanger United States National Security and the objectives of the combatant commanders; and

(3) revitalizing the Navy’s 30-year shipbuilding plan should be a national priority, and a commensurate amount of increased funding should be provided to the Navy in the Future Years Defense Program to help close the gap between requirements and the current size of the fleet.
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.


SEC. 402. ADDITIONAL MARINE CORPS PERSONNEL FOR THE MARINE CORPS SECURITY GUARD PROGRAM.

(a) ADDITIONAL PERSONNEL.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement a plan which shall increase the number of Marine Corps personnel assigned to the Marine Corps Embassy Security Group at Quantico, Virginia, and Marine Security Group Regional Commands and Marine Security Group detachments at United States missions around the world by up to 1,000 Marines during fiscal years 2014 through 2017.

(2) PURPOSE.—The purpose of the increase under paragraph (1) shall be to provide the end strength and resources necessary to support an in-
crease in Marine Corps security at United States consulates and embassies throughout the world, and in particular at locations identified by the Secretary of State as in need of increased security in light of threats to United States personnel and property by terrorists.

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

(c) Funding.—

(1) Budget Requests.—The budget of the President for each fiscal year after fiscal year 2013, as submitted to Congress pursuant to section 1105(a) of title 31, United States Code, shall set forth as separate line elements, under the amounts requested for such fiscal year for each of procurement, operation and maintenance, and military personnel to fully fund each of the following:
(A) The Marine Corps.

(B) The Marine Corps Security Guard Program, including for the additional personnel under the Marine Corps Security Guard Program as result of the plan required by subsection (a).

(2) PRESERVATION OF FUNDING FOR USMC UNDER NATIONAL MILITARY STRATEGY.—In determining the amounts to be requested for a fiscal year for the Marine Corps Security Guard Program and for additional personnel under the Marine Corps Security Guard Program under paragraph (1), the President shall ensure that amounts requested for the Marine Corps for that fiscal year do not degrade the readiness of the Marine Corps to fulfill the requirements of the National Military Strategy.

(d) REPORTS.—

(1) REPORTS ON PROGRAM.—Not later than October 1, 2014, and annually thereafter through October 1, 2017, the Secretary of Defense shall, in coordination with the Secretary of State, submit to Congress a report on the Marine Corps Security Guard Program. Each report shall include the following:

(A) A description of the expanded security support provided by Marine Corps Security
Guards to the Department of State during the fiscal year ending on the date of such report, including—

(i) any increased internal security provided at United States embassies and consulates throughout the world;

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

(iii) any expansion of intelligence collection activities.

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

(C) A description of the Department of Defense resources required in the fiscal year ending on the date of such report to support the Marine Corps Security Guard program, including total end strength and key supporting programs that enable both its current and expanded mission during such fiscal year.

(D) A reassessment of the mission of the Program, as well as procedural rules of engagement under the Program, in light of current and emerging threats to United States diplomatic
personnel, and a description and assessment of options to improve the Program to respond to such threats.

(E) An assessment of the feasibility and advisability of authorizing, funding, and administering the Program as a separate program within the Marine Corps, and if such actions are determined to be feasible and advisable, recommendations for legislative and administrative actions to provide for authorizing, funding, and administering the Program as a separate program within the Marine Corps.

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

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

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

Subtitle B—Reserve Forces

SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

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

(1) The Army National Guard of the United States, 358,200.

(2) The Army Reserve, 205,000.

(3) The Navy Reserve, 62,500.

(4) The Marine Corps Reserve, 39,600.


(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, 14,871.

(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 Reserve, 8,445.

(2) For the Army National Guard of the United States, 28,380.

(3) For the Air Force Reserve, 10,716.

(4) For the Air National Guard of the United States, 22,313.

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 Policy

SEC. 501. EXTENSION OF RELAXATION OF LIMITATION ON SELECTIVE EARLY DISCHARGES.

Section 638a(d)(2) of title 10 United States Code, is amended in subparagraphs (A) and (B) by striking “except
that during the period beginning on October 1, 2006, and ending on December 31, 2012,” and inserting “except that through December 31, 2018.”.

SEC. 502. EXCEPTION TO 30-YEAR RETIREMENT FOR REGULAR NAVY WARRANT OFFICERS IN THE GRADE OF CHIEF WARRANT OFFICER, W–5.

(a) Exception to statutory 30-year retirement.—Paragraph (1) of section 1305(a) of title 10, United States Code, is amended—

(1) by inserting “or a regular Navy warrant officer in the grade of chief warrant officer, W–5, exempted under paragraph (3)” after “Army warrant officer”; and

(2) by striking “he” and inserting “the officer”.

(b) Modification of statutory retirement from 30 to 33 years.—Such section is further amended 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. MODIFICATION OF DEFINITION OF JOINT DUTY ASSIGNMENT TO INCLUDE ALL INSTRUCTOR ASSIGNMENTS FOR JOINT TRAINING AND EDUCATION.

Section 668(b)(1)(B) of title 10, United States Code, is amended by striking “assignments for joint” and all that follows through “Phase II” and inserting “student assignments for joint training and education”.

SEC. 504. SENSE OF SENATE ON INCLUSION OF ASSIGNMENTS AS ACADEMIC INSTRUCTOR AT THE MILITARY SERVICE ACADEMIES AS JOINT DUTY ASSIGNMENTS.

It is the sense of the Senate that the Secretary of Defense should include assignments in which military officers are assigned as instructors responsible for preparing and presenting academic courses on the faculty of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy as joint duty assignments.

Subtitle B—Reserve Component Management

SEC. 511. AUTHORITY FOR APPOINTMENT OF PERSONS WHO ARE LAWFUL PERMANENT RESIDENTS AS OFFICERS OF THE NATIONAL GUARD.

Section 313(b)(1) of title 32, United States Code, is amended by inserting “or an alien lawfully admitted for
permanent residence (as that term is defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C.1101(a)(20))” before the semicolon.

SEC. 512. RESERVE COMPONENT SUICIDE PREVENTION AND RESILIENCE PROGRAM.

(a) CODIFICATION, TRANSFER OF RESPONSIBILITY, AND EXTENSION.—

(1) IN GENERAL.—Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 10219. Suicide prevention and resilience program

“(a) PROGRAM REQUIREMENT.—The Secretary of Defense shall carry out a program to provide members of the National Guard and Reserves and their families with training in suicide prevention, resilience, and community healing and response to suicide.

“(b) SUICIDE PREVENTION TRAINING.—Under the program, the Secretary shall provide members of the National Guard and Reserves with training in suicide prevention. Such training may include—

“(1) describing the warning signs for suicide and teaching effective strategies for prevention and intervention;

“(2) examining the influence of military culture on risk and protective factors for suicide; and
“(3) engaging in interactive case scenarios and role plays to practice effective intervention strategies.

“(c) COMMUNITY RESPONSE TRAINING.—Under the program, the Secretary shall provide the families and communities of members of the National Guard and Reserves with training in responses to suicide that promote individual and community healing. Such training may include—

“(1) enhancing collaboration among community members and local service providers to create an integrated, coordinated community response to suicide;

“(2) communicating best practices for preventing suicide, including safe messaging, appropriate memorial services, and media guidelines;

“(3) addressing the impact of suicide on the military and the larger community, and the increased risk that can result; and

“(4) managing resources to assist key community and military service providers in helping the families, friends, and fellow servicemembers of a suicide victim through the processes of grieving and healing.

“(d) COMMUNITY TRAINING ASSISTANCE.—The program shall include the provision of assistance with such training to the local communities of those servicemembers
and families, to be provided in coordination with local community programs.

“(e) COLLABORATION.—In carrying out the program, the Secretary shall collect and analyze ‘lessons learned’ and suggestions from State National Guard and Reserve organizations with existing or developing suicide prevention and community response programs.

“(f) TERMINATION.—The program under this section shall terminate on October 1, 2015.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1007 of such title is amended by adding at the end the following new item:

“10219. Suicide prevention and resilience program.”.

(b) REPEAL OF SUPERSEDED PROVISION.—Subsection (i) of section 582 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 10101 note) is repealed.

SEC. 513. REPORT ON MECHANISMS TO EASE THE RE-INTEGRATION INTO CIVILIAN LIFE OF MEMBERS OF THE NATIONAL GUARD AND THE RESERVES FOLLOWING A DEPLOYMENT ON ACTIVE DUTY.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study of the adequacy of mechanisms for the re-integration into civilian life of members of the National Guard and the Reserves following a deployment on active duty in the Armed Forces, including whether permitting
such members to remain on active duty for a limited period after such deployment (often referred to as a “soft landing”) is feasible and advisable for facilitating and easing that reintegration.

(b) Elements.—

(1) In general.—The study required by subsection (a) shall address the unique challenges members of the National Guard and the Reserves face when reintegrating into civilian life following a deployment on active duty in the Armed Forces and the adequacy of the policies, programs, and activities of the Department of Defense to assist such members in meeting such challenges.

(2) Particular elements.—The study shall take into consideration the following:

(A) Disparities in reintegration after deployment between members of the regular components of the Armed Forces and members of the reserve components of the Armed Forces, including—

(i) disparities in access to services, including, but not limited to, health care, mental health counseling, job counseling, and family counseling;
(ii) disparities in amounts of compensated time provided to take care of personal affairs;

(iii) disparities in amounts of time required to properly access services and to take care of personal affairs, including travel time; and

(iv) disparities in costs of uncompensated events or requirements, including, but not limited to, travel costs and legal fees.

(B) Disparities in reintegration policies and practices among the various Armed Forces and between the regular and reserve components of the Armed Forces.

(C) Disparities in the lengths of time of deployment between the regular and reserve components of the Armed Forces.

(D) Applicable medical studies on reintegration, including studies on the rest and recuperation needed to appropriately recover from combat and training stress.

(E) Other applicable studies on reintegration policies and practices, including the recommendations made by such studies.
(F) Appropriate recommendations for the elements of a program to assist members of the National Guard and the Reserves following a deployment on active duty in the Armed Forces in reintegrating into civilian life, including means of ensuring that the program applies uniformly across the Armed Forces and between the regular components and reserve components of the Armed Forces.

(c) Report.—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 the study required by subsection (a). The report shall set forth the results of the study, including the matters specified in subsection (b), and include such comments and recommendation in light of the study as the Secretary considers appropriate.

Subtitle C—General Service Authorities

SEC. 521. DIVERSITY IN THE ARMED FORCES AND RELATED REPORTING REQUIREMENTS.

(a) Plan To Achieve Diversity In The Armed Forces.—The Secretary of Defense shall develop and implement a plan to accurately measure the efforts of the Department of Defense to achieve the goal of having a dynamic
and sustainable 20–30 year pipeline that yields a diverse officer and enlisted corps for the Armed Forces that reflects the population of the United States eligible to serve in the Armed Forces across all the Armed Forces, and all grades of each Armed Force, that is able to prevail in its wars, prevent and deter conflicts, defeat adversaries and succeed in a wide-range of contingencies, and preserve and enhance the all volunteer force. Any metric established pursuant to this subsection may not be used in a manner that undermines the merit-based processes of the Department of Defense, including such processes for accession, retention, and promotion. Such metrics may not be combined with the identification of specific quotas based upon diversity characteristics. The Secretary shall continue to account for diversified language and cultural skills among the total force of the military.

(b) Metrics To Measure Progress in Developing and Implementing Plan.—In developing and implementing the plan under subsection (a), the Secretary of Defense shall develop a standard set of metrics and collection procedures that are uniform across the armed forces. The metrics required by this subsection shall be designed—

(1) to accurately capture the inclusion and capability aspects of the armed forces broader diversity plans, including race, ethnic, and gender specific
groups, functional expertise, and diversified cultural
and language skills so as to leverage and improve
readiness; and

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

(c) DEFINITION OF DIVERSITY.—In developing and
implementing the plan under subsection (a), each Secretary
of a military department shall, in consultation with the
Secretary of Defense, develop a definition of diversity that
is reflective of the culture, mission, and core values of each
Armed Force under the jurisdiction of such Secretary.

(d) CONSULTATION.—Not less than annually, the Sec-
retary of Defense shall meet with the Secretaries of the mili-
tary departments, the Joint Chiefs of Staff, and senior en-
listed members of the Armed Forces to discuss the progress
being made toward developing and implementing the plan
established under subsection (a).

(e) REPORTS ON IMPLEMENTATION OF PLAN.—Not
later than July 1, 2013, and biennially thereafter through
July 1, 2017, the Secretary of Defense shall submit to the
congressional defense committees a report on the following:

(1) The progress made in implementing the plan
required by subsection (a) to accurately measure the
efforts of the Department of Defense to achieve its di-
versity goals.
(2) The number of members of the Armed Forces, including reserve components, listed by sex and race or ethnicity for each grade under each military department.

(3) The number of members of the Armed Forces, including reserve components, who were promoted during the years covered by the report, listed by sex and race or ethnicity for each grade under each military department.

(4) The number of members of the Armed Forces, including reserve components, who reenlisted or otherwise extended the commitment to military service during the years covered by the report, listed by sex and race or ethnicity for each grade under each military department.

(5) The available pool of qualified candidates for the general officer grades of general and lieutenant general and the flag officer grades of admiral and vice admiral.

(f) APPLICABILITY TO COAST GUARD.—The Secretary of Homeland Security shall apply the provisions of this section (other than subsection (d)) to the Coast Guard when it is not operating as a service in the Navy in order to achieve diversity in the Coast Guard in the same manner, under the same schedule, and subject to the same conditions.
as diversity is achieved in the other Armed Forces under this section. The Secretary shall submit to the congressional defense committees the reports required by subsection (e) with respect to the implementation of the provisions of this section regarding the Coast Guard when it is not operating as a service in the Navy.

SEC. 522. MODIFICATION OF AUTHORITY TO CONDUCT PROGRAMS ON CAREER FLEXIBILITY TO ENHANCE RETENTION OF MEMBERS OF THE ARMED FORCES.

(a) Extension of Programs to Certain Active Guard and Reserve Personnel.—Section 533 of Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. prec. 701 note) is amended—

(1) in subsection (a)(1), by inserting “and members on active Guard and Reserve duty” after “officers and enlisted members of the regular components”;

(2) by redesignating subsection (l) as subsection (m); and

(3) by inserting after subsection (k) the following new subsection (l)

“(l) DEFINITION.—In this section, the term ‘active Guard and Reserve duty’ has the meaning given that term in section 101(d)(6) of title 10, United States Code.”.
(b) Authority to Carry Forward Unused Accrued Leave.—Subsection (h) of such section is amended by adding at the end the following new paragraph:

“(5) Leave.—A member who participates in a pilot program is entitled to carry forward the existing leave balance 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. 523. AUTHORITY FOR ADDITIONAL BEHAVIORAL HEALTH PROFESSIONALS TO CONDUCT PRE-SEPARATION MEDICAL EXAMINATIONS 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. 524. QUARTERLY REPORTS ON INVOLUNTARY SEPARATION OF MEMBERS OF THE ARMED FORCES.

(a) QUARTERLY REPORTS REQUIRED.—Not later than 30 days after the end of each calendar year quarter in 2013 and 2014, each Secretary of a military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the number of members of the regular components of the Armed Forces under the jurisdiction of such Secretary who were involuntarily separated from active duty in the Armed Forces during such calendar year quarter.

(b) ELEMENTS.—Each report on an Armed Force for a calendar year quarter under subsection (a) shall set forth the following:
(1) The total number members involuntarily separated.

(2) The number of members separated set forth by grade.

(3) The number of members separated set forth by total years of service in the Armed Forces at the time of separation.

(4) The number of members separated set forth by military occupational specialty or rating, or competitive category for officers.

(5) The number of members separated who received involuntary separation pay, or who are authorized to receive temporary retired pay, in connection with separation.

(6) The number of members who completed transition assistance programs relating to future employment.

(7) The average number of months deployed to overseas contingency operations set forth by grade.

SEC. 525. REVIEW OF ELIGIBILITY OF VICTIMS OF DOMESTIC TERRORISM FOR AWARD OF THE PURPLE HEART AND THE DEFENSE MEDAL OF FREEDOM.

(a) REPORT.—Not later than March 1, 2013, the Secretary of Defense shall, in coordination with the Secretaries
of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representa-
tives a report on—

(1) the advisability of modifying the criteria for the award of the Purple Heart to provide for the award of the Purple Heart to members of the Armed Forces who are killed or wounded in a terrorist attack within the United States that is determined to be in-
spired by ideological, political, or religious beliefs that give rise to terrorism; and

(2) the advisability of modifying the criteria for the award of the Defense Medal of Freedom to provide for the award of the Defense Medal of Freedom to civil-
ian employees of the United States who are killed or wounded in a terrorist attack within the United States that is determined to be inspired by ideolog-
ical, political, or religious beliefs that give rise to ter-
rorism.

(b) DETERMINATION.—As part of the review under-
taken to prepare the report required by subsection (a), the Secretary of Defense shall conduct a review of each death or wounding of a member of the Armed Forces or civilian employee of the United States Government that occurred within the United States since September 11, 2001, that could meet the criteria as being the result of a terrorist at-
tack within the United States in order to determine whether such death or wounding qualifies or potentially would qualify for the award of the Purple Heart or the Defense Medal of Freedom.

(c) CONSIDERATIONS.—In conducting the review to prepare the report required by subsection (a), the Secretary of Defense shall take into consideration the following:

(1) The views of veterans service organizations, including the Military Order of the Purple Heart.

(2) The importance that has been assigned to determining all available facts before a decision is made to award the Purple Heart.

(3) Potential effects of an award on the ability to prosecute perpetrators of terrorist acts in military or civilian courts.

(4) The views of the Chairman of the Joint Chiefs of Staff.

SEC. 526. EXTENSION OF TEMPORARY INCREASE IN ACCUMULATED LEAVE CARRYOVER FOR MEMBERS OF THE ARMED FORCES.

Section 701(d) of title 10, United States Code, is amended by striking “September 30, 2013” and inserting “September 30, 2015”.
SEC. 527. PROHIBITION ON WAIVER FOR COMMISSIONING OR ENLISTMENT IN THE ARMED FORCES FOR ANY INDIVIDUAL CONVICTED OF A FELONY SEXUAL OFFENSE.

An individual may not be provided a waiver for commissioning or enlistment in the Armed Forces if the individual has been convicted under Federal or State law of a felony offense of any of the following:

(1) Rape.
(2) Sexual abuse.
(3) Sexual assault.
(4) Incest.
(5) Any other sexual offense.

SEC. 528. RESEARCH STUDY ON RESILIENCE IN MEMBERS OF THE ARMY.

(a) Research Study Required.—

(1) In general.—The Secretary of the Army shall carry out a research program on resilience in members of the Army.

(2) Purpose.—The purpose of the research study shall be to determine the effectiveness of the current Comprehensive Soldier and Family Fitness (CSF2) Program of the Army while verifying the current means of the Army to reduce trends in high risk or self-destructive behavior and to prepare members of the Army to manage stressful or traumatic situations.
by training members in resilience strategies and techniques.

(3) ELEMENTS.—In carrying out the research study, the Secretary shall determine the effectiveness of training under the Comprehensive Soldier and Family Fitness program in—

(A) enhancing individual performance through resiliency techniques and use of positive and sports psychology; and

(B) identifying and responding to early signs of high-risk behavior in members of the Army assigned to units involved in the research study.

(4) SCIENCE-BASED EVIDENCE AND TECHNIQUES.—The research study shall be rooted in scientific evidence, using professionally accepted measurements of experiments, of longitudinal research, random-assignment, and placebo-controlled outcome studies to evaluate which interventions can prove positive results and which result in no impact.

(b) LOCATIONS.—The Secretary carry out the research study at locations selected by the Secretary from among Army installations which are representative of the Total Force. Units from all components of the Army shall be involved in the research study.
(c) TRAINING.—In carrying out the research study at an installation selected pursuant to subsection (b), the Secretary shall ensure, at a minimum, that whenever a unit returns from combat deployment to the installation the training established for purposes of the research study is provided to all members of the Army returning for such deployment. The training shall include such training as the Secretary considers appropriate to reduce trends in high risk or self-destructive behavior.

(d) PERIOD.—The Secretary shall carry out the research study through September 30, 2014.

(e) REPORTS.—Not later than 30 days after the end of each of fiscal years 2013 and 2014, the Secretary shall submit to the Committees on Armed Forces of the Senate and the House of Representatives a report on the research study during the preceding fiscal year. Each report shall include the following:

(1) A description of the trends in high risk or self-destructive behavior within each of the units involved in the research study during the fiscal year covered by such report.

(2) A description of the effectiveness of Comprehensive Soldier and Family Fitness Program training in enhancing individual performance.
through resiliency techniques, utilization of positive psychology.

(3) In the case of the report on fiscal year 2014, such recommendations for the expansion or modification of the research study as the Secretary considers appropriate.

Subtitle D—Military Justice and Legal Matters Generally

SEC. 531. CLARIFICATION AND ENHANCEMENT OF THE ROLE OF THE 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) in the second sentence—

(A) by striking “The” and inserting “If an officer appointed as the”; and

(B) by striking “, while so serving, has the grade” and inserting “holds a lower grade, the officer shall be appointed in the grade”.

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(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 duties relating to legal matters arising in the Marine Corps as may be assigned to the Staff Judge Advocate;

“(2) perform the functions and duties and exercise the powers prescribed for the Staff Judge Advocate to the Commandant of the Marine Corps in chapter 47 of this title (the Uniform Code of Military Justice) and chapter 53 of this title; and

“(3) perform such other duties as may be assigned to the Staff Judge Advocate.”.

(c) **COMPOSITION OF HEADQUARTERS, MARINE CORPS.**—Section 5041(b) of such title is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following new paragraph (4):
“(4) The Staff Judge Advocate to the Commandant of the Marine Corps.”.

(d) Supervision of Certain Legal Services.—

(1) Administration of Military Justice.—

Section 806(a) of such title (article 6(a) of the Uniform Code of Military Justice) is amended in the third sentence by striking “The Judge Advocate General” and all that follows through “shall” and inserting “The Judge Advocates General, and within the Marine Corps the Staff Judge Advocate to the Commandant of the Marine Corps, or senior members of their staffs, shall”.

(2) Delivery of Legal Assistance.—Section 1044(b) of such title is amended by inserting “and within the Marine Corps the Staff Judge Advocate to the Commandant of the Marine Corps” after “title)”.

SEC. 532. ADDITIONAL INFORMATION IN REPORTS ON ANNUAL SURVEYS OF THE COMMITTEE ON THE UNIFORM CODE OF MILITARY JUSTICE.

Subsection (c)(2) of section 946 of title 10, United States Code (article 146 of the Uniform Code of Military Justice), is amended—

(1) by redesignating subparagraph (B) as subparagraph (C); and
(2) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) Information from the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps on the following:

“(i) The appellate review process, including—

“(I) information on compliance with processing time goals;

“(II) discussions of the circumstances surrounding cases in which general court-martial or special court-martial convictions are reversed as a result of command influence or denial of the right to a speedy review or otherwise remitted due to loss of records of trial or other administrative deficiencies; and

“(III) discussions of cases in which a provision of this chapter is held unconstitutional.

“(ii) Developments in appellate case law relating to courts-martial involving allegations of sexual misconduct under this chapter.
“(iii) Issues associated with implementing recent, legislatively directed changes to this chapter or the Manual for Courts-Martial.

“(iv) Measures implemented by each armed force to ensure the ability of judge advocates to competently participate as trial and defense counsel in, and preside as military judges over, capital cases, national security cases, sexual assault cases, and proceedings of military commissions.

“(v) The independent views of the Judge Advocates General and the Staff Judge Advocate to the Commandant of the Marine Corps on the sufficiency of resources available within their respective armed forces, including manpower, funding, training, and officer and enlisted grade structure, to capably perform military justice functions.”.
Subtitle E—Sexual Assault, Hazing, and Related Matters

SEC. 541. AUTHORITY TO RETAIN OR RECALL TO ACTIVE DUTY RESERVE COMPONENT MEMBERS WHO ARE VICTIMS OF SEXUAL ASSAULT WHILE ON ACTIVE DUTY.

(a) In General.—Chapter 1209 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 12323. Active duty 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. 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 determination
whether the member was in the line of duty is not com-
pleted, 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.

“(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 de-
cided within 30 days from the date of the request; and

“(2) if the request is denied, the member may
appeal to the first general officer or flag officer in the
chain of command of the member, and in the case of
such an appeal a decision on the appeal must be
made within 15 days from the date of the appeal.”.

(b) CLERICAL AMENDMENT.—The table of sections at
the beginning of chapter 1209 of such title is amended add-
ing at the end the following new item:

“12323. Active duty for response to sexual assault.”.
SEC. 542. ADDITIONAL ELEMENTS IN COMPREHENSIVE DEPARTMENT OF DEFENSE POLICY ON SEXUAL ASSAULT PREVENTION AND RESPONSE.

(a) ADDITIONAL ELEMENTS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall modify the revised comprehensive policy for the Department of Defense sexual assault prevention and response program required by section 1602 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4430; 10 U.S.C. 1561 note) to include in the policy the following:

(1) A requirement to establish within each military department, under regulations prescribed by the Secretary of Defense, an enhanced capability for the investigation, prosecution, and defense of special victim offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice).

(2) A requirement that each military department initiate and retain for a period prescribed by the Secretary of Defense a record on the disposition of allegations of sexual assault using forms and procedures prescribed by the Secretary.

(3) A requirement that all commanders and commanding officers receive training on sexual assault prevention, response, and policies before, or shortly after, assuming command.
(4) A requirement that all new members of the Armed Forces (whether in the regular or reserve components) receive training on the Department of Defense policy on sexual assault prevention and response program during initial entry training.

(5) A requirement for military commands and units specified by the Secretary of Defense for purposes of the policy to conduct periodic climate assessments of such commands and units for purposes of preventing and responding to sexual assaults.

(6) A requirement to post and widely disseminate information about resources available to report and respond to sexual assaults, including hotline phone numbers and Internet websites available to all members of the Armed Forces.

(7) A requirement to assign responsibility to receive and investigate complaints against members of the Armed Forces and civilian personnel of the Department of Defense for the violation or failure to provide the rights of a crime victim established by section 3771 of title 18, United States Code, as applicable to such members and personnel in accordance with Department of Defense Directive 1030.1, or a successor directive, and Department of Defense Instruction 1030.2, or a successor instruction.
(8) A requirement that each Secretary of a military department establish policies that require that each member of the Armed Forces under the jurisdiction of such Secretary whose conviction for a covered offense is final and who is not punitively discharged from the Armed Forces in connection with such conviction be processed for administrative separation from the Armed Forces, which requirement shall not be interpreted to limit or alter the authority of such Secretary to process members of the Armed Forces for administrative separation for other offenses or under other provisions of law.

(b) DEFINITIONS.—In this section:

(1) The term “covered offense” means the following:

(A) Rape or sexual assault under subsection (a) or (b) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice).

(B) Forcible sodomy under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice).

(C) An attempt to commit an offense specified in subparagraph (A) or (B) under section
880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(2) The term “special victim offenses” means offenses involving allegations of any of the following:

(A) Child abuse.

(B) Rape, sexual assault, or forcible sodomy.

(C) Domestic violence involving aggravated assault.

SEC. 543. HAZING IN THE ARMED FORCES.

(a) Report.—Not later than 180 days after the date of the enactment of this Act, each Secretary of a military department shall, in consultation with the Chief of Staff of each Armed Force under the jurisdiction of such Secretary, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on hazing in such Armed Force. Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the committees of Congress referred to in the preceding sentence a report on hazing in the Coast Guard when it is not operating as a service in the Navy, and, for purposes of such report, the Armed Forces shall include the Coast Guard when it is not operating as a service in the Navy.
(b) ELEMENTS.—Each report on an Armed Force re-
quired by subsection (a) shall include the following:

(1) A discussion of the policies of the Armed
Force for preventing and responding to incidents of
hazing.

(2) A description of the methods implemented to
track and report, including report anonymously, inci-
dents of hazing in the Armed Force.

(3) An assessment by the Secretary submitting
such report of the following:

(A) The scope of the problem of hazing in
the Armed Force.

(B) The training on recognizing and pre-
venting hazing provided members of the Armed
Force.

(C) The actions taken to prevent and re-
respond to hazing incidents in the Armed Force.

(4) A description of the additional actions, if
any, the Secretary submitting such report and the
Chief of Staff of the Armed Force propose to take to
further address the incidence of hazing in the Armed
Force.
SEC. 544. RETENTION OF CERTAIN FORMS IN CONNECTION WITH RESTRICTED REPORTS ON SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.

(a) Period of Retention.—The Secretary of Defense shall ensure that all copies of Department of Defense Form 2910 and Department of Defense Form 2911 filed in connection with a Restricted Report on an incident of sexual assault involving a member of the Armed Forces shall be retained for the longer of—

(1) 50 years commencing on the date of signature of the member on Department of Defense Form 2910; or

(2) the time provided for the retention of such forms in connection with Unrestricted Reports on incidents of sexual assault involving members of the Armed Forces under Department of Defense Directive-Type Memorandum (DTM) 11–062, entitled “Document Retention in Cases of Restricted and Unrestricted Reports of Sexual Assault”, or any successor directive or policy.

(b) Protection of Confidentiality.—Any Department of Defense form retained under subsection (a) shall be retained in a manner that protects the confidentiality of the member of the Armed Forces concerned in accordance with procedures for the protection of confidentiality of in-
formation in Restricted Reports under Department of Defense memorandum JTF–SAPR–009, relating to the Department of Defense policy on confidentiality for victims of sexual assault, or any successor policy or directive.

SEC. 545. PREVENTION AND RESPONSE TO SEXUAL HARASSMENT IN THE ARMED FORCES.

(a) COMPREHENSIVE POLICY REQUIRED.—

(1) In general.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments and the Equal Opportunity Office of the Department of Defense, develop a comprehensive policy to prevent and respond to sexual harassment in the Armed Forces. The policy shall provide for the following:

(A) Training for members of the Armed Forces on the prevention of sexual harassment.

(B) Mechanisms for reporting incidents of sexual harassment in the Armed Forces, including procedures for reporting anonymously.

(C) Mechanisms for responding to and resolving incidents of alleged sexual harassment incidences involving members of the Armed Forces, including through the prosecution of offenders.
(2) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy required by paragraph (1).

(b) **COLLECTION AND RETENTION OF RECORDS ON DISPOSITION OF REPORTS OF SEXUAL HARASSMENT.**—

(1) **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 harassment, 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:

   (A) Documentary information collected about the incident reported.

   (B) Punishment imposed, including the sentencing by judicial or non-judicial means including incarceration, fines, restriction, and extra duty as a result of military court-martial, Federal and local court and other sentencing, or any other punishment imposed.

   (C) Reasons for the selection of the disposition and punishments selected.
(D) Administrative actions taken, if any.

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

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

(A) the records established pursuant to paragraph (1) be retained by the Department of Defense for a period of not less than 50 years; and

(B) a copy of such records be maintained at a centralized location for the same period as applies to retention of the records under subparagraph (A).

(c) ANNUAL REPORT ON SEXUAL HARASSMENT INVOLVING MEMBERS OF THE ARMED FORCES.—

(1) ANNUAL REPORT ON SEXUAL HARASSMENT.—Not later than March 1, 2015, and each March 1 thereafter through March 1, 2018, the Secretary of each military department shall submit to the Secretary of Defense a report on the sexual harassments involving members of the Armed Forces under the jurisdiction of such Secretary during the preceding year. Each Secretary of a military depart-
ment shall submit the report on a year under this section at the same time as the submittal of the annual report on sexual assaults during that year under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note). In the case of the Secretary of the Navy, separate reports shall be prepared under this section for the Navy and the Marine Corps.

(2) CONTENTS.—The report of a Secretary of a military department for an Armed Force under paragraph (1) shall contain the following:

(A) The number of sexual harassments committed against members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated.

(B) The number of sexual harassments committed by members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated. The information required by this subparagraph may not be combined with the information required by subparagraph (A).
(C) A synopsis of each such substantiated case and, for each such case, the action taken in such case, including the type of disciplinary or administrative sanction imposed, section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(D) The policies, procedures, and processes implemented by the Secretary during the year covered by the report in response to incidents of sexual harassment involving members of that Armed Force.

(E) Any other matters relating to sexual harassment involving members of the Armed Forces that the Secretary considers appropriate.

SEC. 546. ENHANCEMENT OF ANNUAL REPORTS REGARDING SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.

(a) In General.—Section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

“(3) A synopsis of each such substantiated case, organized by offense, and, for each such case, the ac-
tion taken in such case, including the following infor-
mation:

“(A) The type of disciplinary or adminis-
trative sanction imposed, if any, including
courts-martial sentences, non-judicial punish-
ments administered by commanding officers pur-
suant to section 815 of title 10, United States
Code (article 15 of the Uniform Code of Military
Justice), and administrative separations.

“(B) A description of and rationale for the
final disposition and punishment, regardless of
type of disciplinary or administrative sanction
imposed.

“(C) The unit and location of service at
which the incident occurred.

“(D) Whether the accused was previously
accused of a substantiated sexual assault or sex-
ual harassment.

“(E) Whether the accused was admitted to
the Armed Forces under a moral waiver granted
with respect to prior sexual misconduct.

“(F) Whether alcohol was involved in the
incident.

“(G) If the member was administratively
separated or, in the case of an officer, allowed to
resign in lieu of facing a court-martial, the characteriza-
tion given the service of the member upon separation.”; and

(2) by adding at the end the following new para-
graphs

“(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 applica-
tions denied, and, for each application denied, a description of the reasons why such application was denied.

“(8) An analysis and assessment of trends in the incidence, disposition, and prosecution of sexual assaults by commands and installations during the year covered by the report, including trends relating to prevalence of incidents, prosecution of incidents, and avoidance of incidents.

“(9) An assessment of the adequacy of sexual assault prevention and response activities carried out by training commands during the year covered by the report.
“(10) An analysis of the specific factors that may have contributed to sexual assault during the year covered by the report, including sexual harassment and substance abuse, an assessment of the role of such factors in contributing to sexual assaults during that year, and recommendations for mechanisms to eliminate or reduce the incidence of such factors or their contributions to sexual assaults.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply beginning with the report required to be submitted by March 1, 2014, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (as amended by subsection (a)).

Subtitle F—Education and Training

SEC. 551. INCLUSION OF THE SCHOOL OF ADVANCED MILITARY STUDIES SENIOR LEVEL COURSE AS A SENIOR LEVEL SERVICE SCHOOL.

Section 2151(b)(1) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(E) The Senior Level Course of the School of Advanced Military Studies of the United
States Army Command and General Staff College.”.

SEC. 552. MODIFICATION OF ELIGIBILITY FOR ASSOCIATE DEGREE PROGRAMS UNDER THE COMMUNITY COLLEGE OF THE AIR FORCE.

Section 9315(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) Enlisted members of the armed forces other than the Air Force who are participating in joint-service medical training and education or serving as instructors in joint-service medical training and education.”.

SEC. 553. SUPPORT OF NAVAL ACADEMY ATHLETIC PROGRAMS.

(a) In General.—Chapter 603 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 6981. Support of athletic and physical fitness programs

“(a) Authority.—

“(1) Contracts and Cooperative Agreements.—The Secretary of the Navy may enter into contracts and cooperative agreements with the Association for the purpose of supporting the athletic and physical fitness programs of the Naval Academy. Not-
withstanding section 2304(k) of this title, the Secretary may enter such contracts or cooperative agreements on a sole source basis pursuant to section 2304(c)(5) of this title. Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit or use of the Naval Academy.

“(2) Leases.—The Secretary may enter into leases, in accordance with section 2667 of this title, or licenses with the Association for the purpose of supporting the athletic and physical fitness programs of the Naval Academy. Any such lease or license shall be deemed to satisfy the conditions of section 2667(h)(2) of this title.

“(b) Use of Navy Personal Property by the Association.—The Secretary may allow the Association to use, at no cost, personal property of the Department of the Navy to assist the Association in supporting the athletic and physical fitness programs of the Naval Academy.

“(c) Acceptance of Support.—

“(1) Support received from the Association.—Notwithstanding section 1342 of title 31, the Secretary may accept from the Association funds, supplies, and services for the support of the athletic and physical fitness programs of the Naval Academy.
For purposes of this section, employees or personnel of the Association may not be considered to be employees of the United States.

“(2) FUNDS RECEIVED FROM NCAA.—The Secretary may accept funds from the National Collegiate Athletic Association to support the athletic and physical fitness programs of the Naval Academy.

“(3) LIMITATION.—The Secretary shall ensure that contributions under this subsection do not reflect unfavorably on the ability of the Department of the Navy, any of its employees, or any member of the armed forces to carry out any responsibility or duty in a fair and objective manner, or compromise the integrity or appearance of integrity of any program of the Department of the Navy, or any individual involved in such a program.

“(d) RETENTION AND USE OF FUNDS.—Notwithstanding section 2260(d) of this title, funds received under this section may be retained for use in support of the Naval Academy athletic program and shall remain available until expended.

“(e) TRADEMARKS AND SERVICE MARKS.—

“(1) LICENSING, MARKETING, AND SPONSORSHIP AGREEMENTS.—An agreement under subsection (a)(1) may, consistent with sections 2260 (other than sub-
section (d)) and 5022(b)(3) of this title, authorize the
Association to enter into licensing, marketing, and
sponsorship agreements relating to trademarks and
service marks identifying the Naval Academy, subject
to the approval of the Department of the Navy.

“(2) LIMITATIONS.—No such licensing, mar-
keting, or sponsorship agreement may be entered into
if it would reflect unfavorably on the ability of the
Department of the Navy, any of its employees, or any
member of the armed forces to carry out any responsi-
bility or duty in a fair and objective manner, or if
the Secretary determines that the use of the trademark
or service mark would compromise the integrity or
appearance of integrity of any program of the De-
partment of the Navy, or any individual involved in
such a program.

“(f) SERVICE ON ASSOCIATION BOARD OF CONTROL.—
The Association is a designated entity for which authoriza-
tion under sections 1033(a) and 1589(a) of this title may
be provided.

“(g) CONDITIONS.—The authority provided in this sec-
tion with respect to the Association is available only so long
as the Association continues to—

“(1) qualify as a nonprofit organization under
section 501(c)(3) of the Internal Revenue Code of
1986 and operates in accordance with this section, the laws of the State of Maryland, and the constitution and bylaws of the Association; and

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

“(h) ASSOCIATION DEFINED.—In this section, the term ‘Association’ means the Naval Academy Athletic Association.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 603 of such title is amended by adding at the end the following new item:

“6981. Support of athletic and physical fitness programs.”.

SEC. 554. GRADE OF COMMISSIONED OFFICERS IN UNIFORMED MEDICAL ACCESSION PROGRAMS.

(a) MEDICAL STUDENTS OF USUHS.—Section 2114(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentences:

“Each medical student shall be appointed as a regular officer in the grade of second lieutenant or ensign. An officer so appointed may, upon meeting such criteria for promotion as may be prescribed by the Secretary concerned, be appointed in the regular grade of first lieutenant or lieutenant (junior grade). Medical students commissioned under this section
shall serve on active duty in their respective grades.”

and

(2) in paragraph (2), by striking “grade of second lieutenant or ensign” and inserting “grade in which the member is serving under paragraph (1)”.

(b) PARTICIPANTS IN HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM.—Section 2121(c) of such title is amended—

(1) in paragraph (1), by striking the second sentence and inserting the following new sentences: “Each person so commissioned shall be appointed as a reserve officer in the grade of second lieutenant or ensign. An officer so appointed may, upon meeting such criteria for promotion as may be prescribed by the Secretary concerned, be appointed in the reserve grade of first lieutenant or lieutenant (junior grade). Medical students commissioned under this section shall serve on active duty in their respective grades for a period of 45 days during each year of participation in the program.”; and

(2) in paragraph (2), by striking “grade of second lieutenant or ensign” and inserting “grade in which the member is serving under paragraph (1)”. 
(c) Officers Detailed as Students at Medical Schools.—Subsection (e) of section 2004a of such title is amended—

(1) in the subsection heading, by striking “Appointment and Treatment of Prior Active Service” and inserting “Service on Active Duty”; and

(2) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) A commissioned officer detailed under subsection (a) shall serve on active duty, subject to the limitations on grade specified in section 2114(b)(1) of this title and with the entitlement to basic pay as specified in section 2114(b)(2) of this title.”.

SEC. 555. AUTHORITY FOR SERVICE COMMITMENT FOR RESERVISTS WHO ACCEPT FELLOWSHIPS, SCHOLARSHIPS, OR GRANTS TO BE PERFORMED IN THE SELECTED RESERVE.

(a) In General.—Subsection (b) of section 2603 of title 10, United States Code, is amended by striking “on active duty” and all that follows and inserting the following: “as follows:

“(1) On active duty for a period at least three times the length of the period of the education or training.
“(2) In the case of a member of the Selected Reserve—

“(A) on active duty in accordance with paragraph (1); or

“(B) in the Selected Reserve for a period at least five times the length of the period of the education or training.”.

(b) Technical Amendments.—Such section is further amended by striking “Armed Forces” each place it appears and inserting “armed forces”.

(c) Effective Date.—The amendment made by subsection (a) shall apply to agreements entered into under section 2603(b) of title 10, United States Code, after the date of the enactment of this Act.

SEC. 556. REPEAL OF REQUIREMENT FOR ELIGIBILITY FOR IN-STATE TUITION OF AT LEAST 50 PERCENT OF PARTICIPANTS IN SENIOR RESERVE OFFICERS’ TRAINING CORPS PROGRAM.

Section 2107(c)(1) of title 10, United States Code, is amended by striking the third sentence.
SEC. 557. MODIFICATION OF REQUIREMENTS ON PLAN TO INCREASE THE NUMBER OF UNITS OF THE JUNIOR RESERVE OFFICERS’ TRAINING CORPS.

(a) Number of Units Covered by Plan.—Subsection (a) of section 548 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4466) is amended by striking “not less than 3,700 units” and inserting “not less than 3,000, and not more than 3,700, units”.

(b) Additional Exception.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking “or” at the end;

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

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

“(3) if the Secretaries of the military departments determine that the level of support of all kinds (including, but not limited to, appropriated funds) provided to youth development programs within the Armed Forces is consistent with funding limitations and the achievement of the objectives of such programs.”.
(c) **Submittal of Reports.**—Subsection (e) of such section is amended by striking “not later than” and all that follows and inserting “annually through 2012, and thereafter not later than March 31 of each of 2015, 2018, and 2020.”

**SEC. 558. CONSOLIDATION OF MILITARY DEPARTMENT AUTHORITY TO ISSUE ARMS, TENTAGE, AND EQUIPMENT TO EDUCATIONAL INSTITUTIONS NOT MAINTAINING UNITS OF THE JUNIOR ROTC.**

(a) **Consolidation of Authority.**—Chapter 152 of title 10, United States Code, is amended by inserting after section 2552 the following new section:

“§ 2552a. Arms, tentage, and equipment: educational institutions not maintaining units of Junior Reserve Officers’ Training Corps

“The Secretary of a military department may issue arms, tentage, and equipment to an educational institution at which no unit of the Junior Reserve Officers’ Training Corps is maintained if the educational institution—

“(1) offers a course in military instruction prescribed by that Secretary; and

“(2) has a student body of at least 50 students who are in a grade above the eighth grade.”.
(b) CONFORMING REPEALS.—Sections 4651, 7911, and 9651 of such title are repealed.

(c) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 152 of such title is amended by inserting after the item relating to section 2552 the following new item:

“2552a. Arms, tentage, and equipment: educational institutions not maintaining units of Junior Reserve Officers’ Training Corps”.

(2) The table of sections at the beginning of chapter 441 of such title is amended by striking the item relating to section 4651.

(3) The table of sections at the beginning of chapter 667 of such title is amended by striking the item relating to section 7911.

(4) The table of sections at the beginning of chapter 941 of such title is amended by striking the item relating to section 9651.

SEC. 559. MODIFICATION OF REQUIREMENT FOR REPORTS IN FEDERAL REGISTER ON INSTITUTIONS OF HIGHER EDUCATION INELIGIBLE FOR CONTRACTS AND GRANTS FOR DENIAL OF ROTC OR MILITARY RECRUITER ACCESS TO CAMPUS.

Section 983 of title 10, United States Code, is amended by striking subsection (f).
SEC. 560. COMPTROLLER GENERAL OF THE UNITED STATES

REPORT ON THE RESERVE OFFICERS’ TRAINING CORPS.

(a) Report Required.—Not later than 270 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment of the Comptroller General regarding the following:

(1) Whether the Reserve Officers’ Training Corps (ROTC) programs of the Departments of the Army, the Navy, and the Air Force are effectively meeting, and structured to meet, current and projected requirements for newly commissioned officers in the Armed Forces.

(2) The cost-effectiveness and unit productivity of the current Reserve Officers’ Training Corps programs.

(3) The adequacy of current oversight and criteria for unit closure for the Reserve Officers’ Training Corps programs.

(b) Elements.—The report required by subsection (a) shall include, at a minimum, the following:

(1) A list of the units of the Reserve Officers’ Training Corps programs by Armed Force, and by college or university, and the number of cadets and
midshipman currently enrolled by class or year group.

(2) The number of officers commissioned in 2012 from the Reserve Officers’ Training Corps programs, and the number projected to be commissioned over the period of the current future-years defense program under section 221 of title 10, United States Code, from each unit listed under paragraph (1).

(3) An assessment of the requirements of each Armed Force for newly commissioned officers in 2012 and the strategic planning regarding such requirements over the period of the current future-years defense program.

(4) The number of military and civilian personnel of the Department of Defense assigned to lead and manage Reserve Officers’ Training Corps program units, and the grades of the military personnel so assigned.

(5) An assessment of Department of Defense-wide and Armed-Force specific standards regarding the productivity of Reserve Officers’ Training Corps program units, and an assessment of compliance with such standards.

(6) An assessment of the projected use by the Armed Forces of the procedures available to the
Armed Forces to respond to overages in the number of cadets and midshipmen in the Reserve Officers’ Training Corps programs.

(7) A description of the plans of the Armed Forces to retain or disestablish Reserve Officers’ Training Corps program units that do not meet productivity standards.

SEC. 561. REPORT ON DEPARTMENT OF DEFENSE EFFORTS TO STANDARDIZE EDUCATIONAL TRANSCRIPTS ISSUED TO SEPARATING MEMBERS OF THE ARMED FORCES.

(a) Report Required.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the efforts of the Department of Defense to standardize the educational transcripts issued to members of the Armed Forces on their separation from the Armed Forces.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) A description of the similarities and differences between the educational transcripts issued to members separating from the various Armed Forces.

(2) A description of any assessments done by the Department, or in conjunction with educational insti-
tuitions, to identify shortcomings in the transcripts issued to separating members in connection with their ability to qualify for civilian educational credits.

(3) A description of the implementation plan for the Joint Services Transcript, including a schedule and the elements of existing educational transcripts to be incorporated into the Transcript.

SEC. 562. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON JOINT PROFESSIONAL MILITARY EDUCATION MATTERS.

(a) REPORT ON REVIEW OF MILITARY EDUCATION COORDINATION COUNCIL REPORT.—

(1) REVIEW OF METHODOLOGY.—The Comptroller General of the United States shall review the methodology used by the Military Education Coordination Council in compiling the report on joint professional military education that is to be submitted to the Director of Joint Force Development by March 1, 2013, pursuant to the Joint Staff Memorandum, Joint Staff Review, dated July 16, 2012. The review shall include an examination of the analytical approach used by the Council for that report, including the types of information considered, the cost savings identified, the benefits of options considered, the time frames for implementation, and transparency.
(2) REPORT.—Not later than 90 days after receiving from the Director of Joint Force Development the report described in paragraph (1), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review under paragraph (1) of the report described in that paragraph. The report of the Comptroller General under this paragraph shall set forth the following:

(A) The results of the review under paragraph (1).

(B) Such recommendations as the Comptroller General considers appropriate in light of the results of the review.

(b) REPORT ON JOINT PROFESSIONAL MILITARY EDUCATION RESEARCH INSTITUTIONS.—

(1) REPORT REQUIRED.—Not later than January 31, 2014, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment by the Comptroller General of the work performed by joint professional military education research institutions in support of professional military education and the broader mission of the Department of Defense, the military departments, and the Defense Agencies.
(2) **ELEMENTS.**—The report required by paragraph (1) shall include an assessment of the following:

(A) The systems, mechanisms, and structures within the senior and intermediate joint professional military education colleges and universities for oversight, governance, and management of the joint professional military education research institutions, including systems, mechanisms, and structures relating to the development of policies and budgets for research.

(B) The factors contributing to and the extent of growth in the number and size of joint professional military education research institutions since 2000.

(C) The causes and extent of cost growth at joint professional military education research institutions since 2000.

(D) The focus of research activity conducted by the joint professional military education research institutions, and the extent to which each joint professional military education research institution performs a unique research function or engages in similar or duplicative efforts with other components or elements of the Department of Defense.
(E) The measures of effectiveness used by the joint professional military education research institutions, the senior and intermediate joint professional military education colleges and universities, and other oversight entities to evaluate the performance of the joint professional military education research institutions in meeting established goals or objectives.

(3) DEFINITIONS.—In this subsection:

(A) The term “joint professional military education research institutions” means subordinate organizations (including centers, institutes, and schools) under the senior and intermediate joint professional military education colleges and universities for which research is the primary mission or reason for existence.

(B) The term “senior and intermediate joint professional military education colleges and universities” means the following:

(i) The National Defense University.

(ii) The Army War College.

(iii) The Navy War College.

(iv) The Air University.

(v) The Air War College.

(vi) The Marine Corp University.
SEC. 563. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.

(a) Memorandum of Agreement.—The Secretary of Defense and the Secretary of Education shall enter into a memorandum of agreement pursuant to which the Secretary of Education will undertake the following:

(1) Disseminate information about the Troops-to-Teachers Program to eligible schools (as defined in section 2301(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671(3)), as added by subsection (b)(2)).

(2) Advise the Department of Defense on how to prepare eligible members of the Armed Forces described in section 2303(a) of such Act to become participants in the Program to meet the requirements necessary to become a teacher in an eligible school.

(3) Advise the Department of Defense on how to identify teacher preparation programs for participants in the Program.

(4) Inform the Department of Defense of academic subject areas with critical teacher shortages.

(5) Identify geographic areas with critical teacher shortages, especially in high-need schools (as defined in section 2301(4) of such Act, as added by subsection (b)(2)).
(b) DEFINITIONS.—Section 2301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given that term in section 5210.

“(3) ELIGIBLE SCHOOL.—The term ‘eligible school’ means—

“(A) a public school, including a charter school, at which—

“(i) at least 30 percent of the students enrolled in the school are from families with incomes below 185 percent of poverty level (as defined by the Office of Management and Budget and revised at least annually in accordance with section 9(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)) applicable to a family of the size involved; or

“(ii) at least 13 percent of the students enrolled in the school qualify for assistance
under part B of the Individuals with Disabilities Education Act; or


“(4) HIGH-NEED SCHOOL.—Except for purposes of section 2304(d), the term ‘high-need school’ means—

“(A) an elementary school or middle school in which at least 50 percent of the enrolled students are children from low-income families, based on the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the number of children eligible to receive medical assistance under the Medicaid program, or a composite of these indicators;

“(B) a high school in which at least 40 percent of enrolled students are children from low-income families, which may be calculated using comparable data from feeder schools; or
“(C) a school that is in a local educational agency that is eligible under section 6211(b).”.

(c) PROGRAM AUTHORIZATION.—Section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(b)) is amended by striking subsections (b) through (e) and inserting the following:

“(b) PROGRAM AUTHORIZED.—The Secretary may carry out a program (to be known as the ‘Troops-to-Teachers Program’) to assist eligible members of the Armed Forces described in section 2303(a) to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers to meet the requirements necessary to become a teacher in an eligible school.”.

(d) YEARS OF SERVICE REQUIREMENTS.—Section 2303(a)(2)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(a)(2)(A)(i)) is amended by striking “6 or more years” and inserting “4 or more years”.

(e) PARTICIPATION AGREEMENT.—

(1) AMENDMENT.—Section 2304 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674) is amended—

(A) by striking paragraph (1) of subsection (a) and inserting the following:
“(1) IN GENERAL.—An eligible member of the Armed Forces selected to participate in the Program under section 2303 and to receive financial assistance under this section shall be required to enter into an agreement with the Secretary in which the member agrees—

“(A) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher to meet the requirements necessary to become a teacher in an eligible school; and

“(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in an eligible school, to begin the school year after obtaining that certification or licensing.”; and

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

“(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—A participant who is paid a stipend or bonus shall be subject to the repayment provisions of section 373 of title 37, United States Code under the following circumstances:
“(1) Failure to obtain qualifications or employment.—The participant fails to obtain teacher certification or licensing or to meet the requirements necessary to become a teacher in an eligible school or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement.

“(2) Termination of employment.—The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.

“(3) Failure to complete service under reserve commitment agreement.—The participant executed a written agreement with the Secretary concerned under section 2303(e)(2) to serve as a member of a reserve component of the Armed Forces for a period of 3 years and fails to complete the required term of service.”.

(f) Effective Date.—The amendments made by subsections (b) through (e) 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.
Subtitle G—Defense Dependents’ Education and Military Family Readiness Matters

SEC. 571. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.

Of the amount authorized to be appropriated for fiscal year 2013 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, $5,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–77; 20 U.S.C. 7703a).

SEC. 572. 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 agen-

(b) 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. 573. AMENDMENTS TO THE IMPACT AID PROGRAM.

(a) SHORT TITLE.—This section may be cited as the “Impact Aid Improvement Act of 2012”.

(b) AMENDMENTS TO THE IMPACT AID PROGRAM.—Title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) is amended—

(1) in section 8002 (20 U.S.C. 7702)—

(A) in subsection (b)—

(i) in paragraph (2), by striking “aggregate assessed” and inserting “estimated taxable”; and

(ii) by striking paragraph (3) and inserting the following:

“(3) DETERMINATION OF TAXABLE VALUE FOR ELIGIBLE FEDERAL PROPERTY.—

“(A) IN GENERAL.—In determining the estimated taxable value of such acquired Federal
property for fiscal year 2010 and each suc-
ceeding fiscal year, the Secretary shall—

“(i) first determine the total taxable
value for the purpose of levying property
tax for school purposes for current expendi-
tures of real property located within the
boundaries of such local educational agency;

“(ii) then determine the total taxable
value of the eligible Federal property by di-
viding the total taxable value as determined
in clause (i) by the difference between the
total acres located within the boundaries of
the local educational agency and the num-
ber of Federal acres eligible under this sec-
tion; and

“(iii) multiply the per acre value as
calculated under clause (ii) by the number
of Federal acres eligible under this section.

“(B) SPECIAL RULE.—In the case of Fed-
eral property eligible under this section that is
within the boundaries of 2 or more local edu-
cational agencies, such a local educational agen-
cy may ask the Secretary to calculate the per
acre value of each such local educational agency
as provided under subparagraph (A) and apply
the average of these per acre values to the acres
of the Federal property in such agency.”;

(B) in subsection (h)—

(i) in paragraph (1)—

(I) in the paragraph heading, by
striking “FOR PRE-1995 RECIPIENTS”;

(II) in subparagraph (A), by
striking “is eligible” and all that fol-

ows through the period at the end and
inserting “was eligible to receive a
payment under this section for fiscal
year 2010.”; and

(III) in subparagraph (B), by
striking “38 percent” and all that fol-

ows through the period at the end and
inserting “90 percent of the average
payment the local educational agency
received in 2006, 2007, 2008, and
2009.”; and

(ii) by striking paragraphs (2) through

(4) and inserting the following:

“(2) FOUNDATION PAYMENTS FOR LOCAL EDU-

CATIONAL AGENCIES DETERMINED ELIGIBLE AFTER

FISCAL YEAR 2010.”—
“(A) FIRST YEAR.—From any amounts remaining after making payments under paragraph (1) and subsection (i)(1) for the fiscal year involved, the Secretary shall make a payment, in an amount determined in accordance with subparagraph (C), to each local educational agency that the Secretary determines eligible for a payment under this section for a fiscal year after fiscal year 2010, for the fiscal year for which such agency was determined eligible for such payment.

“(B) SECOND AND SUCCEEDING YEARS.—For any succeeding fiscal year after the first fiscal year that a local educational agency receives a foundation payment under subparagraph (A), the amount of the local educational agency’s foundation payment under this paragraph for such succeeding fiscal year shall be equal to the local educational agency’s foundation payment under this paragraph for the first fiscal year.

“(C) AMOUNTS.—The amount of a payment under subparagraph (A) for a local educational agency shall be determined as follows:
“(i) Calculate the local educational agency’s maximum payment under subsection (b).

“(ii) Calculate the percentage that the amount appropriated under section 8014(a) for the most recent fiscal year for which the Secretary has completed making payments under this section is of the total maximum payments for such fiscal year for all local educational agencies eligible for a payment under subsection (b) and multiply the agency’s maximum payment by such percentage.

“(iii) Multiply the amount determined under clause (ii) by 90 percent.

“(3) REMAINING FUNDS.—From any funds remaining after making payments under paragraphs (1) and (2) for the fiscal year involved, the Secretary shall make a payment to each local educational agency that received a foundation payment under paragraph (1) or (2) or subsection (i)(1), for the fiscal year involved in an amount that bears the same relation to the remainder as a percentage share determined for the local educational agency (by dividing the maximum amount that the agency is eligible to receive under subsection (b) by the total of the max-
imum amounts for all such agencies) bears to the per-
centage share determined (in the same manner) for
all local educational agencies eligible to receive a pay-
ment under this section for the fiscal year involved,
except that, for the purpose of calculating a local edu-
cational agency’s maximum amount under subsection
(b), data from the most current fiscal year shall be
used.”; and

(C) in subsection (i)(1), by striking “the
Secretary shall use the remainder described in
subsection (h)(3) for the fiscal year involved”
and inserting “the Secretary shall use amounts
remaining after making payments under sub-
section (h)(1) for the fiscal year involved”;

(2) in section 8003(a)(4) (20 U.S.C.
7703(a)(4))—

(A) in the paragraph heading, by striking
“RENOVATION OR REBUILDING” and inserting
“RENOVATION, REBUILDING, OR AUTHORIZED
FOR DEMOLITION”;

(B) in subparagraph (A), by striking “ren-
ovation or rebuilding” both places the term ap-
ppears and inserting “renovation, rebuilding, or
authorized for demolition”; 

(C) in subparagraph (B)—
(i) by striking “renovation or rebuilding” each place the term appears and inserting “renovation, rebuilding, or authorized for demolition”; and

(ii) in clause (i)(I), by striking “3 fiscal years” and inserting “4 fiscal years (which are not required to run consecutively)”; and

(iii) in clause (ii)(I), by striking “3 fiscal years” and inserting “4 fiscal years (which are not required to run consecutively)”; and

(D) by adding at the end the following:

“(C) ELIGIBLE HOUSING.—Renovation, rebuilding, or authorized for demolition shall be defined as projects considered as recapitalization, modernization, or restoration as defined by the Secretary of Defense or the Secretary of the Interior (as the case may be) and are projects that last more than 30 days, but do not include ‘sustainment projects’ such as painting, carpeting, or minor repairs.”; and

(3) in section 8010 (20 U.S.C. 7710)—

(A) in subsection (c)—
(i) in paragraph (1), by striking "paragraph (3) of this subsection" both places the term appears and inserting "paragraph (2)"; and

(ii) in paragraph (2)(E), by striking "under section 8003(b)" and all that follows through the period at the end and inserting "under this title."; and

(B) by adding at the end the following:

"(d) TIMELY PAYMENTS.—

“(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall pay a local educational agency the full amount that the agency is eligible to receive under this title for a fiscal year not later than September 30 of the second fiscal year following the fiscal year for which such amount has been appropriated if, not later than 1 calendar year following the fiscal year in which such amount has been appropriated, such local educational agency submits to the Secretary all the data and information necessary for the Secretary to pay the full amount that the agency is eligible to receive under this title for such fiscal year.

“(2) PAYMENTS WITH RESPECT OF FISCAL YEARS IN WHICH INSUFFICIENT FUNDS ARE APPROPRIATED.—For a fiscal year in which the amount ap-
appropriated under section 8014 is insufficient to pay the full amount a local educational agency is eligible to receive under this title, paragraph (1) shall be applied by substituting ‘is available to pay the agency’ for ‘the agency is eligible to receive’ both places the term appears.”.

(c) EFFECTIVE DATE.—Notwithstanding section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)), subsection (b)(1), and the amendments made by subsection (b)(1), shall take effect with respect to applications submitted under section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) for fiscal year 2010.

SEC. 574. MILITARY SPOUSES.

(a) IN GENERAL.—Subchapter I of chapter 33 of title 5, United States Code, is amended by adding at the end the following:

“§ 3330d. Appointment of certain military spouses

“(a) DEFINITIONS.—In this section—

“(1) the term ‘active duty’—

“(A) has the meaning given that term in section 101(d)(1) of title 10;

“(B) includes full-time National Guard duty (as defined in section 101(d)(5) of title 10); and
“(C) for a member of a reserve component (as described in section 10101 of title 10), does not include training duties or attendance at a service school;

“(2) the term ‘agency’—

“(A) has the meaning given the term ‘Executive agency’ in section 105; and

“(B) does not include the Government Accountability Office;

“(3) the term ‘geographic area of the permanent duty station’ means the area from which individuals reasonably can be expected to travel daily to and from work at the location of a member’s permanent duty station;

“(4) the term ‘permanent change of station’ means the assignment, detail, or transfer of a member of the Armed Forces who is on active duty and serving at a permanent duty station under a competent authorization or order that does not—

“(A) specify the duty as temporary;

“(B) provide for assignment, detail, or transfer, after that different permanent duty station, to a further different permanent duty station; or
“(C) direct return to the initial permanent duty station;

“(5) the term ‘relocating spouse of a member of the Armed Forces’ means an individual who—

“(A) is married to a member of the Armed Forces (without regard to whether the individual married the member before a permanent change of station of the member) who is ordered to active duty for a period of more than 180 consecutive days;

“(B) relocates to the member’s permanent duty station; and

“(C) before relocating as described in subparagraph (B), resided outside the geographic area of the permanent duty station; and

“(6) the term ‘spouse of a disabled or deceased member of the Armed Forces’ means an individual—

“(A) who is married to a member of the Armed Forces who—

“(i) is retired, released, or discharged from the Armed Forces; and

“(ii) on the date on which the member retires, is released, or is discharged, has a disability rating of 100 percent under the standard schedule of rating disabilities in
use by the Department of Veterans Affairs;
or
“(B) who—
“(i) was married to a member of the Armed Forces on the date on which the member dies while on active duty in the Armed Forces; and
“(ii) has not remarried.
“(b) AUTHORITY.—The head of an agency may ap-
point noncompetitively a relocating spouse of a member of the Armed Forces or a spouse of a disabled or deceased member of the Armed Forces.
“(c) RELOCATING SPOUSES.—
“(1) IN GENERAL.—An appointment of a relo-
cating spouse of a member of the Armed Forces under this section may only be to a position the duty sta-
tion for which is within the geographic area of the permanent duty station of the member of the Armed Forces, unless there is no agency with a position with a duty station within the geographic area of the per-
manent duty station of the member of the Armed Forces.
“(2) SINGLE APPOINTMENT PER DUTY STA-
tION.—A relocating spouse of a member of the Armed Forces may not receive more than 1 appointment
under this section for each time the spouse relocates
as described in subparagraphs (B) and (C) of sub-
section (a)(5).”.

(b) REGULATIONS.—Not later than 180 after the date
of enactment of this Act, the Director of the Office of Per-
sonnel Management shall amend section 315.612 of title 5,
Code of Federal Regulations (relating to noncompetitive ap-
pointment of certain military spouses) in accordance with
the amendment made by subsection (a) and promulgate or
amend any other regulations necessary to carry out the
amendment made by subsection (a).

(c) TECHNICAL AND CONFORMING AMENDMENT.—The
table of sections for chapter 33 of title 5, United States
Code, is amended by inserting after the item relating to
section 3330c the following:

“3330d. Appointment of certain military spouses.”.

SEC. 575. MODIFICATION OF AUTHORITY TO ALLOW DE-
PARTMENT OF DEFENSE DOMESTIC DEPEND-
ENT ELEMENTARY AND SECONDARY
SCHOOLS TO ENROLL CERTAIN STUDENTS.

Section 2164 of title 10, United States Code, is amend-
ed by adding at the end the following new subsections:

“(k) TUITION-FREE ENROLLMENT IN DOMESTIC DE-
PENDENT SCHOOLS FOR CERTAIN OVERSEAS DEPEND-
ENTS.—Tuition-free enrollment in the domestic dependent
elementary and secondary schools is authorized for depend-
ents who are currently enrolled in the defense dependents’ education school system pursuant to the Defense Dependents’ Education Act of 1978 (20 U.S.C. 921 et seq.) if—

“(1) such dependents departed their overseas location due to an authorized departure or evacuation order;

“(2) the designated safe haven of such dependents is located within commuting distance of a school operated by the domestic dependent elementary and secondary schools; and

“(3) the school concerned already possesses the capacity and resources for such dependents to attend the school.

“(l) Tuition-Paying Enrollment in Virtual Elementary and Secondary Education Program for Certain Dependents Transitioning from Overseas.—

Under regulations prescribed by the Secretary, tuition-paying enrollment in the virtual elementary and secondary education program of the Department for dependents of members of the armed forces on active duty is authorized when such dependents—

“(1) transition from an overseas defense dependents’ education system school into a school operated by a local educational agency or another accredited educational program in the United States, and
“(2) are not otherwise eligible to enroll in a domestic dependent elementary or secondary school pursuant to subsection (a).”.

SEC. 576. SENSE OF CONGRESS REGARDING SUPPORT FOR YELLOW RIBBON DAY.

(a) FINDINGS.—Congress makes the following findings:

(1) The hopes and prayers of the people of the United States for the safe return of members of the Armed Forces of the United States serving overseas are often demonstrated through the proud display of yellow ribbons.

(2) The designation of a “Yellow Ribbon Day” would serve as an additional reminder for all people of the United States 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 other individuals of the United States who are serving in combat or crisis situations overseas.

(b) SENSE OF CONGRESS.—Congress supports the goals and ideals of Yellow Ribbon Day in honor of members of the Armed Forces of the United States who are serving overseas apart from their families and loved ones.
SEC. 577. REPORT ON FUTURE OF FAMILY SUPPORT PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the anticipated future of the family support programs of the Department of Defense during the five-year period beginning on the date of the submittal of the report as end strengths for the Armed Forces are reduced and the Armed Forces are drawn down from combat operations in Afghanistan.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) A description of the current family support programs of each of the Armed Forces and the Department of Defense, including the name, scope and intended purpose of each program.

(2) An assessment of the current costs of the family support programs covered by paragraph (1), and an estimate of the costs of anticipated family support programs of the Department over the period covered by the report.

(3) An assessment of the costs and other consequences associated with the elimination or reduction of any current family support programs of the Department over the period covered by the report.
(4) An assessment by the Secretary of the Army of the Family Readiness Support Assistant program, and a description of any planned or anticipated changes to that program over the period covered by the report.

Subtitle H—Other Matters

SEC. 581. FAMILY BRIEFINGS CONCERNING ACCOUNTINGS FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES LISTED AS MISSING.

Section 1501(a)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by striking “and” at the end;

(2) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(D) coordination of periodic briefing of families of missing persons about the efforts of the Department of Defense to account for those persons.”.

SEC. 582. ENHANCEMENT OF AUTHORITY TO ACCEPT GIFTS AND SERVICES.

(a) ACTIVITIES BENEFITTING EDUCATION AS SERVICES SUBJECT TO ACCEPTANCE.—Section 2601(i)(2) of title
10, United States Code, is amended by inserting “education,” before “morale,“.

(b) Acceptance of Voluntary Services in Connection With Accounting for Missing Persons.—Section 1588(a) of such title is amended by adding at the end the following new paragraph:

“(9) Voluntary services to facilitate accounting for missing persons.”.

(c) Authority for Cooperative Agreements for Acceptance by Military Museums and Education Programs of Nonprofit Support.—

(1) In General.—Chapter 155 of such title is amended by adding at the end the following new section:

“§2615. Military museums and military education programs: cooperative agreements for receipt of support from nonprofit entities

“The Secretary concerned may enter into a cooperative agreement (as described in section 6305 of title 31) with a nonprofit entity for purposes related to support of a military educational institution program or military museum program if a cooperative agreement is the appropriate mechanism to obtain such support under the provisions of section 6305 of title 31.”.
(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 155 of such title is amended by adding at the end the following new item:

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“2615. Military museums and military education programs: cooperative agreements for receipt of support from nonprofit entities.”.
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**SEC. 583.** **CLARIFICATION OF AUTHORIZED FISHER HOUSE RESIDENTS AT THE FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION AT DOVER AIR FORCE BASE, DELAWARE.**

(a) **TREATMENT OF FISHER HOUSE FOR THE FAMILIES OF THE FALLEN AND MEDITATION PAVILION.**—Subsection (a) of section 2493 of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking “by patients” and all that follows through “such patients;” and inserting “by authorized Fisher House residents;”; and

(B) by adding after subparagraph (C) the following new flush sentence:

“The term 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
(2) by adding at the end the following new paragraph:

“(3) The term ‘authorized Fisher House residents’ means the following:

“(A) With respect to a facility described in the first sentence of 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) Others providing the equivalent of familial support for such patients.

“(B) With respect to the Fisher House for Families of the Fallen and Meditation Pavilion at Dover Air Force Base, Delaware, 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 SUPERSEDED AUTHORITY.—Section 643 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1466) is repealed.

SEC. 584. REPORT ON ACCURACY OF DATA IN THE DEFENSE ENROLLMENT ELIGIBILITY REPORTING SYSTEM.

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to improve the completeness and accuracy of the data contained in the Defense Enrollment Eligibility Reporting System (DEERS) in order to provide for the standardization of identification credentials required for eligibility, enrollment, transactions, and updates across all Department of Defense installations and to ensure that those issued military identification cards and receiving benefits based on such data are actually eligible for such cards and benefits.
SEC. 585. POSTHUMOUS HONORARY PROMOTION OF SERGEANT PASCHAL CONLEY TO SECOND LIEUTENANT IN THE ARMY.

Notwithstanding the time limitation specified in section 1521 of title 10, United States Code, or any other time limitation with respect to posthumous promotions for persons who served in the Armed Forces, the President is authorized to issue an appropriate posthumous honorary commission promoting to second lieutenant in the Army under section 1521 of such title Sergeant (retired) Paschal Conley, a distinguished Buffalo Soldier who was recommended for promotion to second lieutenant under then-existing procedures by General John J. Pershing.

TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

Subtitle A—Pay and Allowances

SEC. 601. RATES OF BASIC ALLOWANCE FOR HOUSING FOR ARMY NATIONAL GUARD AND AIR NATIONAL GUARD MEMBERS ON FULL-TIME NATIONAL GUARD DUTY.

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 on full-time National Guard duty shall be based on the member’s duty location.

“(B)(i) The rate of basic allowance for housing to be paid a member described in subparagraph (A) may not be modified 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, unless the transition results in a permanent change of station and shipment of household goods.

“(ii) For purposes of this subparagraph, a break in active service occurs when one or more calendar days between active service periods do not qualify as active service.”.

SEC. 602. 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/Mobi-
lization 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) **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.

(f) **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).

SEC. 603. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

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 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. **(1) Section 302c–1(f), relating to accession and retention bonuses for psychologists.**
2. **(2) Section 302d(a)(1), relating to accession bonus for registered nurses.**
3. **(3) Section 302e(a)(1), relating to incentive special pay for nurse anesthetists.**
4. **(4) Section 302g(e), relating to special pay for Selected Reserve health professionals in critically short wartime specialties.**
5. **(5) Section 302h(a)(1), relating to accession bonus for dental officers.**
6. **(6) Section 302j(a), relating to accession bonus for pharmacy officers.**
7. **(7) Section 302k(f), relating to accession bonus for medical officers in critically short wartime specialties.**
8. **(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 OFFI-

cERS.

The following sections of title 37, United States Code,
are amended by striking “December 31, 2012” and insert-
ing “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 RELAT-

ING TO TITLE 37 CONSOLIDATED SPECIAL

PAY, INCENTIVE PAY, AND BONUS AUTHORI-

TIES.

The following sections of title 37, United States Code,
are amended by striking “December 31, 2012” and insert-
ing “December 31, 2013”:

(1) Section 331(h), relating to general bonus au-
thority for enlisted members.

(2) Section 332(g), relating to general bonus au-
thority 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 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 “, in the case of” the first place it
appears and all that follows through “reserve component of the armed forces”.

Subtitle C—Travel and Transportation Allowances

SEC. 631. PERMANENT CHANGE OF STATION ALLOWANCES FOR MEMBERS OF SELECTED RESERVE UNITS FILLING A VACANCY IN ANOTHER UNIT AFTER BEING INVOLUNTARILY SEPARATED.

(a) TRAVEL AND TRANSPORTATION ALLOWANCES GENERALLY.—Section 474 of title 37, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking “and” at the end;

(B) in paragraph (5), by striking the period at the end and inserting “; and”;

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

“(6) upon filling a vacancy in a Selected Reserve unit at a duty station that is more than 150 miles from the member’s residence if—

“(A) during the preceding three years the member was involuntarily separated under other than adverse conditions (as characterized by the Secretary concerned) while assigned to a unit of
the Selected Reserve certified by the Secretary concerned as having been adversely affected by force structure reductions during the period beginning on October 1, 2012, and ending on December 31, 2018;

“(B) the involuntary separation occurred during the period beginning on October 1, 2012, and ending on December 31, 2018; and

“(C) the member is—

“(i) qualified in a skill designated as critically short by the Secretary concerned; or

“(ii) filling a vacancy in a Selected Reserve unit with a critical manpower shortage, or in a pay grade with a critical manpower shortage in such unit.”;

(2) in subsection (f), by adding at the end the following new paragraph:

“(4)(A) A member may be provided travel and transportation allowances under subsection (a)(6) only with respect to the filling of a vacancy in a Selected Reserve unit one time.

“(B) Regulations under this section shall provide that whenever travel and transportation allowances are paid
under subsection (a)(6), the cost shall be borne by the unit filling the vacancy.”; and

(3) in subsection (j), by striking “In this” and inserting “Other than in subsection (a)(6), in this”.

(b) TRAVEL AND TRANSPORTATION ALLOWANCES FOR DEPENDENTS AND HOUSEHOLD EFFECTS.—Section 476 of such title is amended—

(1) by redesignating subsections (l), (m), and (n) as subsections (m), (n), and (o); and

(2) by inserting after subsection (k) the following new subsection (l)

“(l)(1) A member described in paragraph (2) is entitled to the travel and transportation allowances, including allowances with respect to dependents, authorized by this section upon filling a vacancy as described in that paragraph as if the member were undergoing a permanent change of station under orders in filling such vacancy.

“(2) A member described in this paragraph is a member who is filling a vacancy in a Selected Reserve unit at a duty station that is more than 150 miles from the member’s residence if—

“(A) during the three years preceding filling the vacancy, the member was involuntarily separated under other than adverse conditions (as characterized by the Secretary concerned) while assigned to a unit
of the Selected Reserve certified by the Secretary concerned as having been adversely affected by force structure reductions during the period beginning on October 1, 2012, and ending on December 31, 2018; “(B) the involuntary separation occurred during the period beginning on October 1, 2012, and ending on December 31, 2018; and “(C) the member is— “(i) qualified in a skill designated as critically short by the Secretary concerned; or “(ii) filling a vacancy in a Selected Reserve unit with a critical manpower shortage, or in a pay grade with a critical manpower shortage in such unit. “(3) Any allowances authorized by this section that are payable under this subsection may be payable in advance if payable in advance to a member undergoing a permanent change of station under orders under the applicable provision of this section.”.

SEC. 632. AUTHORITY FOR COMPREHENSIVE PROGRAM FOR SPACE-AVAILABLE TRAVEL ON DEPARTMENT OF DEFENSE AIRCRAFT.

(a) In General.—Chapter 157 of title 10, United States Code, is amended by inserting after section 2641b the following new section:
§2641c. Space-available travel on Department of Defense aircraft

“(a) Authority to establish program.—(1) The Secretary of Defense may establish a program to provide transportation on Department of Defense aircraft on a space-available basis.

“(2) The program shall be conducted pursuant to regulations prescribed by the Secretary for purposes of this section. Such regulations shall be prescribed by not later than January 1, 2014, and shall take effect on that date or such earlier date as the Secretary shall specify in such regulations.

“(3) The program shall be conducted in a budget neutral manner. No additional funds may be used, or flight hours performed, for the provision of transportation under the program.

“(b) Benefit.—If the Secretary establishes a program authorized by subsection (a), the Secretary shall, subject to section (c), provide the benefit under the program to the following categories of individuals:

“(1) Members of the armed forces on active duty.

“(2) Members of the Selected Reserve who hold a valid Uniformed Services Identification and Privilege Card.

“(3) Retired members of a regular or reserve component of the armed forces, including retired
members of reserve components, who, but for being under the eligibility age applicable under section 12731 of this title, would be eligible for retired pay under chapter 1223 of this title.

“(4) The unremarried spouses of members of the armed forces who were killed on active duty or otherwise died in the line of duty, and the unremarried spouses of former members of the armed forces who died of a combat-related illness or injury, who hold a valid Uniformed Services Identification and Privilege Card.

“(5) Such categories of dependents of individuals described in paragraphs (1) through (3) as the Secretary shall specify in the regulations under subsection (a), under such conditions and circumstances as the Secretary shall specify in such regulations.

“(6) Such other categories of individuals as the Secretary, in the discretion of the Secretary, considers appropriate.

“(c) ADMINISTRATION.—In carrying out a program under this section, the Secretary shall—

“(1) in the sole discretion of the Secretary, establish an order of priority for transportation under the program for categories of individuals under subsection (b) that is based on considerations of military
necessity, humanitarian concerns, and enhancement of morale;

“(2) give priority in consideration of transportation under the program to the demands of members of the armed forces in the regular components and in the reserve components on active duty and to the need to provide such members, and their dependents, a means of respite from such demands; and

“(3) implement policies aimed at ensuring cost control and the safety, security, and efficient processing of travelers, including limiting the benefit under the program to one or more categories of individuals set forth in subsection (b) if considered necessary by the Secretary.

“(d) CONSTRUCTION.—The authority to provide transportation under this section is in addition to any other authority under law to provide transportation on Department of Defense aircraft on a space-available basis.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 157 of such title is amended by inserting after the item relating to section 2641b the following new item:

“2641c. Space-available travel on Department of Defense aircraft.”.
Subtitle D—Disability, Retired Pay, and Survivor Benefits

SEC. 641. REPEAL OF REQUIREMENT FOR PAYMENT OF SURVIVOR BENEFIT PLAN PREMIUMS WHEN PARTICIPANT WAIVES RETIRED PAY TO PROVIDE A SURVIVOR ANNUITY UNDER FEDERAL EMPLOYEES RETIREMENT SYSTEM AND TERMINATION OF PAYMENT OF 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 for the purposes of chapter 84 of title 5,” 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 for the purposes of chapter 84 of title 5,” after “chapter 83 of title 5,”;  
(2) by inserting “or 8146(a)” after “8339(j)”;

and

(3) by inserting “or 8442(a)” after “8341(b).”
(c) APPLICABILITY.—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.

SEC. 642. REPEAL OF AUTOMATIC ENROLLMENT IN FAMILY SERVICEMEMBERS’ GROUP LIFE INSURANCE FOR MEMBERS OF THE ARMED FORCES MARRIED TO OTHER MEMBERS.

Section 1967(a)(1) of title 38, United States Code, is amended—

(1) in subparagraph (A)(ii), by inserting after “insurable dependent of the member” the following: “(other than a dependent who is also a member of a uniformed service and, because of such membership, automatically insured under this paragraph)”; and

(2) in subparagraph (C)(ii), by inserting after “insurable dependent of the member” the following: “(other than a dependent who is also a member of a uniformed service and, because of such membership, automatically insured under this paragraph)”.

SEC. 643. CLARIFICATION OF COMPUTATION OF COMBAT-
RELATED SPECIAL COMPENSATION FOR
CHAPTER 61 DISABILITY RETIREES.

(a) In General.—Section 1413a(b)(3) of title 10, United States Code, is amended by striking “shall be re-
duced by the amount (if any) by which the amount of the member’s retired pay under chapter 61 of this title exceeds” both places it appears and inserting “may not, when com-
bined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to ex-
ceed”.

(b) Effective Date.—The amendments made by this section shall take effect on October 1, 2013, and shall apply to payments for months beginning on or after that date.

Subtitle E—Military Lending Matters

SEC. 651. ENHANCEMENT OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) Consumer Credit.—Paragraph (6) of section 987(i) of title 10, United States Code, is amended to read as follows:

“(6) Consumer credit.—

“(A) In General.—The term ‘consumer credit’ shall be defined by the Secretary of De-
fense in regulations prescribed under this section, and shall include, in addition to any other meaning provided for in such regulations, the following:

“(i) A vehicle title loan for any duration, whether open end or closed end.

“(ii) A payday loan for any duration, whether open end or closed end.

“(iii) A tax refund anticipation loan.

“(B) Exclusions.—The term ‘consumer credit’ does not include the following:

“(i) A residential mortgage.

“(ii) A loan procured in the course of purchasing a car or other personal property, when that loan is offered for the express purpose of financing the purchase and is secured by the car or personal property procured.”.

(b) Policy on Predatory Extension of Credit Through Installment Loans Targeting Members of the Armed Forces and Dependents.—

(1) Policy Required.—The Secretary of Defense shall, in consultation with the officials and entities specified in section 987(h)(3) of title 10, United States Code, prescribe a policy on the predatory ex-
tension of credit through installment loans targeting members of the Armed Forces and their dependents.

(2) Objectives.—The objectives of the policy required by paragraph (1) shall be as follows:

(A) To enhance protections afforded members of the Armed Forces and their dependents under section 987 of title 10, United States Code, by curbing continuing predatory lending practices targeting members of the Armed Forces and their dependents that are not currently regulated under that section.

(B) To improve the financial literacy of members of the Armed Forces and their dependents with respect to installment loans and other forms of credit not currently regulated under section 987 of title 10, United States Code.

(C) To make members of the Armed Forces and their dependents aware of other, more beneficial sources of financial aid and credit services (such as those available through military relief societies) than installment loans.

(D) If considered appropriate by the Secretary of Defense, to provide, by regulation, for the coverage under section 987 of title 10, United States Code, of installment loans extended to...
members of the Armed Forces and dependents protected by that section.

(c) Effective Date.—

(1) Modification of Regulations.—The Secretary of Defense shall modify the regulations prescribed under section 987 of title 10, United States Code, to take into account the amendment made by subsection (a).

(2) Effective Date of Modification and Policy.—The amendment made by subsection (a), and the policy required by subsection (b), shall take effect on—

(A) the date that is one year after the date of the enactment of this Act; or

(B) such earlier date as the Secretary shall specify.

(3) Publication of Earlier Date.—If pursuant to paragraph (2)(B) the Secretary specifies an earlier effective date for the amendment made by subsection (a) and the policy required by subsection (b), the Secretary shall publish notice of such earlier effective date in the Federal Register not later than 90 days before such earlier effective date.
SEC. 652. ADDITIONAL ENHANCEMENTS OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) Protections Against Differential Treatment on Consumer Credit Under State Law.—Subsection (d)(2) of section 987 of title 10, United States Code, is amended—

(1) in subparagraph (A), by inserting “any consumer credit or” before “loans”; and

(2) in subparagraph (B), by inserting “covering consumer credit” after “State consumer lending protections”.

(b) Regular Consultations on Protections.—

Subsection (h)(3) of such section is amended—

(1) in the matter preceding subparagraph (A)—

(A) by inserting “and not less often than once every two years thereafter,” after “under this subsection,”; and

(B) by inserting “appropriate Federal agencies, including” before “the following”;

(2) by striking subparagraph (E); and

(3) by redesignating subparagraphs (F) and (G) as subparagraphs (E) and (F), respectively.

(c) Effective Date.—
(1) MODIFICATION OF REGULATIONS.—The Secretary of Defense shall modify the regulations prescribed under section 987 of title 10, United States Code, to take into account the amendments made by subsection (a).

(2) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on—

(A) the date that is one year after the date of the enactment of this Act; or

(B) such earlier date as the Secretary shall specify in the modification of regulations required by paragraph (1).

(3) PUBLICATION OF EARLIER DATE.—If the Secretary specifies an earlier effective date for the amendments made by subsection (a) pursuant to paragraph (2)(B), the Secretary shall publish notice of such earlier effective date in the Federal Register not later than 90 days before such earlier effective date.
 SEC. 653. RELIEF IN CIVIL ACTIONS FOR VIOLATIONS OF PROTECTIONS ON CONSUMER CREDIT EXTENDED TO MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) In General.—Section 987(f) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) Civil Liability.—

“(A) In General.—A person who violates this section with respect to any person is civilly liable to such person for—

“(i) any actual damage sustained as a result, but not less than $500 for each violation;

“(ii) appropriate punitive damages;

“(iii) appropriate equitable or declaratory relief;

“(iv) any other relief provided by law;

“(v) in any successful action to enforce the foregoing liability, the costs of the action, together with reasonable attorney fees as determined by the court; and

“(vi) in any successful action by a defendant under this section, if the court finds the action was brought in bad faith and for the purpose of harassment, attorney fees of
the defendant as determined by the court to be reasonable in relation to the work expended and costs incurred.

“(B) DEFENSES.—A person may not be held liable for civil liability under this paragraph if the person shows by a preponderance of evidence that the violation was not intentional and resulted from a bona fide error notwithstanding the maintenance of procedures reasonably adapted to avoid any such error. Examples of a bona fide error include clerical, calculation, computer malfunction and programming, and printing errors, except that an error of legal judgment with respect to a person’s obligations under this section is not a bona fide error.

“(C) JURISDICTION AND VENUE; LIMITATION.—An action for civil liability under this paragraph may be brought in any appropriate United States district court, without regard to the amount in controversy, or in any other court of competent jurisdiction, not later than the earlier or—

“(i) two years after the date of discovery by the plaintiff of the violation that is the basis for such liability; or
“(ii) five years after the date on which the violation that is the basis for such liability occurs.”.

(b) Effective Date.—The amendment made by this section and shall take effect on the date of the enactment of this Act, and shall apply with respect to consumer credit extended on or after that date.

SEC. 654. MODIFICATION OF DEFINITION OF DEPENDENT FOR PURPOSES OF LIMITATIONS ON TERMS OF CONSUMER CREDIT EXTENDED TO 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, has the meaning given that term in section 401(a) of title 37.”.

SEC. 655. ENFORCEMENT OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

Section 987(f) of title 10, United States Code, as amended by section 653 of this Act, is further amended by adding at the end the following new paragraph:

“(6) Enforcement.—The provisions of this section (other than paragraph (1) of this subsection)
shall be enforced by the agencies specified in section 108 of the Truth in Lending Act (15 U.S.C. 1607) in the manner set forth in that section or as set forth under any other applicable authorities available to such agencies by law.”.

Subtitle F—Other Matters

SEC. 661. TRANSITIONAL COMPENSATION FOR DEPENDENT CHILDREN WHO ARE CARRIED DURING PREGNANCY AT TIME OF DEPENDENT-ABUSE OFFENSE.

(a) In General.—Section 1059 of title 10, United States Code, is amended—

(1) in subsection (f), by adding at the end the following new paragraph:

“(4) Payment to a child under this section shall not be paid for any period before the birth of the child.”; and

(2) in subsection (l), by striking “at the time of the dependent-abuse offense resulting in the separation of the former member” and inserting “or eligible spouse at the time of the dependent-abuse offense resulting in the separation of the former member or who was carried during pregnancy at the time of the dependent-abuse offense resulting in the separation of the former member and was subsequently born alive to the eligible spouse or former spouse”.

† HR 4310 PP
(b) **Prospective Applicability.**—No benefits shall accrue by reason of the amendments made by this section for any month that begins before the date of the enactment of this Act.

**SEC. 662. REPORT ON ISSUANCE BY ARMED FORCES MEDICAL EXAMINER OF DEATH CERTIFICATES FOR MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY ABROAD.**

(a) **Report Required.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the issuance by the Armed Forces Medical Examiner of death certificates for members of the Armed Forces who die on active duty abroad, including mechanisms for reducing or ameliorating delays in the issuance of such death certificates.

(b) **Elements.**—The report required by subsection (a) shall include the following:

(1) A description of the process used by the Armed Forces Medical Examiner to issue a death certificate for members of the Armed Forces who die on active duty abroad, including an explanation for any current delays in the issuance of such death certificates.
(2) A description of the average amount of time taken by the Armed Forces Medical Examiner to issue such death certificates.

(3) An assessment of the feasibility and advisability of issuing temporary death certificates for members of the Armed Forces who die on active duty abroad in order to provide necessary documentation for survivors.

(4) A description of the actions required to enable the Armed Forces Medical Examiner to issue a death certificate for a member of the Armed Forces who dies on active duty abroad not later than seven days after the return of the remains of the member to the United States.

(5) Such other recommendations for legislative or administrative action as the Secretary considers appropriate to provide for the issuance by the Armed Forces Medical Examiner of a death certificate for members of the Armed Forces who die on active duty abroad not later than seven days after the return of the remains of such members to the United States.
TITLE VII—HEALTH CARE
PROVISIONS
Subtitle A—TRICARE Program

SEC. 701. EXTENSION OF TRICARE STANDARD COVERAGE
AND TRICARE DENTAL PROGRAM FOR MEM-
BERS OF THE SELECTED RESERVE WHO ARE
IN VOLUNTARILY SEPARATED.

(a) EXTENSION OF TRICARE STANDARD COV-
ERAGE.—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 para-
graph:

“(2) Eligibility for a member under this section who
is involuntarily separated from the Selected Reserve under
other than adverse conditions, as characterized by the Sec-
retary concerned, shall terminate 180 days after the date
on which the member is separated.”.

(b) EXTENSION OF TRICARE DENTAL PROGRAM COV-
ERAGE.—Section 1076a(a)(1) of such title is amended by
adding at the end the following new sentence: “Such plan
shall provide that coverage for a member of the Selected Re-
serve who is involuntarily separated from the Selected Re-
serve under other than adverse conditions, as characterized
by the Secretary concerned, shall terminate not earlier than
180 days after the date on which the member is separated.”.

SEC. 702. INCLUSION OF CERTAIN OVER-THE-COUNTER
DRUGS IN TRICARE UNIFORM FORMULARY.

(a) INCLUSION.—Subsection (a)(2) of section 1074g of
title 10, United States Code, is amended—

(1) in subparagraph (D), by striking “No phar-
maceutical agent may be excluded” and inserting
“Except as provided in subparagraph (F), no phar-
maceutical agent may be excluded”; and

(2) by adding at the end the following new sub-
paragraph:

“(F)(i) The Secretary may implement procedures to
place selected over-the-counter drugs on the uniform for-
mulary and to make such drugs available to eligible covered
beneficiaries. An over-the-counter drug may be included on
the uniform formulary only if the Pharmacy and Thera-
peutics Committee established under subsection (b) finds
that the over-the-counter drug is cost-effective and clinically
effective. If the Pharmacy and Therapeutics Committee rec-
ommends an over-the-counter drug for inclusion on the uni-
form formulary, the drug shall be considered to be in the
same therapeutic class of pharmaceutical agents, as deter-
mined by the Committee, as similar prescription drugs.
“(ii) Regulations prescribed by the Secretary to carry out clause (i) shall include the following with respect to over-the-counter drugs included on the uniform formulary:

“(I) A determination of the means and conditions under paragraphs (5) and (6) of this subsection through which over-the-counter drugs will be available to eligible covered beneficiaries and the amount of cost sharing that such beneficiaries will be required to pay for over-the-counter drugs, except that no such cost sharing may be required for a member of a uniformed service on active duty.

“(II) Any terms and conditions for the dispensing of over-the-counter drugs to eligible covered beneficiaries.”.

(b) DEFINITIONS.—Subsection (g) of such section is amended by adding at the end the following new paragraphs:

“(3) The term ‘over-the-counter drug’ means a drug that is not subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).

“(4) The term ‘prescription drug’ means a drug that is subject to section 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)).”.

(c) TECHNICAL AMENDMENTS.—
(1) Cross-reference amendments.—Subsections (a)(6)(A) and (b)(1) of such section are amended by striking “subsection (g)” and inserting “subsection (h)”.

(2) Repeal of obsolete provisions.—

(A) Subsection (a)(2)(D) of such section is amended by striking the last sentence.

(B) Subsection (b)(2) of such section is amended by striking “Not later than” and all the follows through “such 90-day period, the committee” and inserting “The committee”.

(C) Subsection (d)(2) of such section is amended—

(i) by striking “Effective not later than April 5, 2000, the Secretary” and inserting “The Secretary”; and

(ii) by striking “the current managed care support contracts” and inserting “the managed care support contracts current as of October 5, 1999,”.

SEC. 703. EXPANSION OF EVALUATION OF THE EFFECTIVENESS OF THE TRICARE PROGRAM.

“military retirees” and inserting “members of the Armed Forces (whether in the regular or reserve components) and their dependents, military retirees and their dependents, dependent children under the age of 21, and dependents of members on active duty with severe disabilities and chronic health care needs”.

SEC. 704. REPORT ON THE FUTURE AVAILABILITY OF TRICARE PRIME THROUGHOUT THE UNITED STATES.

(a) Report Required.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy of the Department of Defense on the future availability of TRICARE Prime under the TRICARE program for eligible beneficiaries in all TRICARE regions throughout the United States.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) A description, by region, of the difference in availability of TRICARE Prime for eligible beneficiaries (other than eligible beneficiaries on active duty in the Armed Forces) under newly-awarded TRICARE managed care contracts, including, in particular, an identification of the regions or areas in
which TRICARE Prime will no longer be available for such beneficiaries under such contracts.

(2) A description of the transition and outreach plans for eligible beneficiaries described in paragraph (1) who will no longer have access to TRICARE Prime under the contracts described in that paragraph.

(3) An estimate of the increased costs to be incurred for healthcare under the TRICARE program for eligible beneficiaries described in paragraph (2).

(4) An estimate of the saving to be achieved by the Department as a result of the contracts described in paragraph (1).

(5) A description of the plans of the Department to continue to assess the impact on access to healthcare for eligible beneficiaries described in paragraph (2).

SEC. 705. CERTAIN TREATMENT OF DEVELOPMENTAL DISABILITIES, INCLUDING AUTISM, UNDER THE TRICARE PROGRAM.

(a) Certain Treatment of Autism.—

(1) In general.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1077 the following new section:
"§1077a. Treatment of autism under the TRICARE program

(a) In General.—Except as provided in subsection (c), for purposes of providing health care services under this chapter, the treatment of developmental disabilities (42 U.S.C. 15002(8)), including autism spectrum disorders, shall include behavioral health treatment, including applied behavior analysis, when prescribed by a physician.

(b) Requirements in Provision of Services.—In carrying out subsection (a), the Secretary of Defense shall ensure that—

(1) except as provided by paragraph (2), a person who is authorized to provide behavioral health treatment is licensed or certified by a State or accredited national certification board; and

(2) if applied behavior analysis or other behavioral health treatment is provided by an employee or contractor of a person described in paragraph (1), the employee or contractor shall meet minimum qualifications, training, and supervision requirements as set forth by the Secretary who shall ensure that covered beneficiaries have appropriate access to care in accordance with best practice guidelines.

(c) Exclusions.—Subsection (a) shall not apply to the following:
“(1) Covered beneficiaries under this chapter who are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act.

“(2) Covered beneficiaries under this chapter who are former members, dependents of former members, or survivors of any uniformed service not under the jurisdiction of the Department of Defense.

“(d) Construction With Other Benefits.—(1) Nothing in this section shall be construed as limiting or otherwise affecting the benefits otherwise provided under this chapter to a covered beneficiary who is a beneficiary by virtue of—

“(A) service in the Coast Guard, the Commissioned Corp of the National Oceanic and Atmospheric Administration, or the Commissioned Corp of the Public Health Service; or

“(B) being a dependent of a member of a service described in subparagraph (A).

“(2) Nothing in this section shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

“(A) this chapter;

“(B) part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); or

“(C) any other law.”.
(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1077 the following new item:

“1077a. Treatment of autism under the TRICARE program.”.

(b) FUNDING.—

(1) INCREASE.—The amount authorized to be appropriated for fiscal year 2013 by section 1406 and available for the Defense Health Program for Private Sector Care as specified in the funding table in section 4501 is hereby increased by $45,000,000, with the amount of the increase to be available for the provision of care in accordance with section 1077a of title 10, United States Code (as added by subsection (a)).

(2) OFFSET.—The amount authorized to be appropriated for fiscal year 2013 by section 301 for Operation and Maintenance and available as specified in the funding table in section 4301 is hereby reduced by $45,000,000.

SEC. 706. SENSE OF CONGRESS ON HEALTH CARE FOR RETIRED MEMBERS OF THE UNIFORMED SERVICES.

It is the sense of Congress that—

(1) members of the uniformed services and their families endure unique and extraordinary demands
and make extraordinary sacrifices over the course of 20 to 30 years of service in protecting freedom for all Americans, as do those who have been medically re-
tired due to the hardships of military service; and

(2) access to quality health care services is an earned benefit during retirement in acknowledgment of their contributions of service and sacrifice.

Subtitle B—Other Health Care Benefits

SEC. 711. USE OF DEPARTMENT OF DEFENSE FUNDS FOR ABORTIONS IN CASES OF RAPE AND INCEST.

Section 1093(a) of title 10, United States Code, is amended by inserting before the period at the end the fol-
lowing: “or in a case in which the pregnancy is the result of an act of rape or incest”.

SEC. 712. AVAILABILITY OF CERTAIN FERTILITY PRESERVA-
TION TREATMENTS FOR MEMBERS OF THE ARMED FORCES ON ACTIVE DUTY.

(a) In General.—Subsection (a) of section 1074d of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) Members of the armed forces entitled to med-
ical care under section 1074(a) of this title who have been diagnosed with a condition for which the recommended course of treatment is recognized by a licensed physician
and surgeon or other appropriate medical practitioner as
a cause of iatrogenic infertility shall also be entitled to fer-
tility preservation treatment as a part of such medical care.

“(B) If the fertility preservation treatment to which
a member is entitled under this paragraph is not available
through a facility of the uniformed services accessible to the
member, such treatment shall be provided to the member
through another appropriate mechanism under this chapter,
including through the TRICARE program.”.

(b) DEFINITIONS RELATING TO FERTILITY PRESERVA-
TION TREATMENT.—Such section is further amended—

(1) in subsection (b), by striking the subsection
heading and inserting “DEFINITION RELATING TO
PRIMARY AND PREVENTIVE HEALTH CARE SERVICES
FOR WOMEN”; and

(2) by adding at the end the following new sub-
section:

“(c) DEFINITIONS RELATING TO FERTILITY PRESER-
VATION TREATMENT.—In this section:

“(1) The term ‘fertility preservation treatment’
includes—

“(A) procedures consistent with established
medical practices in the prevention or treatment
of iatrogenic infertility by licensed physicians
and surgeons or other appropriate medical prac-
tioners, including diagnosis, diagnostic tests, medication, or surgery; and

“(B) any other procedure identified by the Secretary of Defense that is intended to promote the future fertility of an individual who has been diagnosed with a condition for which the recommended course of treatment is recognized by a licensed physician and surgeon or other appropriate medical practitioner as a cause of iatrogenic infertility.

“(2) The term ‘iatrogenic infertility’ means the current or future diminished ability, or the inability of an individual to conceive or contribute to conception as a consequence of medical treatment.”.

SEC. 713. MODIFICATION OF REQUIREMENTS ON MENTAL HEALTH ASSESSMENTS FOR MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.

(a) Timing of Mental Health Assessments.—Paragraph (1)(C)(i) of section 1074m(a) of title 10, United States Code, is amended by striking “one year” and inserting “18 months”.

(b) Exclusion of Certain Members.—Paragraph (2) of such section is amended—
(1) by striking “subparagraph (B) and (C) of”;

and

(2) by striking “determines that—” and all that follows and inserting “determines—

“(A) in the case of an assessment otherwise required under subparagraph (A) of that paragraph, that the member will not be subjected or exposed to operational risk factors during deployment in the contingency operation concerned;

“(B) in the case of an assessment otherwise required under subparagraph (B) or (C) of that paragraph, that the member was not subjected or exposed to operational risk factors during deployment in the contingency operation concerned; or

“(C) in the case of any assessment otherwise required under that paragraph, that providing such assessment to the member during the otherwise applicable time period under such paragraph would remove the member from forward deployment or would put members or operational objectives at risk.”.
Subtitle C—Health Care Administration

SEC. 721. CLARIFICATION OF APPLICABILITY OF CERTAIN AUTHORITY AND REQUIREMENTS TO SUBCONTRACTORS EMPLOYED TO PROVIDE HEALTH CARE SERVICES TO THE DEPARTMENT OF DEFENSE.

(a) Applicability of Federal Tort Claims Act to Subcontractors.—Section 1089(a) of title 10, United States Code, is amended in the last sentence—

(1) by striking “if the physician, dentist, nurse, pharmacist, or paramedical” and inserting “to such a physician, dentist, nurse, pharmacist, or paramedical”;

(2) by striking “involved is”; and

(3) by inserting before the period at the end the following: “or a subcontract at any tier under such a contract that is authorized in accordance with the requirements of such section 1091”.

(b) Applicability of Personal Services Contracting Authority to Subcontractors.—Section 1091(c) of such title is amended by adding at the end the following new paragraph:

“(3) The procedures established under paragraph (1) may provide for a contracting officer to authorize a con-
tractor to enter into a subcontract for personal services on
behalf of the agency upon a determination that the sub-
contract is—

“(A) consistent with the requirements of this sec-
tion and the procedures established under paragraph (1); and

“(B) in the best interests of the agency.”.

SEC. 722. RESEARCH PROGRAM TO ENHANCE DEPARTMENT
OF DEFENSE EFFORTS ON MENTAL HEALTH
IN THE NATIONAL GUARD AND RESERVES
THROUGH COMMUNITY PARTNERSHIPS.

(a) RESEARCH PROGRAM AUTHORIZED.—The Sec-
dretary of Defense may carry out a research program to as-
ss the feasibility and advisability of enhancing the efforts
of the Department of Defense in research, treatment, edu-
cation, and outreach on mental health and substance use
disorders and Traumatic Brain Injury (TBI) in members
of the National Guard and Reserves, their family members,
and their caregivers.

(b) AGREEMENTS WITH COMMUNITY PARTNERS.—In
carrying out the research program authorized by subsection
(a), the Secretary may enter into partnership agreements
with community partners described in subsection (c) using
a competitive and merit-based award process.
(c) Community Partners Described.—A community partner described in this subsection is a private non-profit organization or institution (or multiple organizations and institutions) that—

(1) engages in the research activities described in subsection (d); and

(2) meets such qualifications for treatment as a community partner as the Secretary shall establish for purposes of the research program.

(d) Activities.—Partnerships entered into under the research program shall be used to engage in 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.

(e) Report.—Not later than five years after the commencement of the research program, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the research program, including a description of the research program, the community partners participating in the research program, the activities carried out, the number of members of the National Guard and Reserves, family members, and caregivers supported by community partners, and a description and
assessment of the effectiveness and achievements of the re-
search program.

Subtitle D—Reports and Other
Matters

SEC. 731. REPORTS ON PERFORMANCE DATA ON WARRIORS
IN TRANSITION PROGRAMS.

(a) REPORTS.—Not later than 180 days after the date
of the enactment of this Act, and every 180 days thereafter,
each Secretary of a military department shall submit to
Congress a report on data on the performance of the mili-
tary department in addressing the care, management and
transition needs of members of the Armed Forces under the
jurisdiction of such Secretary who participate in a War-
riors in Transition program under the jurisdiction of such
Secretary with respect to the following:

(1) Physical health.

(2) Mental and behavioral health.

(3) Educational and vocational aptitude and ca-
pabilities.

(4) Such other matters as such Secretary con-
siders appropriate.

(b) COMMON METHODOLOGY.—The Secretaries shall
report not fewer than five outcome measures for each of the
areas set forth in subsection (a) using a common method-
ology developed by the Secretaries and approved by the Secretary of Defense for purposes of this section.

(c) LONGITUDINAL DATA.—The occasions for collecting data on a member participating in a Warriors in Transition program for purposes of reports under subsection (a) shall be as follows:

(1) When the member commences participation in the program.

(2) At least once each year the member participates in the program.

(3) When the member ceases participation in the program (whether for return to military duty or to civilian life).

(4) With the consent of the member, one year after the member ceases participation in the program as described in paragraph (3).

(d) ELEMENTS.—Each report under subsection (a) shall include an assessment by the Secretary of the military department concerned of the following with respect to the Warriors in Transition programs covered by such report:

(1) The progress of members participating in the Warriors in Transition programs in the areas specified in subsection (a).
(2) The efficacy of the Warriors in Transition programs in facilitating the transition of members to military duty or civilian life, as applicable.

(3) The differences in outcomes in the Warriors in Transition programs, by location, type, Armed Force, component, and types of wounds, injuries, or conditions of program participants.

(4) The percentage of members participating in the Warriors in Transition programs who receive care under such programs from assigned providers, including medical care case managers, non-medical service providers (including non-medical case managers, legal support personnel, and, as applicable, Physical Evaluation Board Liaison Officers), mental health care providers, and medical evaluation (MEB) physicians whose caseload exceeds the caseload ratio that has been designated as adequate by the Secretary of Defense.

(5) The percentage of members participating in the Warriors in Transition programs for whom the intervals between various phases in the transition process exceeds the average length of such intervals, including intervals relating to appointment times for specialists and for treatment for Post-Traumatic Stress Disorder (PTSD).
(6) Such other measurements of outcomes or progress of members through the Warriors in Transition programs as such Secretary considers appropriate.

(e) PERSONALLY IDENTIFIABLE INFORMATION.—Data collected under this section shall be treated in compliance with the provisions of section 552a of title 5, United States Code (commonly referred to as the “Privacy Act”).

(f) SUNSET.—No report is required under this section after September 30, 2017.

(g) WARRIORS IN TRANSITION PROGRAM DEFINED.—In this section, the term “Warriors in Transition program” means any major support program of the Armed Forces for members of the Armed Forces with severe wounds, illnesses, or injuries that is intended to provide such members with non-medical case management service and care coordination services, and includes the programs as follows:

(1) Warrior Transition Units and the Wounded Warrior Program of the Army.

(2) The Safe Harbor program of the Navy.

(3) The Wounded Warrior Regiment of the Marine Corps.

(4) The Recovery Care Program and the Wounded Warrior programs of the Air Force.
(5) The Care Coalition of the United States Special Operations Command.

SEC. 732. REPORT ON DEPARTMENT OF DEFENSE SUPPORT OF MEMBERS OF THE ARMED FORCES WHO EXPERIENCE TRAUMATIC INJURY AS A RESULT OF VACCINATIONS REQUIRED BY THE DEPARTMENT.

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a comprehensive review (conducted for purposes of the report) of the adequacy and effectiveness of the policies, procedures, and systems of the Department of Defense in providing support to members of the Armed Forces who experience traumatic injury as a result of a vaccination required by the Department.

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

(1) The number and nature of traumatic injuries incurred by members of the Armed Forces as a result of a vaccination required by the Department of Defense each year since January 1, 2001, set forth by
aggregate in each year and by military department in each year.

(2) Such recommendations as the Secretary of Defense considers appropriate for improvements to the policies, procedures, and systems (including tracking systems) of the Department to identify members of the Armed Forces who experience traumatic injury as a result of a vaccination required by the Department.

(3) Such recommendations as the Secretary of Defense considers appropriate for improvements to the policies, procedures, and systems of the Department to support members of the Armed Forces who experience traumatic injury as a result of a vaccination required by the Department.

SEC. 733. PLAN TO ELIMINATE GAPS AND REDUNDANCIES IN PROGRAMS OF THE DEPARTMENT OF DEFENSE ON PSYCHOLOGICAL HEALTH AND TRAUMATIC BRAIN INJURY AMONG MEMBERS OF THE ARMED FORCES.

(a) Plan Required.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representa-
ment of Defense that address psychological health and traumatic brain injury among members of the Armed Forces.

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

(A) A complete list of the programs described in paragraph (1), including a detailed description of the intended function of each such program.

(B) An identification of any gaps in services and treatments in the programs listed under subparagraph (A).

(C) An identification of any redundancies in the programs listed under subparagraph (A).

(D) A plan for mitigating the gaps identified under subparagraph (B) and for eliminating the redundancies identified under subparagraph (C).

(E) An identification of the individual in the Department who will be responsible for leading implementation of the plan required by paragraph (1).

(F) A schedule for the implementation of the plan.
(b) STATUS REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the status of the implementation of the plan required by subsection (a).

SEC. 734. REPORT ON IMPLEMENTATION OF RECOMMENDATIONS OF THE COMPTROLLER GENERAL OF THE UNITED STATES ON PREVENTION OF HEARING LOSS AMONG MEMBERS OF THE ARMED FORCES.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the implementation of the recommendations of the Comptroller General of the United States in the January 2011 report of the Comptroller General entitled “Hearing Loss Prevention: Improvements to DOD Hearing Conservation Programs Could Lead to Better Outcomes” that address prevention of hearing loss, abatement of hearing loss, data collection regarding hearing loss, and the need for a new interagency data sharing system so that sufficient information is available to address and track hearing injuries and loss.
SEC. 735. SENSE OF SENATE ON MENTAL HEALTH COUNSELORS FOR MEMBERS OF THE ARMED FORCES, VETERANS, AND THEIR FAMILIES.

It is the sense of the Senate that—

(1) the Secretary of Defense and the Secretary of Veterans Affairs should develop a plan to ensure a sustainable flow of qualified counselors to meet the long-term needs of members of the Armed Forces, veterans, and their families for counselors; and

(2) the plan should include the participation of accredited schools and universities, health care providers, professional counselors, family service or support centers, chaplains, and other appropriate resources of the Department of Defense and the Department of Veterans Affairs.

SEC. 736. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.

(a) PROGRAM REQUIRED.—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a “prescription drug take-back program”) under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to such facilities as may be jointly determined by the Secretary of Defense and the Attorney Gen-
eral to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) Program Elements.—The program required by subsection (a) shall provide for the following:

(1) The delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary and the Attorney General jointly specify for purposes of the program.

(2) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under the program.

Subtitle E—Mental Health Care Matters

SEC. 751. ENHANCEMENT OF OVERSIGHT AND MANAGEMENT OF DEPARTMENT OF DEFENSE SUICIDE PREVENTION AND RESILIENCE PROGRAMS.

(a) In General.—The Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, establish within the Office of the Secretary of Defense a position with responsibility for oversight and management of all suicide prevention and resilience programs and all preventative behavioral health programs of
the Department of Defense (including those of the military departments and the Armed Forces).

(b) Scope of Responsibilities.—The individual serving in the position established pursuant to subsection (a) shall have the responsibilities as follows:

(1) To establish a uniform definition of resiliency for use in the suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces).

(2) In consultation with the National Center for Post Traumatic Stress Disorder of the Department of Veterans Affairs and other appropriate public and private agencies and entities, to require the use of clinical best practices in mental health care, suicide prevention programs, and resilience programs of the Department of Defense, including the diagnosis and treatment of behavioral health disorders.

(3) To oversee and manage the comprehensive program on the prevention of suicide among members of the Armed Forces required by section 752.
SEC. 752. COMPREHENSIVE PROGRAM ON PREVENTION OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES.

(a) COMPREHENSIVE PROGRAM REQUIRED.—The Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, develop and implement within the Department of Defense a comprehensive program on the prevention of suicide among members of the Armed Forces. In developing the program, the Secretary shall consider recommendations from the operational elements of the Armed Forces regarding the feasibility of the implementation and execution of particular elements of the program.

(b) ELEMENTS.—The comprehensive program required by subsection (a) shall include elements to achieve the following:

(1) To raise awareness among members of the Armed Forces about mental health conditions and the stigma associated with mental health conditions and mental health care.

(2) To provide members of the Armed Forces generally, members of the Armed Forces in supervisory positions (including officers in command billets and non-commissioned officers), and medical personnel of the Armed Forces and the Department of Defense with effective means of identifying members
of the Armed Forces who are at risk for suicide (including enhanced means for early identification and treatment of such members).

(3) To provide members of the Armed Forces who are at risk of suicide with continuous access to suicide prevention services, including suicide crisis services.

(4) To evaluate and assess the effectiveness of the suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces), including the development of metrics for that purpose.

(5) To evaluate and assess the current diagnostic tools and treatment methods in the programs referred to in paragraph (4) in order to ensure clinical best practices are used in such programs.

(6) To ensure that the programs referred to in paragraph (4) incorporate evidenced-based practices when available.

(7) To provide for the training of mental health care providers on evidence-based therapies in connection with suicide prevention.

(8) To establish training standards for behavioral health care providers in order to ensure that such providers receive training on clinical best prac-
ties and evidence-based treatments as information on such practices and treatments becomes available, and to ensure such standards are met.

(9) To provide for the integration of mental health screenings and suicide risk and prevention for members of the Armed Forces into the delivery of primary care for such members.

(10) To ensure appropriate responses to attempted or completed suicides among members of the Armed Forces, including guidance and training to assist commanders in addressing incidents of attempted or completed suicide within their units.

(11) To ensure the protection of the privacy of members of the Armed Forces seeking or receiving treatment relating to suicide.

(12) Such other matters as the Secretary of Defense considers appropriate in connection with the prevention of suicide among members of the Armed Forces.

(c) CONSULTATION.—In developing and implementing the comprehensive program required by subsection (a), the Under Secretary shall consult with appropriate officials and elements of the Department of Defense, appropriate centers of excellence within the Department of Defense, and
other public and private entities with expertise in mental health and suicide prevention.

(d) IMPLEMENTATION BY THE ARMED FORCES.—In implementing the comprehensive program required by subsection (a) with respect to an Armed Force, the Secretary of the military department concerned may, in consultation with the Under Secretary and with the approval of the Secretary of Defense, modify particular elements of the program in order to adapt the program appropriately to the unique culture and elements of that Armed Force.

(e) QUALITY ASSURANCE.—In developing and implementing the comprehensive program required by subsection (a), the Under Secretary shall develop and implement appropriate mechanisms to provide for the oversight and management of the program, including quality measures to assess the efficacy of the program in preventing suicide among members of the Armed Forces.

SEC. 753. QUALITY REVIEW OF MEDICAL EVALUATION BOARDS, PHYSICAL EVALUATION BOARDS, AND PHYSICAL EVALUATION BOARD LIAISON OFFICERS.

(a) IN GENERAL.—The Secretary of Defense shall standardize, assess, and monitor the quality assurance programs of the military departments to evaluate the following
in the performance of their duties (including duties under chapter 61 of title 10, United States Code):

(1) Medical Evaluation Boards (MEBs).

(2) Physical Evaluation Boards (PEBs).

(3) Physical Evaluation Board Liaison Officers (PEBLOs).

(b) Objectives.—The objectives of the quality assurance program shall be as follows:

(1) To ensure accuracy and consistency in the determinations and decisions of Medical Evaluation Boards and Physical Evaluation Boards.

(2) To otherwise monitor and sustain proper performance of the duties of Medical Evaluation Boards and Physical Evaluation Boards, and of Physical Evaluation Board Liaison Officers.

(3) Such other objectives as the Secretary shall specify for purposes of the quality assurance program.

(c) Reports.—

(1) Report on Implementation.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report setting forth the plan of the Secretary for the implementation of the requirements of this section.
(2) **ANNUAL REPORTS.**—Not later than one year after the date of the submittal of the report required by paragraph (1), and annually thereafter for the next four years, the Secretary shall submit to the appropriate committees of Congress a report setting forth an assessment of the implementation of the requirements of this section during the one-year period ending on the date of the report under this paragraph. Each report shall include, in particular, an assessment of the extent to which the quality assurance program under the requirements of this section meets the objectives specified in subsection (b).

(3) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives.
SEC. 754. ASSESSMENT OF ADEQUACY OF MENTAL HEALTH CARE BENEFITS UNDER THE TRICARE PROGRAM.

(a) INDEPENDENT ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Health and Human Services, enter into a contract with an appropriate independent entity to assess whether the mental health care benefits available for members of the Armed Forces and other covered beneficiaries under the TRICARE program are adequate to meet the needs of such members and beneficiaries for mental health care.

(b) REPORT.—The contract required by subsection (a) shall require the entity conducting the assessment required by the contract to submit to the Secretary of Defense, and to the congressional defense committees, a report setting forth the results of the assessment by not later than 180 days after the date of entry into the contract. If the entity determines pursuant to the assessment that the mental health care benefits available for members of the Armed Forces and other covered beneficiaries under the TRICARE program are not adequate to meet the needs of such members and beneficiaries for mental health care, the report shall include such recommendations for legislative or administra-
tive action as the entity considers appropriate to remediate any identified inadequacy.

(c) DEFINITIONS.—In this section:

(1) The term “covered beneficiaries” has the meaning given that term in section 1072(5) of title 10, United States Code.

(2) The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

SEC. 755. SHARING BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS OF RECORDS AND INFORMATION RETAINED UNDER THE MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.

(a) In general.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for the sharing by the Department of Defense with the Department of Veterans Affairs of the results of examinations and other records on members of the Armed Forces that are retained and maintained with respect to the medical tracking system for members deployed overseas under section 1074f(c) of title 10, United States Code.
(b) Cessation Upon Implementation of Electronic Health Record.—The sharing required pursuant to subsection (a) shall cease on the date on which the Secretary of Defense and the Secretary of Veterans Affairs jointly certify to Congress that the Secretaries have fully implemented an integrated electronic health record for members of the Armed Forces that is fully interoperable between the Department of Defense and the Department of Veterans Affairs.

SEC. 756. PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN PEER SUPPORT COUNSELING PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) Participation.—

(1) In general.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for members of the Armed Forces described in subsection (b) to volunteer or be considered for employment as peer counselors under the following:

(A) The peer support counseling program carried out by the Secretary of Veterans Affairs under subsection (j) of section 1720F of title 38, United States Code, as part of the comprehensive
program for suicide prevention among veterans
under subsection (a) of such section.

(B) The peer support counseling program
carried out by the Secretary of Veterans Affairs
under section 304(a)(1) of the Caregivers and
Veterans Omnibus Health Services Act of 2010
(Public Law 111–163; 124 Stat. 1150; 38 U.S.C.
1712A note).

(2) TRAINING.—Any member participating in a
peer support counseling program under paragraph
(1) shall receive the training for peer counselors under
section 1720F(j)(2) of title 38, United States Code, or
section 304(c) of the Caregivers and Veterans Omni-
bus Health Services Act of 2010, as applicable, before
performing peer support counseling duties under such
program.

(b) COVERED MEMBERS.—Members of the Armed
Forces described in this subsection are the following:

(1) Members of the reserve components of the
Armed Forces who are demobilizing after deployment
in a theater of combat operations, including, in par-
ticular, members who participated in combat against
the enemy while so deployed.

(2) Members of the regular components of the
Armed Forces separating from active duty who have
been deployed in a theater of combat operations in which such members participated in combat against the enemy.

SEC. 757. RESEARCH AND MEDICAL PRACTICE ON MENTAL HEALTH CONDITIONS.

(a) Department of Defense Organization on Research and Practice.—The Secretary of Defense shall establish within the Department of Defense an organization to carry out the responsibilities specified in subsection (b).

(b) Responsibilities.—The organization established under subsection (a) shall—

(1) carry out programs and activities designed to provide for the translation of research on the diagnosis and treatment of mental health conditions into policy on medical practices;

(2) make recommendations to the Assistant Secretary of Defense for Health Affairs on the translation of such research into the policies of the Department of Defense on medical practices with respect to members of the Armed Forces; and

(3) discharge such other responsibilities relating to research and medical practices on mental health conditions, and the policies of the Department on such practices with respect to members of the Armed Forces.
Forces, as the Secretary or the Assistant Secretary shall specify for purposes of this section.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the organization required by subsection (a). The report shall include a description of the organization and a plan for implementing the requirements of this section.

(2) ANNUAL REPORTS.—The Secretary shall submit to Congress each year a report on the activities of the organization established under subsection (a) during the preceding year. Each report shall include the following:

(A) A summary description of the activities of the organization during the preceding year.

(B) A description of the recommendations made by the organization to the Assistant Secretary under subsection (b)(2) during the year, and a description of the actions undertaken (or to be undertaken) by the Assistant Secretary in response to such recommendations.

(C) Such other matters relating to the activities of the organization, including recommendations for additional legislative or ad-
ministrative action, as the Secretary, in consultation with the Assistant Secretary, considers appropriate.

SEC. 758. DISPOSAL OF CONTROLLED SUBSTANCES.

(a) MEMBERS OF THE ARMED FORCES.—The Administrator of the Drug Enforcement Administration shall enter into a memorandum of understanding with the Secretary of Defense establishing procedures under which a member of the Armed Forces may deliver a controlled substance to a member of the Armed Forces or an employee of the Department of Defense to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) VETERANS.—

(1) IN GENERAL.—The Administrator shall enter into a memorandum of understanding with the Secretary of Veterans Affairs establishing procedures under which a veteran may deliver a controlled substance to an employee of the Department of Veterans Affairs to be disposed of in accordance with section 302(g) of the Controlled Substances Act.

(2) VETERAN DEFINED.—In this subsection, the term “veteran” has the meaning given that term in section 101 of title 38, United States Code.
SEC. 759. TRANSPARENCY OF MENTAL HEALTH CARE SERVICES.

(a) MEASUREMENT OF MENTAL HEALTH CARE SERVICES.—

(1) IN GENERAL.—Not later than December 31, 2013, the Secretary of Veterans Affairs shall develop and implement a comprehensive set of measures to assess mental health care services furnished by the Department of Veterans Affairs.

(2) ELEMENTS.—The measures developed and implemented under paragraph (1) shall provide an accurate and comprehensive assessment of the following:

(A) The timeliness of the furnishing of mental health care by the Department.

(B) The satisfaction of patients who receive mental health care services furnished by the Department.

(C) The capacity of the Department to furnish mental health care.

(D) The availability and furnishing of evidence-based therapies by the Department.

(b) GUIDELINES FOR STAFFING MENTAL HEALTH CARE SERVICES.—Not later than December 31, 2013, the Secretary shall develop and implement guidelines for the staffing of general and specialty mental health care services,
including at community-based outpatient clinics. Such
guidelines shall include productivity standards for pro-
viders of mental health care.

(c) STUDY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall seek to
enter into a contract with the National Academy of
Sciences to create a study committee—

(A) to consult with the Secretary on the
Secretary’s development and implementation of
the measures and guidelines required by sub-
sections (a) and (b); and

(B) to conduct an assessment and provide
an analysis and recommendations on the state of
Department mental health services.

(2) FUNCTIONS.—In entering into the contract
described in paragraph (1), the Secretary shall, with
respect to paragraph (1)(B), include in such contract
a provision for the study committee—

(A) to conduct a comprehensive assessment
of barriers to access to mental health care by vet-
erans who served in the Armed Forces in Oper-
ation Enduring Freedom, Operation Iraqi Free-
dom, or Operation New Dawn;

(B) to assess the quality of the mental
health care being provided to such veterans (in-
cluding the extent to which veterans are afforded choices with respect to modes of treatment) through site visits to facilities of the Veterans Health Administration (including at least one site visit in each Veterans Integrated Service Network), evaluating studies of patient outcomes, and other appropriate means;

(C) to assess whether, and the extent to which, veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn are being offered a full range of necessary mental health services at Department health care facilities, including early intervention services for hazardous drinking, relationship problems, and other behaviors that create a risk for the development of a chronic mental health condition;

(D) to conduct surveys or have access to Department-administered surveys of—

(i) providers of Department mental health services;

(ii) veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation
New Dawn who are receiving mental health care furnished by the Department; and

(iii) eligible veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn who are not using Department health care services to assess those barriers described in subparagraph (A); and

(E) to provide to the Secretary, on the basis of its assessments as delineated in subparagraphs (A) through (C), specific, detailed recommendations—

(i) for overcoming barriers, and improving access, to timely, effective mental health care at Department health care facilities (or, where Department facilities cannot provide such care, through contract arrangements under existing law); and

(ii) to improve the effectiveness and efficiency of mental health services furnished by the Secretary.

(3) Participation by Former Officials and Employees of Veterans Health Administration.—The Secretary shall ensure that any contract entered into under paragraph (1) provides for inclu-
sion on any subcommittee which participates in conducting the assessments and formulating the recommendations provided for in paragraph (2) at least one former official of the Veterans Health Administration and at least two former employees of the Veterans Health Administration who were providers of mental health care.

(4) Periodic reports to Secretary.—In entering into the contract described in paragraph (1), the Secretary shall, with respect to paragraph (1)(A), include in such contract a provision for the submittal to the Secretary of periodic reports and provision of other consultation to the Secretary by the study committee to assist the Secretary in carrying out subsections (a) and (b).

(5) Reports to Congress.—Not later than 30 days after receiving a report under paragraph (4), the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the plans of the Secretary to implement such recommendations submitted to the Secretary by the study committee as the Secretary considers appropriate. Such report shall include a description of each recommendation submitted to the Secretary that the
Secretary does not plan to carry out and an explanation of why the Secretary does not plan to carry out such recommendation.

(d) Publication.—

(1) In general.—The Secretary shall make available to the public on an Internet website of the Department the following:

(A) The measures and guidelines developed and implemented under this section.

(B) An assessment of the performance of the Department using such measures and guidelines.

(2) Quarterly Updates.—The Secretary shall update the measures, guidelines, and assessment made available to the public under paragraph (1) not less frequently than quarterly.

(e) Semiannual Reports.—

(1) In general.—Not later than June 30, 2013, and not less frequently than twice each year thereafter, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the Secretary’s progress in developing and implementing the measures and guidelines required by this section.
(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) A description of the development and implementation of the measures required by subsection (a) and the guidelines required by subsection (b).

(B) A description of the progress made by the Secretary in developing and implementing such measures and guidelines.

(C) An assessment of the mental health care services furnished by the Department of Veterans Affairs, using the measures developed and implemented under subsection (a).

(D) An assessment of the effectiveness of the guidelines developed and implemented under subsection (b).

(E) Such recommendations for legislative or administrative action as the Secretary may have to improve the effectiveness and efficiency of the mental health care services furnished under laws administered by the Secretary.

(f) IMPLEMENTATION REPORT.—

(1) IN GENERAL.—Not later than 30 days before the date on which the Secretary begins implementing the measures and guidelines required by this section,
the Secretary shall submit to the committees described
in subsection (e)(1) a report on the Secretary’s
planned implementation of such measures and guide-
lines.

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

(A) A detailed description of the measures
and guidelines that the Secretary plans to imple-
ment under this section.

(B) A description of the rationale for each
measure and guideline the Secretary plans to
implement under this section.

(C) A discussion of each measure and guide-
line that the Secretary considered under this sec-
tion but chose not to implement.

(D) The number of current vacancies in
mental health care provider positions in the De-
partment.

(E) An assessment of how many additional
positions are needed to meet current or expected
demand for mental health services furnished by
the Department.
SEC. 760. EXPANSION OF VET CENTER PROGRAM TO INCLUD E FURNISHING COUNSELING TO CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR FAMILY MEMBERS.

Section 1712A of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “Upon the request” and all that follows through the period at the end and inserting the following: “Upon the request of any individual referred to in subparagraph (C), the Secretary shall furnish counseling, including by furnishing counseling through a Vet Center, to the individual—

“(i) in the case of an individual referred to in clauses (i) through (iv) of subparagraph (C), to assist the individual in readjusting to civilian life; and

“(ii) in the case of an individual referred to in clause (v) of such subparagraph who is a family member of a veteran or member described in such clause—

“(I) in the case of a member who is deployed in a theater of combat operations or an area at a time during which hostilities are oc-
curing in that area, during such deployment to assist such individual in coping with such deployment; and

“(II) in the case of a veteran or member who is readjusting to civilian life, to the degree that counseling furnished to such individual is found to aid in the readjustment of such veteran or member to civilian life.”; and

(ii) by striking subparagraph (B) and inserting the following new subparagraphs:

“(B) Counseling furnished to an individual under subparagraph (A) may include a comprehensive individual assessment of the individual’s psychological, social, and other characteristics to ascertain whether—

“(i) in the case of an individual referred to in clauses (i) through (iv) of subparagraph (C), such individual has difficulties associated with readjusting to civilian life; and

“(ii) in the case of an individual referred to in clause (v) of such subparagraph, such individual has difficulties associated with—

“(I) coping with the deployment of a member described in subclause (I) of such clause; or
“(II) readjustment to civilian life of a veteran or member described in subclause (II) of such clause.

“(C) Subparagraph (A) applies to the following individuals:

“(i) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who served on active duty in a theater of combat operations or an area at a time during which hostilities occurred in that area.

“(ii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who provided direct emergency medical or mental health care, or mortuary services to the causalities of combat operations or hostilities, but who at the time was located outside the theater of combat operations or area of hostilities.

“(iii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who engaged in combat with an enemy of the United States or against an opposing military force in a theater of combat operations or an area at a time during which hostilities occurred in that area by remotely controlling an unmanned aerial vehicle, notwithstanding
whether the physical location of such veteran or member during such combat was within such theater of combat operations or area.

“(iv) Any individual who received counseling under this section before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.

“(v) Any individual who is a family member of any—

“(I) member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is serving on active duty in a theater of combat operations or in an area at a time during which hostilities are occurring in that area; or

“(II) veteran or member of the Armed Forces described in this subparagraph.”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as redesignated by subparagraph (C)—

(i) by striking “a veteran described in paragraph (1)(B)(iii)” and inserting “an
individual described in paragraph (1)(C)”;
and

(ii) by striking “the veteran a preliminary general mental health assessment” and inserting “the individual a comprehensive individual assessment as described in paragraph (1)(B)”;

(2) in subsection (b)(1), by striking “physician or psychologist” each place it appears and inserting “licensed or certified mental health care provider”;

(3) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

“(1) The term ‘Vet Center’ means a facility which is operated by the Department for the provision of services under this section and which is situated apart from Department general health care facilities.”; and

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

“(3) The term ‘family member’, with respect to a veteran or member of the Armed Forces, means an individual who—

“(A) is a member of the family of the veteran or member, including—
“(i) a parent;
“(ii) a spouse;
“(iii) a child;
“(iv) a step-family member; and
“(v) an extended family member; or
“(B) lives with the veteran or member but is not a member of the family of the veteran or member.”; and

(4) by redesignating subsection (g), as amended by paragraph (3), as subsection (h) and inserting after subsection (f) the following new subsection (g):

“(g) In carrying out this section and in furtherance of the Secretary’s responsibility to carry out outreach activities under chapter 63 of this title, the Secretary may provide for and facilitate the participation of personnel employed by the Secretary to provide services under this section in recreational programs that are—

“(1) designed to encourage the readjustment of veterans described in subsection (a)(1)(C); and
“(2) operated by any organization named in or approved under section 5902 of this title.”. 
SEC. 761. AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO FURNISH MENTAL HEALTH CARE THROUGH FACILITIES OTHER THAN VETERANS CENTERS TO IMMEDIATE FAMILY MEMBERS OF MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.

(a) IN GENERAL.—Subject to the availability of appropriations and subsection (b), the Secretary of Veterans Affairs, in addition to furnishing mental health care to family members of members of the Armed Forces through Veterans Centers under section 1712A of title 38, United States Code, may furnish mental health care to immediate family members of members of the Armed Forces while such members are deployed in connection with a contingency operation (as defined in section 101 of title 10, United States Code) through Department of Veterans Affairs medical facilities, telemental health modalities, and such community, non-profit, private, and other third parties as the Secretary considers appropriate.

(b) LIMITATION.—The Secretary may furnish mental health care under subsection (a) only to the extent that resources and facilities are available and only to the extent that the furnishing of such care does not interfere with the provision of care to veterans.
(c) **No Eligibility for Travel Reimbursement.**—

A family member to whom the Secretary furnishes mental health care under subsection (a) shall not be eligible for payments or allowances under section 111 of title 38, United States Code, for such mental health care.

(d) **Sunset.**—The authority to furnish medical health care under subsection (a) shall expire on the date that is three years after the date of the enactment of this Act.

(e) **Vet Center Defined.**—In this section, the term “Vet Center” has the meaning given the term in section 1712A(g) of title 38, United States Code, as amended by section 760(3) of this Act.

### SEC. 762. Organization of the Readjustment Counseling Service in Department of Veterans Affairs.

(a) **In General.**—Subchapter I of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

“§ 7309. Readjustment Counseling Service

“(a) **In General.**—There is in the Veterans Health Administration a Readjustment Counseling Service. The Readjustment Counseling Service shall provide readjustment counseling and associated services to individuals in accordance with section 1712A of this title.
“(b) CHIEF OFFICER.—(1) The head of the Readjustment Counseling Service shall be the Chief Officer of the Readjustment Counseling Service (in this section the ‘Chief Officer’), who shall report directly to the Under Secretary for Health.

“(2) The Chief Officer shall be appointed by the Under Secretary for Health from among individuals who—

“(A)(i) are psychologists who hold a diploma as a doctorate in clinical or counseling psychology from an authority approved by the American Psychological Association and who have successfully undergone an internship approved by that association; 

“(ii) are holders of a master in social work degree; or 

“(iii) hold such other advanced degrees related to mental health as the Secretary considers appropriate; 

“(B) have at least three years of experience providing direct counseling services or outreach services in the Readjustment Counseling Service; 

“(C) have at least three years of experience administering direct counseling services or outreach services in the Readjustment Counseling Service; 

“(D) meet the quality standards and requirements of the Department; and
“(E) are veterans who served in combat as members of the Armed Forces.

“(c) STRUCTURE.—(1) The Readjustment Counseling Service is a distinct organizational element within Veterans Health Administration.

“(2) The Readjustment Counseling Service shall provide counseling and services as described in subsection (a).

“(3) The Chief Officer shall have direct authority over all Readjustment Counseling Service staff and assets, including Vet Centers.

“(d) SOURCE OF FUNDS.—(1) Amounts for the activities of the Readjustment Counseling Service, including the operations of its Vet Centers, shall be derived from amounts appropriated for the Veterans Health Administration for medical care.

“(2) Amounts for activities of the Readjustment Counseling Service, including the operations of its Vet Centers, shall not be allocated through the Veterans Equitable Resource Allocation system.

“(3) In each budget request submitted for the Department of Veterans Affairs by the President to Congress under section 1105 of title 31, the budget request for the Readjustment Counseling Service shall be listed separately.

“(e) ANNUAL REPORT.—(1) Not later than March 15 of each year, the Secretary shall submit to the Committee
on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the activities of the Readjustment Counseling Service during the preceding calendar year.

“(2) Each report submitted under paragraph (1) shall include, with respect to the period covered by the report, the following:

“(A) A summary of the activities of the Readjustment Counseling Service, including Vet Centers.

“(B) A description of the workload and additional treatment capacity of the Vet Centers, including, for each Vet Center, the ratio of the number of full-time equivalent employees at such Vet Center and the number of individuals who received services or assistance at such Vet Center.

“(C) A detailed analysis of demand for and unmet need for readjustment counseling services and the Secretary’s plan for meeting such unmet need.

“(f) VET CENTER DEFINED.—In this section, the term ‘Vet Center’ has the meaning given the term in section 1712A(g) of this title.”.

(b) Clerical Amendment.—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7308 the following new item:

“7309. Readjustment Counseling Service.”.
(c) CONFORMING AMENDMENTS.—Section 7305 of such title is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

“(7) A Readjustment Counseling Service.”.

SEC. 763. RECRUITING MENTAL HEALTH PROVIDERS FOR FURNISHING OF MENTAL HEALTH SERVICES ON BEHALF OF THE DEPARTMENT OF VETERANS AFFAIRS WITHOUT COMPENSATION FROM THE DEPARTMENT.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall carry out a national program of outreach to societies, community organizations, nonprofit organizations, or government entities in order to recruit mental health providers, who meet the quality standards and requirements of the Department of Veterans Affairs, to provide mental health services for the Department on a part-time, without-compensation basis, under section 7405 of title 38, United States Code.

(b) PARTNERING WITH AND DEVELOPING COMMUNITY ENTITIES AND NONPROFIT ORGANIZATIONS.—In carrying out the program required by subsection (a), the Secretary may partner with a community entity or nonprofit organi-
organization or assist in the development of a community entity
or nonprofit organization, including by entering into an
agreement under section 8153 of title 38, United States
Code, that provides strategic coordination of the societies,
organizations, and government entities described in sub-
section (a) in order to maximize the availability and effi-
cient delivery of mental health services to veterans by such
societies, organizations, and government entities.

(c) MILITARY CULTURE TRAINING.—In carrying out
the program required by subsection (a), the Secretary shall
provide training to mental health providers to ensure that
clinicians who provide mental health services as described
in such subsection have sufficient understanding of
military- and service-specific culture, combat experience,
and other factors that are unique to the experience of vet-
erans who served in Operation Enduring Freedom, Oper-
at- ing Iraqi Freedom, or Operation New Dawn.

SEC. 764. PEER SUPPORT.

(a) Peer Support Counseling Program.—

(1) Program Required.—Paragraph (1) of sec-
tion 1720F(j) of title 38, United States Code, is
amended in the matter before subparagraph (A) by
striking “may” and inserting “shall”.

(2) Training.—Paragraph (2) of such section is
amended by inserting after “peer counselors” the fol-
following: “, including training carried out under the national program of training required by section 304(c) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (38 U.S.C. 1712A note; Public Law 111–163)”.

(3) Availability of Program at Department Medical Centers.—Such section is amended by adding at the end the following new paragraph:

“(3) In addition to other locations the Secretary considers appropriate, the Secretary shall carry out the peer support program under this subsection at each Department medical center.”.

(4) Deadline for Commencement of Program.—The Secretary of Veterans Affairs shall ensure that the peer support counseling program required by section 1720F(j) of title 38, United States Code, as amended by this subsection, commences at each Department of Veterans Affairs medical center not later than 270 days after the date of the enactment of this Act.

(b) Peer Outreach and Peer Support Services at Department Medical Centers Under Program on Readjustment and Mental Health Care Services for Veterans Who Served in Operation Enduring Freedom and Operation Iraqi Freedom.—
(1) In general.—Section 304 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (38 U.S.C. 1712A note; Public Law 111–163) is amended—

(A) by redesignating subsection (e) as subsection (f); and

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

“(e) Provision of Peer Outreach and Peer Support Services at Department Medical Centers.—The Secretary shall carry out the services required by subparagraphs (A) and (B) of subsection (a)(1) at each Department medical center.”.

(2) Deadline.—The Secretary of Veterans Affairs shall commence carrying out the services required by subparagraphs (A) and (B) of subsection (a)(1) of such section at each Department of Veterans Affairs medical center, as required by subsection (e) of such section (as added by paragraph (1)), not later than 270 days after the date of the enactment of this Act.
TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

Subtitle A—Provisions Relating to Major Defense Acquisition Programs

SEC. 801. LIMITATION ON USE OF COST-TYPE CONTRACTS.

(a) Prohibition With Respect to Production of Major Defense Acquisition Programs.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall modify the acquisition regulations of the Department of Defense to prohibit the Department from entering into cost-type contracts for the production of major defense acquisition programs (MDAPs).

(b) Exception.—

(1) In General.—The prohibition under subsection (a) shall not apply in the case of a particular cost-type contract if the Under Secretary of Defense for Acquisition, Technology, and Logistics, after consultation with the Director of Cost Assessment and Program Evaluation—

(A) certifies, in writing, with reasons, that a cost-type contract is needed to provide a re-
quired capability in a timely and cost-effective manner; and

(B) provides the certification to the congres-
sional defense committees not later than 30 busi-
ness days before issuing a solicitation for the contract.

(2) **SCOPE OF EXCEPTION.**—In any case when
the Under Secretary grants an exception under para-
graph (1), the Under Secretary shall take affirmative
steps to make sure that the use of cost-type pricing is
limited to only those line items or portions of the con-
tract where such pricing is needed to achieve the pur-
poses of the exception. A written certification under
paragraph (1) shall be accompanied by an expla-
nation of the steps taken under this paragraph.

(c) **DEFINITIONS.**—In this section:

(1) **MAJOR DEFENSE ACQUISITION PROGRAM.**—
The term “major defense acquisition program” has
the meaning given the term in section 2430(a) of title
10, United States Code.

(2) **PRODUCTION OF A MAJOR DEFENSE ACQUISI-
TION PROGRAM.**—The term “production of a major
defense acquisition program” means the production,
either on a low-rate initial production or full-rate
production basis, and deployment of a major system
that is intended to achieve an operational capability that satisfies mission needs, or any activity otherwise defined as Milestone C under Department of Defense Instruction 5000.02 or related authorities.

(3) Contract for the production of a major defense acquisition program.—The term “contract for the production of a major defense acquisition program”—

(A) means a prime contract for the production of a major defense acquisition program; and

(B) does not include individual line items for segregable efforts or contracts for the incremental improvement of systems that are already in production (other than contracts for major upgrades that are themselves major defense acquisition programs).

(d) Applicability.—The requirements of this section shall apply to contracts for the production of major defense acquisition programs entered into on or after October 1, 2014.
SEC. 802. ACQUISITION STRATEGIES FOR MAJOR SUBSYSTEMS AND SUBASSEMBLIES ON MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) In General.—The Secretary of Defense shall ensure that the acquisition strategy for each major defense acquisition program—

(1) provides, where appropriate, for breaking out a major subsystem or subassembly, conducting a separate competition or negotiating a separate price for the subsystem or subassembly, and providing the subsystem or subassembly to the prime contractor as government-furnished equipment; and

(2) in any case where it is not practical or appropriate to break out a major subsystem or subassembly and provide it to the prime contractor as government-furnished equipment, includes measures to prevent excessive pass-through charges by the prime contractor.

(b) Definitions.—In this section:

(1) The term “excessive pass-through charges” means pass-through charges that are not reasonable in relation to the cost of direct labor provided by employees of the contractor, any other costs directly attributable to the management of the subcontract by employees of the contractor, and the level of risk and
responsibility, if any, assumed by the prime contractor for the performance of the subcontract.

(2) The term “major defense acquisition program” has the meaning given the term in section 2430(a) of title 10, United States Code.

(3) The term “pass-through charges” means prime contractor charges for overhead (including general and administrative costs) or profit on a subsystem or subassembly that is produced by an entity or entities other than the prime contractor.

(c) CONFORMING AMENDMENTS.—Section 202(c) of the Weapon Systems Acquisition Reform Act of 2009 (Public Law 111–23; 123 Stat. 1720; 10 U.S.C. 2430 note) is amended—

(1) in the matter preceding paragraph (1), by striking “fair and objective ‘make-buy’ decisions by prime contractors” and inserting “competition or the option of competition at the subcontract level”;

(2) by redesignating paragraphs (1), (2), and (3) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting before paragraph (2), as redesignated by paragraph (2) of this subsection, the following new paragraph (1):

“(1) where appropriate, breaking out a major subsystem, conducting a separate competition for the
subsystem, and providing the subsystem to the prime contractor as government-furnished equipment;”.

SEC. 803. MANAGEMENT STRUCTURE FOR DEVELOPMENTAL TEST AND EVALUATION.

(a) DUTIES OF DASD FOR DEVELOPMENTAL TEST AND EVALUATION.—Subsection (a)(5) of section 139b of title 10, United States Code is amended—

(1) in subparagraph (A)(i), by striking “in the Department of Defense” and inserting “of the military departments and other elements of the Department of Defense”; and

(2) in subparagraph (C), by striking “programs” and inserting “programs (including the activities of chief developmental testers and lead developmental test evaluation organizations designated in accordance with subsection (c))”.

(b) DUTIES OF CHIEF DEVELOPMENTAL TESTER AND LEAD DEVELOPMENTAL TEST AND EVALUATION ORGANIZATION.—Subsection (c) of such section is amended—

(1) in paragraph (2), by striking “shall be responsible for” and inserting “, consistent with policies and guidance issued pursuant to subsection (a)(5)(A), shall be responsible for”;

(2) in paragraph (3), by striking “shall be responsible for” and inserting “, consistent with policies
and guidance issued pursuant to subsection (a)(5)(A), shall be responsible for”; and

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

“(4) TRANSMITTAL OF RECORDS AND DATA.—

The chief developmental tester and the lead developmental test and evaluation organization for a major defense acquisition program shall promptly transmit to the Deputy Assistant Secretary for Developmental Test and Evaluation any records or data relating to the program that are requested by the Deputy Assistant Secretary, as provided in subsection (a)(6).”.

SEC. 804. ASSESSMENTS OF POTENTIAL TERMINATION LIABILITY OF CONTRACTS FOR THE DEVELOPMENT OR PRODUCTION OF MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) REPORT ON ASSESSMENT REQUIRED.—Not later than 30 days before entering into a covered contract, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on the potential termination liability of the Department of Defense under the contract, including—

(1) an estimate of the maximum potential termination liability certification for the contract; and
(2) an assessment how such termination liability is likely to increase or decrease over the period of performance of the contract.

(b) COVERED CONTRACTS.—For purposes of this section, a covered contract is a contract for the development or production of a major defense acquisition program for which the Under Secretary of Defense for Acquisition, Technology, and Logistics is the Milestone Decision Authority if the contract has a potential termination liability of the Department of Defense that could reasonably be expected to exceed $100,000,000.

(c) MAJOR DEFENSE ACQUISITION PROGRAM DEFINED.—In this section, the term “major defense acquisition program” has the meaning given that term in section 2430 of title 10, United States Code.

SEC. 805. TECHNICAL CHANGE REGARDING PROGRAMS EXPERIENCING CRITICAL COST GROWTH DUE TO CHANGE IN QUANTITY PURCHASED.

Section 2433a(c)(3)(A) of title 10, United States Code, is amended by striking “subparagraphs (B) and (C)” and inserting “subparagraphs (B), (C), and (E)”. 

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SEC. 806. REPEAL OF REQUIREMENT TO REVIEW ONGOING
PROGRAMS INITIATED BEFORE ENACTMENT
OF MILESTONE B CERTIFICATION AND AP-
PROVAL PROCESS.

Subsection (b) of section 205 of the Weapon Systems
Acquisition Reform Act of 2009 (Public Law 111–23; 123
Stat. 1725; 10 U.S.C. 2366b note) is repealed.

Subtitle B—Acquisition Policy and
Management

SEC. 821. ONE-YEAR EXTENSION OF TEMPORARY LIMITA-
TION ON AGGREGATE ANNUAL AMOUNT
AVAILABLE FOR CONTRACT SERVICES.

Section 808 of the National Defense Authorization Act
for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1489)
is amended—

(1) by striking “fiscal year 2012 or 2103” each
place it appears and inserting “fiscal year 2012,
2013, or 2014”; and

(2) by striking “fiscal years 2012 and 2013”
each place it appears and inserting “fiscal years
2012, 2103, and 2014”.

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SEC. 822. PROHIBITION OF EXCESSIVE PASS-THROUGH CONTRACTS AND CHARGES IN THE ACQUISITION OF SERVICES.

(a) In general.—Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to—

(1) prohibit the award of a covered contract or task order unless the contractor agrees that at least 50 percent of the direct labor cost of services to be performed under the contract or task order will be expended for employees of the contractor or of a subcontractor that is specifically identified and authorized to perform such work in the contract or task order;

(2) provide that the contracting officer for a covered contract or task order may authorize reliance upon a subcontractor or subcontractors to meet the requirement in paragraph (1) only upon a written determination that such reliance is in the best interest of the executive agency concerned, after taking into account the added cost for overhead (including general and administrative costs) and profit that may be incurred as a result of the pass-through;

(3) require the contracting officer for a covered contract or task order for which more than 70 percent of the direct labor cost of services to be performed will be expended for persons other than employees of the

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contractor to ensure that amounts paid to the con-
tractor for overhead (including general and adminis-
trative costs) and profit are reasonable in relation to
the cost of direct labor provided by employees of the
contractor and any other costs directly attributable to
the management of the subcontract by employees of
the contractor;

(4) include such exceptions to the requirements
in paragraphs (2) and (3) as the Federal Acquisition
Regulatory Council considers appropriate in the in-
terests of the United States, which exceptions shall be
permissible only in exceptional circumstances and for
instances demonstrated by the Council to be cost-effec-
tive; and

(5) include such exceptions to the requirements
in paragraphs (2) and (3) as the Secretary of Defense
considers appropriate in the interests of the national
defense.

(b) COVERED CONTRACT OR TASK ORDER DEFINED.—
In this section, the term “covered contract or task order”
means a contract or task order for the performance of serv-
ices (other than construction) with a value in excess of the
simplified acquisition threshold that is entered into for or
on behalf of an executive agency, except that such term does
not include any contract or task order that provides a firm, fixed price for each task to be performed and is—

(1) awarded on the basis of adequate price competition; or

(2) for the acquisition of commercial services as defined in paragraphs (5) and (6) of section 103 of title 41, United States Code.

(c) EFFECTIVE DATE.—The requirements of this section shall apply to—

(1) covered contracts that are awarded on or after the date that is 90 days after the date of the enactment of this Act; and

(2) covered task orders that are awarded on or after the date that is 90 days after the date of the enactment of this Act under contracts that are awarded before, on, or after such date.

(d) OTHER DEFINITIONS.—In this section:

(1) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code.

(2) The term “Federal Acquisition Regulatory Council” means the Federal Acquisition Regulatory Council under section 1302(a) of title 41, United States Code.

SEC. 823. AVAILABILITY OF AMOUNTS IN DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND FOR TEMPORARY MEMBERS OF WORKFORCE.

(a) IN GENERAL.—Section 1705 of title 10, United States Code, is amended—

(1) in subsection (e)—

(A) in paragraph (1), by adding at the end the following new sentence: “In the case of temporary members of the acquisition workforce designated pursuant to subsection (h)(2), such funds shall be available only for the limited purpose of providing training in the performance of acquisition-related functions and duties.”; and

(B) in paragraph (5), by inserting before the period at the end the following: “, and who has continued in the employment of the Department since such time without a break in such employment of more than a year”;

(2) by striking subsection (g);

(3) by redesignating subsection (h) as subsection (g); and
(4) by adding at the end the following new subsection (h):

“(h) ACQUISITION WORKFORCE DEFINED.—In this section, the term ‘acquisition workforce’ means the following:

“(1) Personnel in positions designated under section 1721 of this title as acquisition positions for purposes of this chapter.

“(2) Other military personnel or civilian employees of the Department of Defense who—

“(A) contribute significantly to the acquisition process by virtue of their assigned duties; and

“(B) are designated as temporary members of the acquisition workforce by the Under Secretary of Defense for Acquisition, Technology, and Logistics, or by the senior acquisition executive of a military department, for the limited purpose of receiving training for the performance of acquisition-related functions and duties.”.

(b) EXTENSION OF EXPEDITED HIRING AUTHORITY.—

Subsection (g) of such section, as redesignated by subsection (a)(3) of this section, is further amended in paragraph (2) by striking “September 30, 2015” and inserting “September 30, 2017”.

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(c) **PLAN REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall develop a plan for the implementation of the authority provided by the amendments made by subsection (a) with regard to temporary members of the defense acquisition workforce. The plan shall include policy, criteria, and processes for designating temporary members and appropriate safeguards to prevent the abuse of such authority.

**SEC. 824. DEPARTMENT OF DEFENSE POLICY ON CONTRACTOR PROFITS.**

(a) **REVIEW OF GUIDELINES ON PROFITS.**—The Secretary of Defense shall review the profit guidelines in the Department of Defense Supplement to the Federal Acquisition Regulation in order to identify any modifications to such guidelines that are necessary to ensure an appropriate link between contractor profit and contractor performance.

(b) **MATTERS TO BE CONSIDERED.**—In conducting the review required by subsection (a), the Secretary shall consider, at a minimum, the following:

   (1) Appropriate levels of profit needed to sustain competition in the defense industry, taking into account contractor investment and cash flow.

   (2) Appropriate adjustments to address contract and performance risk assumed by the contractor, tak-
ing into account the extent to which such risk is passed on to subcontractors.

(3) Appropriate incentives for superior performance in delivering quality products and services in a timely and cost-effective manner, taking into account such factors as prime contractor cost reduction, control of overhead costs, subcontractor cost reduction, subcontractor management, and effective competition (including the utilization of small business) at the subcontract level.

(c) Modification of Guidelines.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall modify the profit guidelines described in subsection (a) so as to achieve the link described that subsection.

(d) Report.—Upon the completion of the modification of the profit guidelines required by subsection (c), the Secretary shall submit to the congressional defense committees a report on the actions of the Secretary under this section. The report shall set forth the following:

(1) The results of the review conducted under subsection (a).

(2) A description of the modification carried out under subsection (c).
SEC. 825. MODIFICATION OF AUTHORITIES ON INTERNAL CONTROLS FOR PROCUREMENTS ON BEHALF OF THE DEPARTMENT OF DEFENSE BY CERTAIN NON-DEFENSE AGENCIES.

(a) DISCRETIONARY AUTHORITY.—Subsection (a) of section 801 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2304 note) is amended—

(1) in paragraph (1), by striking “shall, not later than the date specified in paragraph (2),” and inserting “may”;

(2) by striking paragraph (2);

(3) by redesignating paragraphs (3) through (6) as paragraphs (2) through (5), respectively;

(4) in paragraph (3), as redesignated by paragraph (3) of this section—

(A) by striking “required under this subsection” and inserting “to be performed under this subsection”; and

(B) by striking “shall” and inserting “may”; and

(5) in paragraph (4), as so redesignated, by striking “shall” and inserting “may”.

(b) CONFORMING AMENDMENTS.—Subsection (b)(1)(B) of such section is amended—
(1) in clause (i), by striking “required by subsection (a)(4)” and inserting “to be entered into under subsection (a)(3)”; and

(2) in clause (ii)—

(A) by striking “required by subsection (a)” and inserting “provided for under subsection (a)”; and

(B) by striking “subsection (a)(5)” and inserting “subsection (a)(4)”.

SEC. 826. EXTENSION OF PILOT PROGRAM ON MANAGEMENT OF SUPPLY-CHAIN RISK.

Section 806(g) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4262; 10 U.S.C. 2304 note) is amended by striking “the date that is three years after the date of the enactment of this Act” and inserting “January 1, 2016”.

SEC. 827. SENSE OF SENATE ON THE CONTINUING PROGRESS OF THE DEPARTMENT OF DEFENSE IN IMPLEMENTING ITS ITEM UNIQUE IDENTIFICATION INITIATIVE.

(a) FINDINGS.—The Senate makes the following findings:

(1) In 2003, the Department of Defense initiated the Item Unique Identification (IUID) Initiative, which requires the marking and tracking of assets de-
ployed throughout the Armed Forces or in the possession of Department contractors.

(2) The Initiative has the potential for realizing significant cost savings and improving the management of defense equipment and supplies throughout their lifecycle.

(3) The Initiative can help the Department combat the growing problem of counterfeits in the military supply chain.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to support efforts by the Department of Defense to implement the Item Unique Identification Initiative;

(2) to support measures to verify contractor compliance with section 252.211–7003 (entitled “Item Identification and Valuation”) of the Defense Supplement to the Federal Acquisition Regulation, on Unique Identification, which states that a unique identification equivalent recognized by the Department is required for certain acquisitions;

(3) to encourage the Armed Forces to adopt and implement Item Unique Identification actions and milestones; and

(4) to support investment of sufficient resources and continued training and leadership to enable the
Department to capture meaningful data and optimize the benefits of the Item Unique Identification Initiative.

Subtitle C—Amendments Relating to General Contracting Authorities, Procedures, and Limitations

SEC. 841. APPLICABILITY OF TRUTH IN NEGOTIATIONS ACT TO MAJOR SYSTEMS AND RELATED SUBSYSTEMS, COMPONENTS, AND SUPPORT SERVICES.

(a) Authority To Require Submission of Cost or Pricing Data.—Subsection (c) of section 2306a of title 10, United States Code, is amended—

(1) in the subsection caption, by striking “BELOW-THRESHOLD” and inserting “CERTAIN”; and

(2) in paragraph (2), by inserting before the period at the end the following: “, except in the case of either of the following:

“(A) A major system or a subsystem or component thereof that is not a commercially available off-the-shelf item (as defined in section 104 of title 41) and was not developed exclusively at private expense as demonstrated in ac-
cordance with the requirements of section 2321(f)(2) of this title.

“(B) Services that are procured for support of a system, subsystem, or component described in subparagraph (A).”.

(b) AUTHORITY TO REQUIRE SUBMISSION OF OTHER INFORMATION.—Subsection (d)(1) of such section is amended by striking “at a minimum” and all that follows and inserting “at a minimum—

“(A) appropriate information on the prices at which the same item or similar items have previously been sold that is adequate for evaluating the reasonableness of the price for the procurement; and

“(B) in the case of a system, subsystem, component, or services described in subparagraph (A) or (B) of subsection (c)(2) for which price information described in subparagraph (A) of this paragraph is not adequate to evaluate price reasonableness, uncertified cost data that is adequate for evaluating the reasonableness of the price for the procurement.”.

(c) TECHNICAL AMENDMENT.—Subsection (c)(3) of such section is amended by striking “paragraph” and inserting “subsection”.

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SEC. 842. MAXIMUM AMOUNT OF ALLOWABLE COSTS OF COMPENSATION OF CONTRACTOR EMPLOYEES.

(a) Modification of Maximum Amount.—Section 2324(e)(1)(P) of title 10, United States Code, is amended by striking “the benchmark” and all that follows through “section 1127 of title 41” and inserting “the annual amount payable under the aggregate limitation on pay as established by the Office of Management and Budget (currently $230,700)”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on January 1, 2013, and shall apply with respect to costs of compensation incurred on or after that date under contracts entered into before, on, or after that date.

(c) Report on Allowable Costs of Employee Compensation.—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the effect of the modification of allowable costs of contractor compensation of employees made by subsection (a). The report shall include the following:

(1) The total number of contractor employees whose allowable costs of compensation in fiscal year 2012 exceeded the amount of allowable costs under the modification made by subsection (a).
(2) The total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 would have exceeded the amount of allowable costs under section 2324(e)(1)(P) of title 10, United States Code, as amended by section 803(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1485).

(3) The total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 exceeded the amount payable to the President under section 102 of title 3, United States Code.

(4) The total number of contractor employees in fiscal year 2012 that could have been characterized as falling within a narrowly targeted exception established by the Secretary of Defense under section 2324(e)(1)(P) of title 10, United States Code, as a result of the amendment made by section 803(a)(2) of the National Defense Authorization Act for Fiscal Year 2012.

(5) An assessment whether the compensation amounts provided in fiscal year 2012 to employees who were characterized by their employers as falling within a narrowly targeted exception described in
paragraph (4) were provided compensation amounts in that fiscal year in manner consistent with private sector practice.

(6) The duties and services performed in fiscal year 2012 by employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4).

(7) An assessment whether there are Federal civilian employees who perform duties and services comparable to the duties and services described pursuant to paragraph (6).

SEC. 843. DEPARTMENT OF DEFENSE ACCESS TO AND USE OF CONTRACTOR INTERNAL AUDIT REPORTS.

(a) Clarification of Audit Access Authority.—

Section 2313(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C), by striking “or” at the end;

(2) in subparagraph (D), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following new sub-paragraph:

“(E) the efficacy of contractor or subcontractor internal controls and the reliability of contractor or subcontractor business systems.”.
(b) GUIDANCE ON ACCESS.—

(1) GUIDANCE REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Director of the Defense Contract Audit Agency shall issue revised guidance on Defense Contract Audit Agency auditor access to defense contractor internal audit reports and supporting materials.

(2) PURPOSE.—The purpose of the guidance issued pursuant to paragraph (1) shall be to ensure that the Defense Contract Audit Agency has sufficient access to contractor internal audit reports and supporting materials in order to—

(A) evaluate and test the efficacy of contractor internal controls and the reliability of associated contractor business systems; and

(B) assess the amount of risk and level of testing required in connection with specific audits to be conducted by the Agency.

(3) MATTERS TO BE ADDRESSED.—The guidance issued pursuant to paragraph (1) shall address, at a minimum, the following:

(A) The extent to which Defense Contract Audit Agency auditors should request access to defense contractor internal audit reports and supporting materials.
(B) The circumstances in which follow-up actions, including subpoenas, may be required to ensure Agency access to audit reports and supporting materials.

(C) The designation of Agency audit officials responsible for coordinating issues pertaining to Agency requests for audit reports and supporting materials.

(D) The purposes for which Agency auditors may use audit reports and supporting materials.

(E) Any protections that may be required to ensure that audit reports and supporting materials are not misused.

(F) Requirements for tracking Agency requests for audit reports and supporting materials.

(c) FAILURE TO PROVIDE ACCESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall revise the program required by section 893 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383; 124 Stat. 4311; 10 U.S.C. 2302 note) in order to—

(1) ensure that any assessment of the adequacy of contractor business systems takes into account the efficacy of contractor internal controls, including con-
tractor internal audit reports and supporting materials, that are relevant to such assessment; and

(2) provide that the refusal of a contractor to permit access to contractor internal audit reports and supporting materials that are relevant to such an assessment is a basis for disapproving the contractor business system or systems to which such materials are relevant and taking the remedial actions authorized under section 893.

SEC. 844. ENHANCEMENT OF WHISTLEBLOWER PROTECTIONS FOR CONTRACTOR EMPLOYEES.

(a) In General.—Subsection (a) of section 2409 of title 10, United States Code, is amended—

(1) by inserting “(1)” before “An employee”;

(2) in paragraph (1), as so designated—

(A) by inserting “or subcontractor” after “employee of a contractor”;

(B) by striking “a Member of Congress” and all that follows through “the Department of Justice” and inserting “a person or body described in paragraph (2)”;

(C) by inserting “an abuse of authority relating to a Department of Defense contract or grant,” after “Department of Defense funds,”; and
(D) by inserting “, rule, or regulation” after “a violation of law”; and
(3) by adding at the end the following new paragraphs:
“(2) The persons and bodies described in this paragraph are the persons and bodies as follows:
“(A) A Member of Congress or a representative of a committee of Congress.
“(B) An Inspector General.
“(D) A Department of Defense employee responsible for contract oversight or management.
“(E) An authorized official of the Department of Justice or other law enforcement agency.
“(F) A court or grand jury.
“(G) A management official or other employee of the contractor or subcontractor who has the responsibility to investigate, discover, or address misconduct.
“(3) For the purposes of paragraph (1)—
“(A) an employee who initiates or provides evidence of contractor or subcontractor misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a Department of Defense contract shall be deemed to have made a disclosure covered by such paragraph; and
“(B) a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of a Department of Defense official, unless the request takes the form of a non-discretionary directive and is within the authority of the Department of Defense official making the request.”.

(b) INVESTIGATION OF COMPLAINTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by inserting “fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant,” after “is frivolous,”;

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting “, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant” after “is frivolous”; and

(B) in subparagraph (B), by inserting “, up to 180 days,” after “such additional period of time”; and

(3) by adding at the end the following new paragraphs:
“(3) The Inspector General may not respond to any inquiry or disclose any information from or about any person alleging the reprisal, except to the extent that such response or disclosure is—

“(A) made with the consent of the person alleging the reprisal;

“(B) made in accordance with the provisions of section 552a of title 5 or as required by any other applicable Federal law; or

“(C) necessary to conduct an investigation of the alleged reprisal.

“(4) A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.”.

(c) Remedy and Enforcement Authority.—Subsection (c) of such section is amended—

(1) in paragraph (1)(B), by striking “the compensation (including back pay)” and inserting “compensatory damages (including back pay)”;

(2) in paragraph (2), by adding at the end following new sentence: “An action under this paragraph may not be brought more than two years after the date on which remedies are deemed to have been exhausted.”;

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(3) in paragraph (4), by striking “and compensatory and exemplary damages.” and inserting “compensatory and exemplary damages, and attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the agency.”;

(4) in paragraph (5), by adding at the end the following new sentence: “Filing such an appeal shall not act to stay the enforcement of the order of the head of an agency, unless a stay is specifically entered by the court.”; and

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

“(6) The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an Inspector General, decision by the head of an agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.

“(7) The rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement, other than an arbitration provision in a collective bargaining agreement.”.
(d) NOTIFICATION OF EMPLOYEES.—Such section is further 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) NOTIFICATION OF EMPLOYEES.—The Secretary of Defense shall ensure that contractors and subcontractors of the Department of Defense inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.”.

(e) ABUSE OF AUTHORITY DEFINED.—Subsection (f) of such section, as redesignated by subsection (d)(1) of this section, is further amended by adding at the end the following new paragraph:

“(6) The term ‘abuse of authority’ means an arbitrary and capricious exercise of authority that is inconsistent with the mission of the Department of Defense or the successful performance of a Department of Defense contract or grant.”.

(f) ALLOWABILITY OF LEGAL FEES.—Section 2324(k) of such title is amended—

(1) in paragraph (1), by striking “commenced by the United States or a State” and inserting “commenced by the United States, by a State, or by a con-
tractor employee submitting a complaint under section 2409 of this title”; and

(2) in paragraph (2)(C), by striking “the imposition of a monetary penalty” and inserting “the imposition of a monetary penalty or an order to take corrective action under section 2409 of this title”.

(g) Effective Date.—

(1) In general.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply to—

(A) all contracts awarded on or after such date;

(B) all task orders entered on or after such date pursuant to contracts awarded before, on, or after such date; and

(C) all contracts awarded before such date that are modified to include a contract clause providing for the applicability of such amendments.

(2) Revision of DOD Supplement to the FAR.—Not later than 180 days after the date of the enactment of this Act, the Department of Defense Supplement to the Federal Acquisition Regulation
shall be revised to implement the requirements arising under the amendments made by this section.

(3) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS AWARDED BEFORE EFFECTIVE DATE.—At the time of any major modification to a contract that was awarded before the date that is 180 days after the date of the enactment of this Act, the head of the contracting agency shall make best efforts to include in the contract a contract clause providing for the applicability of the amendments made by this section to the contract.

SEC. 844A. WHISTLEBLOWER PROTECTIONS FOR NON-DEFENSE CONTRACTORS.

(a) Whistleblower Protections.—

(1) In general.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

“SEC. 4712. CONTRACTOR AND GRANTEE EMPLOYEES: PROTECTION FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.

“(a) Prohibition of reprisals.—

“(1) In general.—An employee of a contractor, subcontractor, or grantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in
paragraph (2) information that the employee reason-
ably believes is evidence of gross mismanagement of a
Federal contract or grant, a gross waste of Federal
funds, an abuse of authority relating to a Federal
contract or grant, a substantial and specific danger
to public health or safety, or a violation of law, rule,
or regulation related to a Federal contract (including
the competition for or negotiation of a contract) or
grant.

“(2) PERSONS AND BODIES COVERED.—The per-
sons and bodies described in this paragraph are the
persons and bodies as follows:

“(A) A Member of Congress or a representa-
tive of a committee of Congress.

“(B) An Inspector General.


“(D) A Federal employee responsible for
contract or grant oversight or management at
the relevant agency.

“(E) An authorized official of the Depart-
ment of Justice or other law enforcement agency.

“(F) A court or grand jury.

“(G) A management official or other em-
ployee of the contractor, subcontractor, or grantee

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who has the responsibility to investigate, discover, or address misconduct.

“(3) Rules of construction.—For the purposes of paragraph (1)—

“(A) an employee who initiates or provides evidence of contractor, subcontractor, or grantee misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a Federal contract or grant shall be deemed to have made a disclosure covered by such paragraph; and

“(B) a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of an executive branch official, unless the request takes the form of a non-discretionary directive and is within the authority of the executive branch official making the request.

“(b) Investigation of complaints.—

“(1) Submission of complaint.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of the executive agency involved. Unless the Inspector General determines that the complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has
previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant, the Inspector General shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the contractor or grantee concerned, and the head of the agency.

“(2) INSPECTOR GENERAL ACTION.—

“(A) DETERMINATION OR SUBMISSION OF REPORT ON FINDINGS.—Except as provided under subparagraph (B), the Inspector General shall make a determination that a complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant or submit a report under paragraph (1) within 180 days after receiving the complaint.

“(B) EXTENSION OF TIME.—If the Inspector General is unable to complete an investigation in time to submit a report within the 180-day period specified in subparagraph (A) and the person submitting the complaint agrees to an extension of time, the Inspector General shall submit
a report under paragraph (1) within such addi-
tional period of time, up to 180 days, as shall
be agreed upon between the Inspector General
and the person submitting the complaint.

“(3) PROHIBITION ON DISCLOSURE.—The In-
spector General may not respond to any inquiry or
disclose any information from or about any person
alleging the reprisal, except to the extent that such re-
response or disclosure is—

“(A) made with the consent of the person al-
leging the reprisal;

“(B) made in accordance with the provi-
sions of section 552a of title 5 or as required by
any other applicable Federal law; or

“(C) necessary to conduct an investigation
of the alleged reprisal.

“(4) TIME LIMITATION.—A complaint may not
be brought under this subsection more than three
years after the date on which the alleged reprisal took
place.

“(c) REMEDY AND ENFORCEMENT AUTHORITY.—

“(1) IN GENERAL.—Not later than 30 days after
receiving an Inspector General report pursuant to
subsection (b), the head of the executive agency con-
cerned shall determine whether there is sufficient basis
to conclude that the contractor or grantee concerned
has subjected the complainant to a reprisal prohibited
by subsection (a) and shall either issue an order de-
nying relief or shall take one or more of the following
actions:

“(A) Order the contractor or grantee to take
affirmative action to abate the reprisal.

“(B) Order the contractor or grantee to re-
instatetheperson to the position that the person
held before the reprisal, together with compen-
satory damages (including back pay), employ-
ment benefits, and other terms and conditions of
employment that would apply to the person in
that position if the reprisal had not been taken.

“(C) Order the contractor or grantee to pay
the complainant an amount equal to the aggre-
gate amount of all costs and expenses (including
attorneys’ fees and expert witnesses’ fees) that
were reasonably incurred by the complainant for,
or in connection with, bringing the complaint re-
garding the reprisal, as determined by the head
of the executive agency.

“(2) EXHAUSTION OF REMEDIES.—If the head of
an executive agency issues an order denying relief
under paragraph (1) or has not issued an order with-
in 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under paragraph (b)(2)(B), not later than 30 days after the expiration of the extension of time, and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the contractor or grantee to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury. An action under this paragraph may not be brought more than two years after the date on which remedies are deemed to have been exhausted.

“(3) ADMISSIBILITY OF EVIDENCE.—An Inspector General determination and an agency head order denying relief under paragraph (2) shall be admissible in evidence in any de novo action at law or equity brought pursuant to this subsection.
“(4) ENFORCEMENT OF ORDERS.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the executive agency concerned shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the executive agency.

“(5) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order’s conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the executive agency. Review shall conform to chapter 7 of title 5. Filing such an appeal shall not act to stay the enforcement of the order of the head of an executive
agency, unless a stay is specifically entered by the court.

“(6) **Burdens of Proof.**—The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an Inspector General, decision by the head of an executive agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.

“(7) **Rights and Remedies Not Waivable.**—The rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement, other than an arbitration provision in a collective bargaining agreement.

“(d) **Notification of Employees.**—The head of each executive agency shall ensure that contractors, subcontractors, and grantees of the agency inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

“(e) **Construction.**—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or der-
ogate from a right or remedy otherwise available to the em-
ployee.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘abuse of authority’ means an ar-
bitrary and capricious exercise of authority that is
inconsistent with the mission of the executive agency
concerned or the successful performance of a contract
or grant of such agency.

“(2) The term ‘Inspector General’ means an In-
spector General appointed under the Inspector Gen-
eral Act of 1978 and any Inspector General that re-
cieves funding from, or has oversight over contracts or
grants awarded for or on behalf of, the executive agen-
cy concerned.”.

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

“4712. Contractor and grantee employees: protection from reprisal for disclosure
of certain information.”.

(b) ALLOWABILITY OF LEGAL FEES.—Section 4310 of
title 41, United States Code, is amended—

(1) in subsection (b), by striking “commenced by
the Federal Government or a State” and inserting
“commenced by the Federal Government, by a State,
or by a contractor or grantee employee submitting a
complaint under section 4712 of this title”; and
(2) in subsection (c)(3), by striking “the imposition of a monetary penalty” and inserting “the imposition of a monetary penalty or an order to take corrective action under section 4712 of this title”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply to—

(A) all contracts and grants awarded on or after such date;

(B) all task orders entered on or after such date pursuant to contracts awarded before, on, or after such date; and

(C) all contracts awarded before such date that are modified to include a contract clause providing for the applicability of such amendments.

(2) REVISION OF FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to implement the requirements arising under the amendments made by this section.
(3) Inclusion of contract clause in contracts awarded before effective date.—At the
time of any major modification to a contract that
was awarded before the date that is 180 days after the
date of the enactment of this Act, the head of the con-
tracting agency shall make best efforts to include in
the contract a contract clause providing for the appli-
cability of the amendments made by this section to
the contract.

SEC. 845. EXTENSION OF CONTRACTOR CONFLICT OF IN-
TEREST LIMITATIONS.

(a) Assessment of extension of limitations to
certain additional functions and contracts.—Not
later than 180 days after the date of the enactment of this
Act, the Secretary of Defense shall review the guidance on
personal conflicts of interest for contractor employees issued
pursuant to section 841(a) of the Duncan Hunter National
Defense Authorization Act for Fiscal Year 2009 (Public
Law 110–417; 122 Stat. 4537) in order to determine wheth-
er it would be in the best interest of the Department of De-
fense and the taxpayers to extend such guidance to personal
conflicts of interest by contractor personnel performing any
of the following:

(1) Functions other than acquisition functions
that are closely associated with inherently govern-
mental functions (as that term is defined in section 2383(b)(3) of title 10, United States Code).

(2) Personal services contracts (as that term is defined in section 2330a(g)(5) of title 10, United States Code).

(3) Contracts for staff augmentation services (as that term is defined in section 808(d)(3) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1490)).

(b) EXTENSION OF LIMITATIONS.—If the Secretary determines pursuant to the review under subsection (a) that the guidance on personal conflicts of interest should be extended, the Secretary shall revise the Defense Supplement to the Federal Acquisition Regulation to the extent necessary to achieve such extension.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the following:

(1) A summary of the review conducted under subsection (a).

(2) A summary description of any revisions of regulations carried out under subsection (b).
SEC. 846. REPEAL OF SUNSET FOR CERTAIN PROTESTS OF TASK AND DELIVERY ORDER CONTRACTS.

Section 2304c(e) of title 10, United States Code, is amended by striking paragraph (3).

SEC. 847. REPORTS ON USE OF INDEMNIFICATION AGREEMENTS.

(a) In general.—Not later than 90 days after the end of each of fiscal years 2013 through 2016, the Secretary of Defense shall submit to the appropriate committees of Congress a report on any actions described in subsection (b) which occurred during the preceding fiscal years.

(b) Actions described.—

(1) In general.—An action described in this subsection is the Secretary of Defense—

(A) entering into a contract that includes an indemnification provision relating to bodily injury caused by negligence or relating to wrongful death; or

(B) modifying an existing contract to include a provision described in subparagraph (A) in a contract.

(2) Excluded contracts.—Paragraph (1) shall not apply to any contract awarded in accordance with—

(A) section 2354 of title 10, United States Code; or
(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980
(42 U.S.C. 9601 et seq.).

(c) Matters Included.—For each action covered in a report under subsection (a), the report shall include—

(1) the name of the contractor;

(2) a description of the indemnification provision included in the contract; and

(3) a justification for the contract including the indemnification provision.

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

(e) Appropriate Committees of Congress Defined.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.
SEC. 848. CONTRACTING WITH SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.

(a) PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.—Section 8(m)(2) of the Small Business Act (15 U.S.C. 637(m)(2)) is amended—

(1) in subparagraph (A), by striking “who are economically disadvantaged”;

(2) in subparagraph (C), by striking “paragraph (3)” and inserting “paragraph (4)”;

(3) by striking subparagraph (D); and

(4) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

(b) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

“(o) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—

“(1) STUDY.—The Administrator shall periodically conduct a study to identify industries, as defined under the North American Industry Classification System, underrepresented by small business concerns owned and controlled by women.

“(2) REPORT.—Not later than 5 years after the date of enactment of this subsection, and every 5 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship...
of the Senate and the Committee on Small Business
of the House of Representatives a report on the results
of each study under paragraph (1) conducted during
the 5-year period ending on the date of the report.”.

Subtitle D—Provisions Relating to
Wartime Contracting

SEC. 860. SHORT TITLE.

This subtitle may be cited as the “Wartime Contracting Reform Act of 2012”.

SEC. 861. RESPONSIBILITY WITHIN DEPARTMENT OF DE-
FENSE FOR CONTRACT SUPPORT FOR OVER-
SEAS CONTINGENCY OPERATIONS.

(a) Responsibility.—

(1) In general.—Not later than one year after
the date of the enactment of this Act, the Secretary of
Defense shall prescribe in regulations the chain of au-
thority and responsibility within the Department of
Defense for policy, planning, and execution of con-
tract support for overseas contingency operations.

(2) Elements.—The regulations under para-
graph (1) shall, at a minimum—

(A) specify the officials, offices, and compo-
nents of the Department within the chain of au-
thority and responsibility described in para-
graph (1);
(B) identify for each official, office, and component specified under subparagraph (A)—

(i) requirements for policy, planning, and execution of contract support for overseas contingency operations, including, at a minimum, requirements in connection with—

(I) coordination of functions, authorities, and responsibilities related to operational contract support for overseas contingency operations;

(II) assessments of total force data in support of Department force planning scenarios, including the appropriateness of and necessity for the use of contractors for identified functions;

(III) determinations of capability requirements for non-acquisition community operational contract support, and identification of resources required for planning, training, and execution to meet such requirements;

(IV) determinations of policy regarding the use of contractors by function, and identification of the training
exercises that will be required for contract support (including an assessment whether or not such exercises will include contractors); and

(V) establishment of an inventory, and identification of areas of high risk and tradeoffs, for use of contract support in overseas contingency operations and for areas in which members of the Armed Forces will be used in such operations instead of contract support; and

(ii) roles, authorities, responsibilities, and lines of supervision for the achievement of the requirements identified under clause (i), including the position within the chain of authority and responsibility described in paragraph (1) with responsibility for reporting directly to the Secretary regarding policy, planning, and execution of contract support for overseas contingency operations; and

(C) ensure that the chain of authority and responsibility described in paragraph (1) is appropriately aligned with, and appropriately in-
tegrated into, the structure of the Department for
the conduct of overseas contingency operations,
including the military departments, the Joint
Staff, and the commanders of the unified com-
batant commands.

(b) Secretary of Defense Report.—Not later
than one year after the date of the enactment of this Act,
the Secretary shall submit to the congressional defense com-
mitees a report on the regulations prescribed under sub-
section (a). The report shall set forth the following:

(1) The regulations.

(2) A comprehensive description of the require-
ments identified under clause (i) of subsection
(a)(2)(B), and a comprehensive description of the
manner in which the roles, authorities, responsibil-
ities, and lines of supervision under clause (ii) of that
subsection will further the achievement of such re-
quirements.

(3) A comprehensive description of the manner
in which the regulations will meet the requirements
in subsection (a)(2)(C).

(c) Comptroller General Report.—

(1) In general.—Not later than 18 months
after the date of the enactment of this Act, the Com-
troller General of the United States shall submit to
the appropriate committees of Congress a report on
the progress of the Department of Defense in imple-
menting the regulations prescribed under subsection
(a). The report may include such additional com-
ments and information on the regulations and the
implementation of the regulations as the Comptroller
General considers appropriate.

(2) APPROPRIATE COMMITTEES OF CONGRESS
DEFINED.—In this subsection, the term “appropriate
committees of Congress” means—

(A) the Committee on Armed Services, the
Committee on Homeland Security and Govern-
mental Affairs, and the Committee on Approp-
riations of the Senate; and

(B) the Committee on Armed Services, the
Committee on Oversight and Government Re-
form, and the Committee on Appropriations of
the House of Representatives.

SEC. 862. ANNUAL REPORTS ON CONTRACT SUPPORT FOR
OVERSEAS CONTINGENCY OPERATIONS IN-
VOLVING COMBAT OPERATIONS.

(a) REPORTS REQUIRED.—

(1) DEPARTMENT OF DEFENSE.—Not later than
one year after the commencement or designation of a
contingency operation outside the United States that
includes combat operations, and annually thereafter until the termination of the operation, the Secretary of Defense shall, except as provided in subsection (b), submit to the appropriate committees of Congress a report on contract support for the Department of Defense for the operation.

(2) **Department of State and USAID.**—Not later than one year after the commencement or designation of a contingency operation outside the United States that includes combat operations, and annually thereafter until the termination of the operation, the Secretary of State and the Administrator of the United States Agency for International Development shall, except as provided in subsection (b), each submit to the appropriate committees of Congress a report on contract support for the operation for the Department of State or the United States Agency for International Development, as the case may be.

(b) **Exception.**—If the total annual amount of obligations for contracts for support of a contingency operation otherwise described by subsection (a) do not exceed $250,000,000 in an annual reporting period otherwise covered by that subsection, no report shall be required on the
operation under that subsection for that annual reporting period.

(c) Elements.—

(1) In general.—Each report of an agency under subsection (a) regarding an operation shall set forth the following:

(A) A description and assessment of the policy, planning, management, and oversight of the agency with respect to contract support for the operation.

(B) With respect to contracts entered into in connection with the operation:

(i) The total number of contracts entered into as of the date of such report.

(ii) The total number of such contracts that are active as of such date.

(iii) The total value of contracts entered into as of such date.

(iv) The total value of such contracts that are active as of such date.

(v) An identification of the extent to which the contracts entered into as of such date were entered into using competitive procedures.
[vi] The total number of contractor personnel working under contracts entered into as of the end of each calendar quarter during the one-year period ending on such date.

[vii] The total number of contractor personnel performing security functions under contracts entered into as of the end of each calendar quarter during the one-year period ending on such date.

[viii] The total number of contractor personnel killed or wounded under any contracts entered into.

(C) The sources of information and data used to prepare the portion of such report required by subparagraph (B).

(D) A description of any known limitations of the information or data reported under subparagraph (B), including known limitations in methodology or data sources.

(E) Any plans for strengthening collection, coordination, and sharing of information on contracts entered into in connection with the operation.
(2) Estimates.—In determining the total number of contractor personnel working under contracts for purposes of paragraph (1)(B)(vi), the Secretary or the Administrator may use estimates for any category of contractor personnel for which such Secretary or the Administrator, as the case may be, determines it is not feasible to provide an actual count. Each report under subsection (a) shall fully disclose the extent to which such an estimate is used in lieu of an actual count.

(d) Prohibition on Preparation by Contractor Personnel.—A report under subsection (a) may not be prepared by contractor personnel.

(e) Use of Existing Reports for Certain Contingency Operations.—The requirement to submit reports under subsection (a) on a contingency operation in Iraq or Afghanistan may be met by the submittal of the reports required by section 863 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note).

(f) Appropriate Committees of Congress Defined.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Home-
land Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and (2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

SEC. 863. INCLUSION OF CONTRACT SUPPORT IN CERTAIN REQUIREMENTS FOR DEPARTMENT OF DEFENSE PLANNING, JOINT PROFESSIONAL MILITARY EDUCATION, AND MANAGEMENT STRUCTURE.

(a) Readiness Reporting System.—Section 117(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(8) Measure, on an annual basis, the capability of operational contract support to support current and anticipated wartime missions of the armed forces.”.

(b) Contingency Planning and Preparedness Functions of CJCS.—Section 153(a)(3) of such title is amended by adding at the end the following new subparagraph:

“(E) In coordination with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Secretaries of the military departments, the heads
of the Defense Agencies, and the commanders of the combatant commands, determining the operational contract support requirements of the armed forces and recommending the resources required to improve and enhance operational contract support for the armed forces and planning for such operational contract support.”.

(c) **Joint Professional Military Education.**—

(1) **Contingency operations as matter within course of JPME.**—Section 2151(a) of such title is amended by adding at the end the following new paragraph:

“(6) Contingency operations.”.

(2) **Curriculum for three-phase approach.**—Section 2154 of such title is amended by adding at the end the following new subsection:

“(c) **Curriculum relating to contingency operations.**—(1) The curriculum for each phase of joint professional military education implemented under this section shall include content appropriate for such phase on the following:

“(A) Requirements definition.

“(B) Contingency program management.

“(C) Contingency contracting.
“(D) The strategic impact of contracting on military missions.

“(2) In this subsection, the terms ‘requirements definition’, ‘contingency program management’, and ‘contingency contracting’ have the meaning given those terms in section 2333(f) of this title.”.

(d) MANAGEMENT STRUCTURE.—Section 2330(c)(2) of such title is amended by striking “other than services” and all that follows and inserting “including services in support of contingency operations. The term does not include services relating to research and development or military construction.”.

SEC. 864. RISK ASSESSMENT AND MITIGATION FOR CONTRACTOR PERFORMANCE OF CRITICAL FUNCTIONS IN SUPPORT OF OVERSEAS CONTINGENCY OPERATIONS.

(a) Comprehensive Risk Assessment and Mitigation Plan Required.—

(1) In general.—Subject to paragraphs (2) and (3), not later than six months after the commencement or designation of an overseas contingency operation that includes or is expected to include combat operations, the head of each covered agency shall perform a comprehensive risk assessment and develop a risk mitigation plan for operational and political
risks associated with contractor performance of critical functions in support of the operation for such covered agency.

(2) EXCEPTIONS.—Except as provided in paragraph (3), a risk assessment and risk mitigation plan shall not be required under paragraph (1) for an overseas contingency operation if both—

(A) the operation is not expected to continue for more than one year; and

(B) the total annual amount of obligations by the United States Government for contracts for support of or in connection with the operation is not expected to exceed, $250,000,000 in any fiscal year.

(3) TERMINATION OF EXCEPTIONS.—Notwithstanding paragraph (2), the head of a covered agency shall perform a risk assessment and develop a risk mitigation plan under paragraph (1) for an overseas contingency operation with regard to which a risk assessment and risk mitigation plan has not previously been performed under paragraph (1) not later than 60 days after the first date on which either of the following occurs:

(A) The operation has continued for more than one year.
(B) The total amount of obligations by the
United States Government for contracts for sup-
port of or in connection with the operation has
exceeded $250,000,000 in a fiscal year.

(b) COMPREHENSIVE RISK ASSESSMENTS.—A com-
prehensive risk assessment for an overseas contingency oper-
ation under subsection (a) shall consider, at a minimum,
risks relating to the following:

(1) The goals and objectives of the operation
(such as risks from behavior that injures innocent
members of the local population or outrages their sen-
sibilities).

(2) The continuity of the operation (such as risks
from contractors walking off the job or being unable
to perform when there is no timely back-up avail-
able).

(3) The safety of military and civilian personnel
of the United States if the presence or performance of
contractor personnel creates unsafe conditions or in-
vites attack.

(4) The managerial control of the Government
over the operation (such as risks from over-reliance on
contractors to monitor other contractors with inade-
quate means for Government personnel to monitor
their work).
(5) The critical organic or core capabilities of the Government, including critical knowledge or institutional memory of key operations areas and subject-matter expertise.

(6) The ability of the Government to control costs, avoid organizational or personal conflicts of interest, and minimize waste, fraud, and abuse.

(c) RISK MITIGATION PLANS.—A risk mitigation plan for an overseas contingency operation under subsection (a) shall include, at a minimum, the following:

(1) For each high risk area identified in the comprehensive risk assessment for the operation performed under subsection (a)—

(A) specific actions to mitigate or reduce such risk, including, but not limited to, the development of alternative capabilities to reduce reliance on contractor performance of critical functions;

(B) measurable milestones for the implementation of planned risk mitigation or risk reduction measures; and

(C) a process for monitoring, measuring, and documenting progress in mitigating or reducing risk.
(2) A continuing process for identifying and addressing new and changed risks arising in the course of the operation, including the periodic reassessment of risks and the development of appropriate risk mitigation or reduction plans for any new or changed high risk area identified.

(d) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than 30 days after the completion of a comprehensive risk assessment and risk mitigation plan under subsection (a), the head of the covered agency concerned shall submit to the appropriate committees of Congress a report setting forth a summary description of the assessment and plan, including a description of the risks identified through the assessment and the actions to be taken to address such risks.

(2) FORM.—Each report shall be submitted in unclassified form, but may include a classified annex.

(e) CRITICAL FUNCTIONS.—For purposes of this section, critical functions include, at a minimum, the following:

(1) Private security functions, as that term is defined in section 864(a)(5) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note).
(2) Training and advising government personnel, including military and security personnel, of a host nation.

(3) Conducting intelligence or information operations.

(4) Any other functions that are closely associated with inherently governmental functions, including the functions set forth in section 7.503(d) of the Federal Acquisition Regulation.

(f) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “covered agency” means the following:

(A) The Department of Defense.
(B) The Department of State.

(C) The United States Agency for International Development.

(3) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

SEC. 865. EXTENSION AND MODIFICATION OF REPORTS ON CONTRACTING IN IRAQ AND AFGHANISTAN.


(b) Repeal of Comptroller General Review.—Such section is further amended by striking subsection (b).

(c) Conforming Amendments.—

(1) In general.—Such section is further amended—

(A) by striking “JOINT REPORT REQUIRED.—” and all that follows through “paragraph (6)” and inserting “IN GENERAL.—Except as provided in subsection (f)”;

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(B) by striking “this subsection” each place it appears and inserting “this section”;

(C) by redesignating paragraphs (2) through (7) as subsections (b) through (g), respectively, and indenting the left margins of such subsections, as so redesignated, two ems from the left margin;

(D) in subsection (b), as redesignated by subparagraph (C) of this paragraph, by redesignating subparagraphs (A) through (H) as paragraphs (1) through (8), respectively, and indenting the left margin of such paragraphs, as so redesignated, four ems from the left margin;

(E) in subsection (c), as redesignated by subparagraph (C) of this paragraph—

(i) by redesignating subparagraphs (A) through (C) as paragraphs (1) through (3), respectively, and indenting the left margin of such paragraphs, as so redesignated, four ems from the left margin; and

(ii) by striking “paragraph (2)” each place it appears and inserting “subsection (b)”;

(F) in subsection (f), as redesignated by subparagraph (C) of this paragraph, by striking
“this paragraph” and inserting “this subsection”; and

(G) in subsection (g), as so redesignated, by striking “paragraph (2)(F)” and inserting “subsection (b)(6)”.

(2) **Heading Amendment.**—The heading of such section is amended by striking “AND COMPTROLLER GENERAL REVIEW”.

**SEC. 866. Extension of Temporary Authority to Acquire Products and Services in Countries Along a Major Route of Supply to Afghanistan.**

(a) **Extension.**—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) **Repeal of Expired Reporting Requirement.**—Subsection (g) of such section is repealed.

(c) **Clerical Amendment.**—The heading of such section is amended by striking “; REPORT”.
SEC. 867. COMPLIANCE WITH BERRY AMENDMENT REQUIRED FOR UNIFORM COMPONENTS SUPPLIED TO AFGHANISTAN MILITARY OR AFGHANISTAN NATIONAL POLICE.

(a) REQUIREMENT.—In the case of any textile components supplied by the Department of Defense to the Afghanistan National Army or the Afghanistan 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 textile components described in subsection (a) after the date of the enactment of this Act.

SEC. 868. SENSE OF SENATE ON THE CONTRIBUTIONS OF LATVIA AND OTHER NORTH ATLANTIC TREATY ORGANIZATION MEMBER NATIONS TO THE SUCCESS OF THE NORTHERN DISTRIBUTION NETWORK.

(a) FINDINGS.—The Senate makes the following findings:

(1) The remote and austere environments in which United States troops are required to operate as part of the International Security Assistance Force (ISAF) mission in Afghanistan have increased the need for reliable lines of supply in southwest Asia.
(2) The country of Afghanistan presents unique logistics challenges, which have precipitated the development of several redundant lines of supply.

(3) United States Transportation Command and the Defense Logistics Agency (DLA), in consultation with United States Embassy officials and other parties, have successfully established memoranda of understanding and other agreements with nations in and around southwest Asia to ensure the reliability of lines of supply to Afghanistan.

(4) The lines of supply through Pakistan have been repeatedly threatened by instability in that country. Airlifting goods to Afghanistan, while safer, is expensive.

(5) The Northern Distribution Network (NDN) was established in late 2008 to ensure that a safe and cost-effective line of supply is available for United States troops in Afghanistan.

(6) The two prongs of supply provided by the Northern Distribution Network ship nonlethal goods from the Baltic ports in the north and the Caucasus in the west to southwest Asia and Afghanistan.

(7) The Northern Distribution Network has been successful and now handles more than 50 percent of cargo shipped to Afghanistan.
(8) North Atlantic Treaty Organization (NATO) member nations along the Northern Distribution Network routes have contributed significantly to the success of the Northern Distribution Network.

(9) The United States has strong economic ties to Northern Distribution Network nations that are members of the North Atlantic Treaty Organization, and these nations may be able to provide quality goods and services for near and long-term use by the Department of Defense.

(10) Since 2009 the port of Riga, on the Baltic Sea, has been a critical overland entry point for goods being shipped using the Northern Distribution Network. Latvia is a member of the North Atlantic Treaty Organization and has been an ally of the United States in the region for many years.

(11) In September 2010, the Defense Logistics Agency, the General Services Administration, and other parties hosted a local procurement conference in Riga, Latvia.

(12) One hundred nine Latvian vendors attended the September 2010 conference in Riga, and contracts with Latvian vendors have been entered into as a result.
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(13) In May 2012, Latvia hosted an international workshop in Riga to examine ways of transforming the Northern Distribution Network from a route for the delivery of United States and other Allies’ non-lethal goods to Afghanistan into a commercial route that would support the economic growth of Afghanistan and the southwest Asia region.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) Latvia and other North Atlantic Treaty Organization member nations along the Northern Distribution Network routes are key economic and security partners of the United States and are to be commended for their contribution to ensuring United States and International Security Assistance Force troops have reliable lines of supply to achieve the mission in Afghanistan;

(2) when quality products at competitive prices are available, significant effort should be made to procure goods locally from Latvia and other North Atlantic Treaty Organization member nations along the Northern Distribution Network routes; and

(3) Latvia and other North Atlantic Treaty Organization member nations along the Northern Distribution Network routes remain allies of the United
States in the region, and a mutually beneficial rela-
tionship should continue to be cultivated between the
United States and Latvia and such other nations in
the future.

SEC. 869. RESPONSIBILITIES OF INSPECTORS GENERAL
FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) In General.—The Inspector General Act of 1978
(5 U.S.C. App.) is amended—

(1) by redesignating section 8L as section 8M;
and

(2) by inserting after section 8K the following
new section 8L:

"SEC. 8L. SPECIAL PROVISIONS CONCERNING OVERSEAS
CONTINGENCY OPERATIONS.

"(a) In General.—Upon the commencement or des-
ignation of a military operation as an overseas contingency
operation that exceeds 90 days, the Inspectors General spec-
ified in subsection (b) shall have the responsibilities speci-
fied in this section.

"(b) Inspectors General.—The Inspectors General
specified in this subsection are the Inspectors General as
follows:

"(1) The Inspector General of the Department of
Defense."
“(2) The Inspector General of the Department of State.


“(c) STANDING COMMITTEE ON OVERSEAS CONTINGENCY OPERATIONS.—(1) The Council of Inspectors General on Integrity and Efficiency (CIGIE) shall establish a standing committee on overseas contingency operations. The standing committee shall consist of the following:

“(A) A chair, who shall be the Lead Inspector General for an overseas contingency operation under subsection (d) if such an operation is underway, and shall be an Inspector General specified in subsection (b) selected by the Inspectors General specified in that subsection from among themselves if such an operation is not underway.

“(B) The other Inspectors General specified in subsection (b).

“(C) For the duration of any contingency operation that exceeds 90 days, any other inspectors general determined by the chair, in coordination with the other Inspectors General specified in subsection (b), to have actual or potential areas of responsibility with respect to the contingency operation.
“(2) The standing committee shall have such on-going responsibilities, including planning, coordination, and development of practices, to improve oversight of overseas contingency operations as the chair considers appropriate.

“(3)(A) For the duration of any contingency operation that exceeds 90 days, the standing committee shall develop and update on an annual basis a joint-strategic plan for ongoing and planned oversight of the contingency operation by the Inspectors General specified in subsection (b) and designated pursuant to paragraph (1)(C), including the following:

“(i) Audit and available inspection plans.

“(ii) An overall assessment of such oversight, including projects or areas (whether departmental or government-wide) of concern or in need of further review.

“(iii) Such other matters as the Lead Inspector General for the contingency operation considers appropriate.

“(B) Each plan under this paragraph, and any update of such plan, shall be made available on an Internet website available to the public. Each plan, and any update of such plan, made so available shall be made available in unclassified form.
“(d) Lead Inspector General for Overseas Contingency Operations.—(1) There shall be a lead inspector general for each overseas contingency operation that exceeds 90 days (in this section referred to as the ‘Lead Inspector General’ for the contingency operation concerned).

“(2) The Lead Inspector General for a contingency operation shall be the Inspector General of the Department of Defense, who shall assume such role not later than 90 days after the commencement or designation of the military operation concerned as a contingency operation.

“(e) Responsibilities of Lead Inspector General.—(1) The Lead Inspector General for an overseas contingency operation shall have the following responsibilities:

“(A) To conduct oversight, in full coordination with the other Inspectors General specified in subsection (b), over all aspects of the contingency operation and to ensure, either through joint or individual audits, inspections, and investigations, independent and effective oversight of all programs and operations of all departments and agencies in the contingency operation.

“(B) To appoint, from among the offices of the other Inspectors General specified in subsection (b), an Inspector General to act as Associate Inspector General for the overseas contingency operation who
shall act in a coordinating role to assist the Lead Inspector General in the discharge of responsibilities under this subsection.

“(C)(i) If none of the Inspectors General specified in subsection (b) has principal jurisdiction over a matter with respect to the contingency operation, to exercise responsibility for discharging oversight responsibilities in accordance with this Act with respect to such matter.

“(ii) If more than one of the Inspectors General specified in subsection (b) has jurisdiction over a matter with respect to the contingency operation, to determine principal jurisdiction for discharging oversight responsibilities in accordance with this Act with respect to such matter.

“(D) To carry out such other responsibilities relating to the coordination and efficient and effective discharge by the Inspectors General specified in subsection (b) of duties relating to the contingency operation as the Lead Inspector General shall specify.

“(2) The Lead Inspector General for an overseas contingency operation shall discharge the responsibilities for the contingency operation under this subsection in a manner consistent with the authorities and requirements of this Act generally and the authorities and requirements applica-
ble to the Inspectors General specified in subsection (b) under this Act.

“(f) REPORTS.—(1) The Lead Inspector General for an overseas contingency operation shall, in coordination with the other Inspectors General specified in subsection (b), submit to the appropriate committees of Congress on a semiannual basis, and make available on an Internet website available to the public, a report summarizing, for the semiannual period, the activities of the Lead Inspector General and the other Inspectors General specified in subsection (b) with respect to the contingency operation, including—

“(A) the status and results of audits, inspections, and closed investigations, and of the number of referrals to the Department of Justice;

“(B) updates and changes to overall plans for the review of the contingency operation by inspectors general, including plans for inspections and audits; and

“(C) the activities under programs and operations funded with amounts appropriated or otherwise made available for the overseas contingency operation, including the information specified in paragraph (2).

“(2) The information specified in this paragraph with respect to an overseas contingency operation is as follows:
“(A) Obligations and expenditures of appropriated funds.

“(B) A project-by-project and program-by-program accounting of the costs incurred to date for the contingency operation, together with the estimate of the Department of Defense, the Department of State, and the United States Agency for International Development, as applicable, of the costs to complete each project and program above the simplified acquisition threshold.

“(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and projects for the contingency operation that are funded by any department or agency of the United States Government, and any obligations or expenditures of such revenues.

“(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects for the contingency operation that are funded by any department or agency of the United States Government, and any obligations or expenditures of such revenues.

“(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the contingency operation.
“(F) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (3) with respect to the contingency operation—

“(i) the amount of the contract, grant, agreement, or other funding mechanism;

“(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

“(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

“(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

“(3) A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any department or agency of the United States Government. 
States Government that involves the use of amounts appropriated or otherwise made available for reconstruction and other related activities in the contingency operation concerned with any public or private sector entity, including any of the following purposes:

“(A) To build or rebuild physical infrastructure.

“(B) To establish or reestablish a political or societal function or institution.

“(C) To provide products or services.

“(4) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

“(g) **Temporary Employment Authority.**—(1) Each Inspector General specified in subsection (b) may employ, on a temporary basis using the authorities in section 3161 of title 5, United States Code (but without regard to subsections (a) and (b)(2) of such section), such auditors, inspectors, investigators, and other personnel as such Inspector General considers appropriate for purposes of assisting such Inspector General in discharging responsibilities under subsection (e) with respect to an overseas contingency operation.

“(2) The employment under this subsection of an annuitant described in section 9902(g) of title 5, United States Code, shall be governed by the provisions of such section
as if the position to which employed was a position in the
Department of Defense.

“(3) The employment under this subsection of an annuitant receiving an annuity under the Foreign Service Retirement and Disability System under chapter 8 of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) shall be treated as employment in an elective position in the Government on a temporary basis under section 824(b) of the Foreign Service Act of 1980 (22 U.S.C. 4064(b)) for which continued receipt of annuities may be elected as provided in such section.

“(4) The authority to employ personnel under this subsection for a contingency operation shall cease as provided for in subsection (h).

“(h) SUNSET FOR PARTICULAR CONTINGENCY OPERATIONS.—The requirements and authorities of this section with respect to an overseas contingency operation shall cease at the earlier of—

“(1) the end of the first fiscal year after the commencement or designation of the contingency operation in which the total amount appropriated for the contingency operation is less than $250,000,000 (in constant fiscal year 2012 dollars); or
“(2) the date that is 18 months after the date of
the issuance by the Secretary of Defense of an order
terminating the contingency operation.

“(i) CONSTRUCTION OF AUTHORITY.—Nothing in this
Act shall be construed to limit the ability of the Inspectors
General specified in subsection (b) to enter into agreements
to conduct joint audits, inspections, or investigations in the
exercise of their oversight responsibilities in accordance
with this Act with respect to overseas contingency oper-
ations.

“(j) DEFINITIONS.—In this section:

“(1) The term ‘overseas contingency operation’
means a military operation outside the United States
and its territories and possessions that is a contin-
gency operation (as that term is defined in section

“(2) The term ‘simplified acquisition threshold’
has the meaning provided that term in section
2302(7) of title 10, United States Code.”.

(b) CONFORMING AMENDMENT RELATING TO TEM-
porary Employment Authority.—Section 3161 of title
5, United States Code, is amended by adding at the end
the following new subsection:

“(j) Lead Inspectors General for Overseas Con-
tingency Operations as Temporary Organization.—
In addition to the meaning given that term in subsection (a), the term ‘temporary organization’ for purposes of this subchapter shall, without regard to subsections (a) and (b)(2) of this section, also include the Lead Inspector General for an overseas contingency operation under section 8L of the Inspector General Act of 1978 and the Inspectors General and inspector general office personnel assisting the Lead Inspector General in the discharge of responsibilities and authorities under subsection (e) of such section 8L with respect to the contingency operation.”.

SEC. 870. AGENCY REPORTS AND INSPECTOR GENERAL AUDITS OF CERTAIN INFORMATION ON OVERSEAS CONTINGENCY OPERATIONS.

(a) Agency Reports.—Not later than 180 days after the commencement or designation of a military operation as an overseas contingency operation and semi-annually thereafter during the duration of the contingency operation, the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall each make available to the Inspector General of the department or agency concerned the information required by subsection (f)(2) of section 8L of the Inspector General Act of 1978 (as amended by section 869 of this Act) on the contingency operation.
(b) Inspector General Audits.—Not later than 90 days after receipt of a report under subsection (a), each Inspector General referred to in that subsection shall—

(1) perform an audit on the quality of the information submitted in such report, including an assessment of the completeness and accuracy of the information and the extent to which the information fully satisfies the requirements of such Inspector General in preparing the semi-annual report described in subsection (f)(1)(C) of section 8L of the Inspector General Act of 1978 (as so amended); and

(2) submit to the appropriate committees of Congress a report on the reliability, accuracy, and completeness of the information, including any significant problems in such information.

(c) Definitions.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on
Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

SEC. 871. OVERSIGHT OF CONTRACTS AND CONTRACTING ACTIVITIES FOR OVERSEAS CONTINGENCY OPERATIONS IN RESPONSIBILITIES OF CHIEF ACQUISITION OFFICERS OF FEDERAL AGENCIES.

(a) In General.—Subsection (b)(3) of section 1702 of title 41, United States Code, is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (E) the following new subparagraph (F):

“(F) advising the executive agency on the applicability of relevant policy on the contracts of the agency for overseas contingency operations and ensuring the compliance of the contracts and contracting activities of the agency with such policy;”.

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(b) Definition.—Such section is further amended by adding at the following new subsection:

“(d) Overseas Contingency Operations Defined.—In this section, the term ‘overseas contingency operations’ means military operations outside the United States and its territories and possessions that are a contingency operation (as that term is defined in section 101(a)(13) of title 10).”.

SEC. 872. REPORTS ON RESPONSIBILITY WITHIN DEPARTMENT OF STATE AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR CONTRACT SUPPORT FOR OVERSEAS CONTINGENCY OPERATIONS.

(a) DOS and USAID Reports Required.—Not later than six months after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall, in consultation with the Chief Acquisition Officer of the Department of State and the Chief Acquisition Officer of the United States Agency for International Development, respectively, each submit to the appropriate committees of Congress an assessment of Department of State and United States Agency for International Development policies governing contract support in overseas contingency operations.
(b) ELEMENTS.—Each report under subsection (a) shall include the following:

(1) A description and assessment of the roles and responsibilities of the officials, offices, and components of the Department of State or the United States Agency for International Development, as applicable, within the chain of authority and responsibility for policy, planning, and execution of contract support for overseas contingency operations.

(2) Procedures and processes of the Department or Agency, as applicable, on the following in connection with contract support for overseas contingency operations:

(A) Collection, inventory, and reporting of data.

(B) Acquisition planning.

(C) Solicitation and award of contracts.

(D) Requirements development and management.

(E) Contract tracking and oversight.

(F) Performance evaluations.

(G) Risk management.

(H) Interagency coordination and transition planning.
(3) Strategies and improvements necessary for the Department or the Agency, as applicable, to address reliance on contractors, workforce planning, and the recruitment and training of acquisition workforce personnel, including the anticipated number of personnel needed to perform acquisition management and oversight functions and plans for achieving personnel staffing goals, in connection with overseas contingency operations.

(c) COMPTROLLER GENERAL REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the progress of the efforts of the Department of State and the United States Agency for International Development in implementing improvements and changes identified under paragraphs (1) through (3) of subsection (b) in the reports required by subsection (a), together with such additional information as the Comptroller General considers appropriate to further inform such committees on issues relating to the reports required by subsection (a).

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—
(1) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

SEC. 873. PROFESSIONAL EDUCATION FOR DEPARTMENT OF STATE PERSONNEL ON ACQUISITION FOR DEPARTMENT OF STATE SUPPORT AND PARTICIPATION IN OVERSEAS CONTINGENCY OPERATIONS.

(a) Professional Education Required.—The Secretary of State shall develop and administer for Department of State personnel specified in subsection (b) a course of professional education on acquisition by the Department of State for Department of State support for, and participation in, overseas contingency operations.

(b) Covered Department of State Personnel.—The Department of State personnel specified in this subsection are as follows:

(1) The Chief Acquisition Officer of the Department of State.
(2) Personnel of the Department designated by the Chief Acquisition Officer, including contracting officers and other contracting personnel.

(3) Such other personnel of the Department as the Secretary of State shall designate for purposes of this section.

(c) ELEMENTS.—

(1) CURRICULUM CONTENT.—The course of professional education under this section shall include appropriate content on the following:

(A) Contingency contracting.

(B) Contingency program management.

(C) The strategic impact of contracting costs on the mission and activities of the Department of State.

(D) Such other matters relating to acquisition by the Department for Department support for, or participation in, overseas contingency operations as the Secretary of State considers appropriate.

(2) PHASED APPROACH.—The course of professional education may be broken into two or more phases of professional education with curriculum or modules of education suitable for the Department of State personnel specified in subsection (b) at different
phases of professional advancement within the Department.

(d) DEFINITIONS.—In this section:

(1) The term “contingency contracting” means all stages of the process of acquiring property or services by the Department of State for Department of State support for, and participation in, overseas contingency operations.

(2) The term “contingency program management” means the process of planning, organizing, staffing, controlling, and leading specific acquisition programs and activities of the Department of State for Department of State support for, and participation in, overseas contingency operations.

(3) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

SEC. 874. DATABASE ON PRICE TRENDS OF ITEMS AND SERVICES UNDER FEDERAL CONTRACTS.

(a) DATABASE REQUIRED.—

(1) In general.—Chapter 33 of title 41, United States Code, is amended by adding at the end the following new section:
§3312. Database on price trends of items and services under Federal contracts

“(a) DATABASE REQUIRED.—The Administrator shall establish and maintain a database of information on price trends for items and services under contracts with the Federal Government. The information in the database shall be designed to assist Federal acquisition officials in the following:

“(1) Monitoring developments in price trends for items and services under contracts with the Federal Government.

“(2) Conducting pricing or cost analyses for items and services under offers for contracts with the Federal Government, or otherwise conducting determinations of the reasonableness of prices for items and services under such offers, and addressing unjustified escalation in prices being paid by the Federal Government for items and services under contracts with the Federal Government.

“(b) USE.—(1) The database under subsection (a) shall be available to executive agencies in the evaluation of offers for contracts with the Federal Government for items and services.

“(2) The Secretary of Defense may satisfy the requirements of this section by complying with the requirements

(2) Clerical Amendment.—The table of sections at the beginning of chapter 33 of such title is amended by adding at the end the following new item:

“3312. Database on price trends of items and services under Federal contracts.”.

(b) Use of Elements of Department of Defense Pilot Project.—In establishing the database required by section 3312 of title 41, United States Code (as added by subsection (a)), the Administrator of Federal Procurement Policy shall use and incorporate appropriate elements of the pilot project on pricing of the Department of Defense being carried out by the Director of Defense Pricing.

SEC. 875. INFORMATION ON CORPORATE CONTRACTOR PERFORMANCE AND INTEGRITY THROUGH THE FEDERAL Awardee PERFORMANCE AND INTEGRITY INFORMATION SYSTEM.

(a) Inclusion of Corporations Among Covered Persons.—Subsection (b) of section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4555) is amended by inserting “(including a corporation)” after “Any person” both places it appears.

(b) Information on Corporations.—Subsection (d) of such section is amended by adding at the end the following new paragraph:
“(3) INFORMATION ON CORPORATIONS.—The information on a corporation in the database shall, to the extent practicable, include information on any parent, subsidiary, or successor entities to the corporation in manner designed to give the acquisition officials using the database a comprehensive understanding of the performance and integrity of the corporation in carrying out Federal contracts and grants.”.

SEC. 876. INCLUSION OF DATA ON CONTRACTOR PERFORMANCE IN PAST PERFORMANCE DATABASES FOR EXECUTIVE AGENCY SOURCE SELECTION DECISIONS.

(a) Strategy Required.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall develop a strategy for ensuring that timely, accurate, and complete information on contractor performance is included in past performance databases used by executive agencies for making source selection decisions.

(2) Consultation with USDATL.—In developing the strategy required by this subsection, the Federal Acquisition Regulatory Council shall consult with the Under Secretary of Defense for Acquisition,
Technology, and Logistics to ensure that the strategy is, to the extent practicable, consistent with the strategy developed by the Under Secretary pursuant to section 806 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1487; 10 U.S.C. 2302 note).

(b) ELEMENTS.—The strategy required by subsection (a) shall, at a minimum—

(1) establish standards for the timeliness and completeness of past performance submissions for purposes of databases described in subsection (a);

(2) assign responsibility and management accountability for the completeness of past performance submissions for such purposes; and

(3) ensure that past performance submissions for such purposes are consistent with award fee evaluations in cases where such evaluations have been conducted.

(c) CONTRACTOR COMMENTS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require the following:

(1) That affected contractors are provided, in a timely manner, information on contractor perform-
ance to be included in past performance databases in accordance with subsection (a).

(2) That such contractors are afforded up to 14 calendar days, from the date of delivery of the information provided in accordance with paragraph (1), to submit comments, rebuttals, or additional information pertaining to past performance for inclusion in such databases.

(3) That agency evaluations of contractor past performance, including any information submitted under paragraph (2), are included in the relevant past performance database not later than the date that is 14 days after the date of delivery of the information provided in accordance with paragraph (1).

(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a contractor from submitting comments, rebuttals, or additional information pertaining to past performance after the period described in subsection (c)(2) has elapsed or to prohibit a contractor from challenging a past performance evaluation in accordance with applicable laws, regulations, or procedures.

(e) COMPTROLLER GENERAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the ac-
tions taken by the Federal Acquisition Regulatory Council pursuant to this section, including an assessment of the following:

(1) The extent to which the strategy required by subsection (a) is consistent with the strategy developed by the Under Secretary of Defense for Acquisition, Technology, and Logistics as described in subsection (a)(2).

(2) The extent to which the actions of the Federal Acquisition Regulatory Council pursuant to this section have otherwise achieved the objectives of this section.

(f) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.
(2) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code, except that the term excludes the Department of Defense and the military departments.

(3) The term “Federal Acquisition Regulatory Council” means the Federal Acquisition Regulatory Council under section 1302(a) of title 41, United States Code.

SEC. 877. PUBLIC AVAILABILITY OF DATABASE OF SENIOR DEPARTMENT OF DEFENSE OFFICIALS SEEKING EMPLOYMENT WITH DEFENSE CONTRACTORS.

Section 847(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 10 U.S.C. 1701 note) is amended by adding at the end the following new paragraph:

“(3) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary of Defense shall make available online to the public any information contained in the database or repository required under paragraph (1) that is not confidential, personal, or proprietary in nature.”.
Subtitle E—Other Matters

SEC. 881. REQUIREMENTS AND LIMITATIONS FOR SUSPENSION AND DEBARMMENT OFFICIALS OF THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) In general.—Not later than 180 days after the date of the enactment of this Act, the head of the covered agency concerned shall ensure the following:

(1) There shall be not less than one suspension and debarment official—

(A) in the case of the Department of Defense, for each of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency;

(B) for the Department of State; and

(C) for the United States Agency for International Development.

(2) A suspension and debarment official under paragraph (1) may not report to or be subject to the supervision of the acquisition office or the Inspector General of—

(A) in the case of the Department of Defense, either the Department of Defense or the
military department or Defense Agency concerned; and

(B) in the case of any other covered agency, the acquisition office or the Inspector General of such agency.

(3)(A) Except as provided in subparagraph (B), the duties of a suspension and debarment official under paragraph (1) may include only the following:

(i) The direction, management, and oversight of suspension and debarment activities.

(ii) The direction, management, and oversight of fraud remedies activities.

(iii) Membership and participation in the Interagency Committee on Debarment and Suspension in accordance with Executive Order No. 12549 and section 873 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (as amended by this section).

(B) The limitation in subparagraph (A) shall not be construed to prohibit a suspension and debarment official under paragraph (1) from providing authorized legal advice to the extent that the provision of such advice does not present a conflict of interest with the exercise of the duties of the suspension and debarment official under subparagraph (A).
(4) Each suspension and debarment official under paragraph (1) shall have a staff and resources adequate for the discharge of the suspension and debarment responsibilities of such official.

(5) Each suspension and debarment official under paragraph (1) shall document the basis for any decision taken pursuant to a referral in accordance with the policies established under paragraph (7), including, but not limited to, the following:

(A) Any decision to suspend or debar any person or entity.

(B) Any decision not to suspend or debar any person or entity.

(C) Any decision declining to pursue suspension or debarment of any person or entity.

(D) Any administrative agreement entered with any person or persons in lieu of suspension or debarment of such person or entity.

(6) Any decision under subparagraphs (B) through (D) of paragraph (5) shall not preclude a subsequent decision by a suspension and debarment official under paragraph (1) to suspend, debar, or enter into any administrative agreement with any person or entity based on additional information or changed circumstances. All cases, whether based on re-
ferral or internally developed, shall be documented
prior to closure by the suspension and debarment offi-
cial.

(7) Each suspension and debarment official
under paragraph (1) shall, in consultation with the
General Counsel of the covered agency concerned, es-

tablish in writing policies for the consideration of the
following:

(A) Referrals of suspension and debarment
matters.

(B) Suspension and debarment matters that
are not referred.

(b) COVERED AGENCY DEFINED.—In subsection (a),
the term “covered agency” means the following:

(1) The Department of Defense.

(2) The Department of State.

(3) The United States Agency for International
Development.

(c) DUTIES OF INTERAGENCY COMMITTEE ON DEBAR-
MENT AND SUSPENSION.—Section 873 of the Duncan Hun-
(31 U.S.C. 6101 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “, in-
cluding with respect to contracts in connection
with contingency operations” before the semi-
colon; and

(B) in paragraph (7)—

(i) in subparagraph (B), by striking
“and” at the end;

(ii) in subparagraph (C), by striking
the period at the end and inserting a semi-
colon; and

(iii) by adding at the end the following
new subparagraphs

“(D) a summary of suspensions,
debarments, and administrative agreements dur-
ing the previous year; and

“(E) a summary of referrals of suspension
and debarment matters received during the pre-
vious year, including an identification of the
agencies making such referrals and an assess-
ment of the timeliness of such referrals.”; and

(2) by striking subsection (b) and inserting the
following new subsections:

“(b) DATE OF SUBMITTAL OF ANNUAL REPORTS.—The
annual report required by subsection (a)(7) shall be sub-
mitted not later than 120 days after the end of the first
fiscal year ending after the date of the enactment of the
National Defense Authorization Act for Fiscal Year 2013,
and annually thereafter.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘contingency operation’ has the
meaning given that term in section 101(a)(13) of title
10, United States Code.

“(2) The term ‘Interagency Committee on Debar-
ment and Suspension’ means the committee con-
stituted under sections 4 and 5 of Executive Order
No. 12549.”.

SEC. 881A. ADDITIONAL BASES FOR SUSPENSION OR DE-
BARMENT.

(a) IN GENERAL.—Not later than 180 days after the
date of the enactment of this Act, the Federal Acquisition
Regulation shall be revised to provide for the automatic re-
ferral of a person described in subsection (b) to the appro-
priate suspension and debarment official for a determina-
tion whether or not the person should be suspended or
debarred.

(b) COVERED PERSONS.—A person described in this
subsection is any person as follows:

(1) A person who has been charged with a Fed-
eral criminal offense relating to the award or per-
formance of a contract of an executive agency.
(2) A person who has been alleged, in a civil or criminal proceeding brought by the United States, to have engaged in fraudulent actions in connection with the award or performance of a contract of an executive agency.

(3) A person that does not maintain an office within the United States and has been determined by the head of a contracting agency of an executive agency to have failed to pay or refund amounts due or owed to the Federal Government in connection with the performance of a contract of the executive agency.

(c) DEFINITIONS.—In this section:

(1) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code.

(2) The term “person” has the meaning given that term in section 1 of title 1, United States Code.

SEC. 882. UNIFORM CONTRACT WRITING SYSTEM REQUIREMENTS.

(a) UNIFORM STANDARDS AND CONTROLS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the officials specified in subsection (b) shall—

(1) establish uniform data standards, internal control requirements, independent verification and
validation requirements, and business process rules for processing procurement requests, contracts, receipts, and invoices by the Department of Defense or other executive agencies, as applicable;

(2) establish and maintain one or more approved electronic contract writing systems that conform with the standards, requirements, and rules established pursuant to paragraph (1); and

(3) require the use of electronic contract writing systems approved in accordance with paragraph (2) for all contracts entered into by the Department of Defense or other executive agencies, as applicable.

(b) COVERED OFFICIALS.—The officials specified in this subsection are the following:

(1) The Secretary of Defense, with respect to the Department of Defense and the military departments.

(2) The Administrator of the Office of Federal Procurement Policy, with respect to the executive agencies other than the Department of Defense and the military departments.

(c) ELECTRONIC WRITING SYSTEMS FOR DEPARTMENT OF STATE AND USAID.—Notwithstanding subsection (b)(2), the Secretary of State and the Administrator of the United States Agency for International Development may meet the requirements of subsection (a)(2) with respect to
approved electronic contract writing systems for the Department of State and the United States Agency for International Development, respectively, if the Secretary and the Administrator, as the case may be, demonstrate to the Administrator of the Office of Federal Procurement Policy that prior investment of resources in existing contract writing systems will result in the most cost effective and efficient means to satisfy such requirements.

(d) Phase-in of Implementation of Requirement for Approved Systems.—The officials specified in subsection (b) may phase in the implementation of the requirement to use approved electronic contract writing systems in accordance with subsection (a)(3) over a period of up to five years beginning with the date of the enactment of this Act.

(e) Reports.—Not later than 180 days after the date of the enactment of this Act, the officials specified in subsection (b) shall each submit to the appropriate committees of Congress a report on the implementation of the requirements of this section. Each report shall, at a minimum—

(1) describe the standards, requirements, and rules established pursuant to subsection (a)(1);

(2) identify the electronic contract writing systems approved pursuant to subsection (a)(2) and, if multiple systems are approved, explain why the use
of such multiple systems is the most efficient and ef-

cfective approach to meet the contract writing needs of

the Federal Government; and

(3) provide the schedule for phasing in the use

of approved electronic contract writing systems in ac-

cordance with subsections (a)(3) and (d).

(f) definitions.—In this section:

(1) the term “appropriate committees of Con-
gress” means—

(A) the Committee on Armed Services, the

Committee on Foreign Relations, the Committee

on Homeland Security and Governmental Af-
fairs, and the Committee on Appropriations of

the Senate; and

(B) the Committee on Armed Services, the

Committee on Foreign Affairs, the Committee on

Oversight and Government Reform, and the

Committee on Appropriations of the House of

Representatives.

(2) The term “executive agency” has the mean-
ing given that term in section 133 of title 41, United

States Code.
SEC. 883. COMPTROLLER GENERAL OF THE UNITED STATES

REVIEW OF USE BY THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OF URGENT AND COMPELLING EXCEPTION TO COMPETITION.

(a) Review Required.—The Comptroller General of the United States shall review each of the following:

(1) The use by the Department of Defense of the unusual and compelling urgency exception to full and open competition provided in section 2304(c)(2) of title 10, United States Code.

(2) The use by each of the Department of State and the United States Agency for International Development of the unusual and compelling urgency exception to full and open competition provided in section 3304(a)(2) of title 41, United States Code.

(b) Matters To Be Reviewed.—The review of the use of an unusual and compelling urgency exception required by subsection (a) shall include a review of the following:

(1) The pattern of use of the exception by acquisition organizations within the Department of Defense, the Department of State, and the United States Agency for International Development in order to de-
termine which organizations are commonly using the exception and the frequency of such use.

(2) The range of items or services being acquired through the use of the exception.

(3) The process for reviewing and approving justifications involving the exception.

(4) Whether the justifications for use of the exception typically meet the relevant requirements of the Federal Acquisition Regulation applicable to the use of the exception.

(5) The extent to which the exception is used to solicit bids or proposals from only one source and the extent to which such sole-source procurements are appropriately documented and justified.

(6) The compliance of the Department of Defense, the Department of State, and the United States Agency for International Development with the requirements of section 2304(d)(3) of title 10, United States Code, or section 3304(c)(1)(B) of title 41, United States Code, as applicable, that limit the duration of contracts awarded pursuant to the exception and require approval for any such contract in excess of one year.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall
submit to the appropriate committees of Congress a report
on the review required by subsection (a), including a discus-
sion of each of the matters specified in subsection (b). The
report shall include any recommendations relating to the
matters reviewed that the Comptroller General considers ap-
propriate.

(d) Appropriate Committees of Congress Defined.—In this section, the term “appropriate committees
of Congress” means—

(1) the Committee on Armed Services, the Com-
mittee on Foreign Relations, the Committee on Home-
land Security and Governmental Affairs, and the
Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Com-
mittee on Foreign Affairs, the Committee on Over-
sight and Government Reform, and the Committee on
Appropriations of the House of Representatives.

Sec. 884. Authority to Provide Fee-for-Service Ins-
pection and Testing by Defense Con-
tract Management Agency for Certain
Critical Equipment in the Absence of a
Procurement Contract.

(a) Authority.—Section 2539b of title 10, United
States Code, is amended—

(1) in subsection (a)—
(A) in paragraph (3), by striking “and” at the end;

(B) in paragraph (4), by striking the period at the end and inserting “; and”; and

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

“(5) make available to any person or entity, in advance of the award of a procurement contract, through contracts or other appropriate arrangements and subject to subsection (c), the services of the Defense Contract Management Agency for testing and inspection of items when such testing and inspection is determined by such Secretary to be critical to a specific program of the Department of Defense.”;

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following new subsection (c):

“(c) DCMA SERVICES.—Services of the Defense Contract Management Agency may be made available under subsection (a)(5) only if the contract or other arrangement for those services—

“(1) holds the United States harmless if the items covered by the contract or other arrangement (whether or not tested and inspected under the con-
tract or other arrangement) are not subsequently or-
dered by or delivered to the United States under a
procurement contract entered into after the contract
or other arrangement is entered into; and

“(2) holds the United States harmless against
any claim arising out of the inspection and testing,
or the use in any commercial application, of the
equipment tested and inspected by the Defense Con-
tract Management Agency under the contract or other
arrangement.”.

(b) FEES.—Subsection (d) of such section, as redesig-
nated by subsection (a)(2) of this section, is amended—

(1) in the first sentence, by striking “and (a)(4)”
and inserting “, (a)(4), and (a)(5)”; and

(2) in the second sentence—

(A) by inserting “, travel, and other inci-
dental overhead expenses” after “salaries”; and

(B) by inserting “or inspection” before the
period at the end.

(c) USE OF FEES.—Subsection (e) of such section, as
so redesignated, is amended by striking “and (a)(4)” and
inserting “, (a)(4), and (a)(5)”.

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SEC. 885. DIESTABLISHMENT OF DEFENSE MATERIEL READINESS BOARD.

(a) DIESTABLISHMENT 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 STRATEGIC READINESS FUND.—The Department of Defense Strategic Readiness Fund established by section 872(d) of the National Defense Authorization Act for Fiscal Year 2008 (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 (10 U.S.C. 117 note) is repealed.

SEC. 886. MODIFICATION OF PERIOD OF WAIT FOLLOWING NOTICE TO CONGRESS OF INTENT TO CONTRACT FOR LEASES OF CERTAIN VESSELS AND VEHICLES.

Section 2401(h)(2) of title 10, United States Code, is amended by striking “of continuous session of Congress”.

SEC. 887. EXTENSION OF OTHER TRANSACTION AUTHORITY.

Section 845(i) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended
by striking “September 30, 2013” and inserting “September 30, 2018”.

SEC. 888. SUBCONTRACTOR NOTIFICATIONS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

“(13) Notification Requirement.—An offeror with respect to a contract let by a Federal agency that is to be awarded pursuant to the negotiated method of procurement that intends to identify a small business concern as a potential subcontractor in the offer relating to the contract shall notify the small business concern that the offeror intends to identify the small business concern as a potential subcontractor in the offer.

“(14) Reporting by Subcontractors.—The Administrator shall establish a reporting mechanism that allows a subcontractor to report fraudulent activity by a contractor with respect to a subcontracting plan submitted to a procurement authority under paragraph (4)(B).”.

SEC. 889. REPORT BY THE SUSPENSION AND DEBARMENT OFFICIALS OF THE MILITARY DEPARTMENTS AND THE DEFENSE LOGISTICS AGENCY.

(a) Report Required.—Not later than 60 days after the date of the enactment of this Act, the suspension and debarment official of each agency specified in subsection (b) shall submit to the congressional defense committees a re-
port on the suspension and debarment activities of such official containing the information specified in subsection (c).

(b) COVERED AGENCIES.—The agencies specified in this subsection are the following:

(1) The Department of the Army.

(2) The Department of the Navy.

(3) The Department of the Air Force.

(4) The Defense Logistics Agency.

(c) COVERED INFORMATION.—The information specified in this subsection to be included in the report of a suspension and debarment official under subsection (a) is the following:

(1) The number of open suspension and debarment cases of such official as of the date of such report.

(2) The current average processing time for suspension and debarment cases.

(3) The target goal of such official for average processing time for suspension and debarment proposals.

(4) If the average time required for such official to process suspension and debarment proposals is more than twice the target goal specified under paragraph (3)—
(A) an explanation why the average time exceeds the target goal by more than twice the target goal; and

(B) a description of the actions to be taken by such official to ensure that the average processing time for suspension and debarment proposals meets the target goal.

SEC. 889A. STUDY ON ARMY SMALL ARMS AND AMMUNITION ACQUISITION.

(a) Study.—

(1) In general.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Federally Funded Research and Development Center to conduct a study on the Army’s acquisition of small arms and ammunition to determine each of the following:

(A) A comparative evaluation of the current military small arms in use by United States general purpose and special operations forces, allied foreign militaries, and those potential candidate small arms not necessarily in use militarily but available commercially.

(B) An assessment of the Department of Defense’s current plans to modernize its small arms capabilities.
(C) A comparative evaluation of the Army’s standard small arms ammunition with other small arms ammunition alternatives.

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

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

(B) Modifications and improvements recently applied to United States general purpose and special operations forces small arms as well as their potential for continued modification and improvement.

(C) Industrial base impacts.

(3) ACCESS TO INFORMATION.—The Secretary of Defense and the Secretary of the Army shall ensure that the Federally Funded Research and Development Center conducting the study required under subsection (a) has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

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

(2) **Classified Annex.**—The report shall be in unclassified form, but may contain a classified annex.

(c) **Definitions.**—In this section:

(1) The term “small arms” means—

(A) firearms up to but not including .50 caliber; and

(B) shotguns.

(2) The term “small arms ammunition” means ammunition or ordnance for—

(A) firearms up to but not including .50 caliber; and

(B) shotguns.

**SEC. 889B. ANNUAL REPORT ON DEFENSE CONTRACTING FRAUD.**

(a) **Annual Study and Report.**—The Secretary of Defense shall conduct an annual study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.
(b) Report Contents.—The report required under subsection (a) shall include with respect to the most recent reporting period the following elements:

(1) An assessment of the total value of Department of Defense contracts entered into with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government.

(2) Recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government, including an update on implementation by the Department of any previous such recommendations.

SEC. 889C. PLAN TO INCREASE NUMBER OF CONTRACTORS ELIGIBLE FOR CONTRACTS UNDER AIR FORCE NETCENTS-2 CONTRACT.

(a) Plan Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to increase the number of contractors eligible to be
awarded contracts under the Air Force’s Network-Centric Solutions-2 (NETCENTS-2) indefinite-delivery, indefinite-quantity (IDIQ) contract.

(b) CONTENT.—The plan required under subsection (a) shall include the following elements:

(1) A recommendation and rationale for a maximum number of contractors to be eligible for contract awards under NETCENTS-2 to foster competition and reduce overall costs associated with hardware and operation and maintenance of Air Networks.

(2) The methodology used to periodically review existing eligible NETCENTS-2 contractors and contracts.

(3) A timeline to increase the current number of eligible contractors under NETCENTS-2 and dates of future “on-ramps” under NETCENTS-2 to assess current eligible contractors and add additional eligible contractors.

SEC. 889D. INCLUSION OF INFORMATION ON COMMON GROUNDS FOR SUSTAINING BID PROTESTS IN ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE REPORTS TO CONGRESS.

The Comptroller General of the United States shall include in the annual report to Congress on the Government Accountability Office each year a list of the most common
grounds for sustaining protests relating to bids for contracts during such year.

SEC. 889E. SMALL BUSINESS HUBZONES.

(a) DEFINITION.—In this section, the term “covered base closure area” means a base closure area that, on or before the date of enactment of this Act, was treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note).

(b) TREATMENT AS HUBZONE.—

(1) IN GENERAL.—Subject to paragraph (2), a covered base closure area shall be treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) during the 5-year period beginning on the date of enactment of this Act.

(2) LIMITATION.—The total period of time that a covered base closure area is treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to this section and section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note) may not exceed 5 years.
Subtitle F—Ending Trafficking in Government Contracting

SEC. 891. SHORT TITLE.

This subtitle may be cited as the “End Trafficking in Government Contracting Act of 2012”.

SEC. 892. DEFINITIONS.

In this subtitle:

(1) Commercial sex act.—The term “commercial sex act” has the meaning given the term in section 22.1702 of the Federal Acquisition Regulation (or any similar successor regulation).

(2) Executive agency.—The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

(3) Subcontractor.—The term “subcontractor” means a recipient of a contract at any tier under a grant, contract, or cooperative agreement.

(4) Subgrantee.—The term “subgrantee” means a recipient of a grant at any tier under a grant or cooperative agreement.

(5) 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. 893. CONTRACTING REQUIREMENTS.

(a) In General.—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 895(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:

“(I) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that em-
ployee’s identity or immigration documents.

“(II) Failing to pay return transportation costs to an employee upon the end of employment, unless—

“(aa) exempted from the duty to repatriate by the Federal department or agency providing or entering into the grant, contract, or cooperative agreement; or

“(bb) the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action.

“(III) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment.

“(IV) Charging recruited employees unreasonable placement or recruitment fees, such as fees equal to or
greater than the employee’s monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited.

“(V) Providing or arranging housing that fails to meet the host country housing and safety standards.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 894. COMPLIANCE PLAN AND CERTIFICATION REQUIREMENT.

(a) REQUIREMENT.—The head of an executive agency may not provide or enter into a grant, contract, or cooperative agreement if the estimated value of the services required to be performed under the grant, contract, or cooperative agreement outside the United States exceeds $500,000, unless a duly designated representative of the recipient of such grant, contract, or cooperative agreement certifies to the contracting or grant officer prior to receiving an award and on an annual basis thereafter, after having conducted due diligence, that—

(1) the recipient has implemented a plan to prevent the activities described in section 106(g) of the
Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3, and is in compliance with that plan;

(2) the recipient has implemented procedures to prevent any activities described in such section 106(g) and to monitor, detect, and terminate any subcontractor, subgrantee, or employee of the recipient engaging in any activities described in such section; and

(3) to the best of the representative’s knowledge, neither the recipient, nor any subcontractor or subgrantee of the recipient or any agent of the recipient or of such a subcontractor or subgrantee, is engaged in any of the activities described in such section.

(b) LIMITATION.—Any plan or procedures implemented pursuant to subsection (a) shall be appropriate to the size and complexity of the grant, contract, or cooperative agreement and to the nature and scope of its activities, including the number of non-United States citizens expected to be employed.

(c) DISCLOSURE.—The recipient shall provide a copy of the plan to the contracting or grant officer upon request, and as appropriate, shall post the useful and relevant contents of the plan or related materials on its website and at the workplace.
(d) GUIDANCE.—The President, in consultation with the Secretary of State, the Attorney General, the Secretary of Defense, the Secretary of Labor, the Secretary of Homeland Security, the Administrator for the United States Agency for International Development, and the heads of such other executive agencies as the President deems appropriate, shall establish minimum requirements for contractor plans and procedures to be implemented pursuant to this section.

(e) REGULATIONS.—Not later than 270 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to carry out the purposes of this section.

(f) EFFECTIVE DATE.—The requirements under subsection (a) and (c) shall apply to grants, contracts, and cooperative agreements entered into on or after the date that is 90 days after the Federal Acquisition Regulation is amended pursuant to subsection (e).

SEC. 895. MONITORING AND INVESTIGATION OF TRAFFICKING IN PERSONS.

(a) REFERRAL AND INVESTIGATION.—

(1) REFERRAL.—If the contracting or grant officer of an executive agency for a grant, contract, or cooperative agreement receives credible information that a recipient of the grant, contract, or cooperative
agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a sub-
grantee 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 893, including a report from a contracting officer representative, an auditor, an alleged victim or victim’s representative, or any other credible source, the contracting or grant officer shall promptly refer the matter to the agency’s Office of Inspector General for investigation. The contracting officer may also direct the contractor to take specific steps to abate an alleged violation or enforce the requirements of a compliance plan implemented pursuant to section 894.

(2) INVESTIGATION.—Where appropriate, an Inspector General who receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a sub-
grantee 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 893, pursuant to a referral under paragraph (1) or otherwise, shall promptly initiate
an investigation of the matter. In the event that an Inspector General does not initiate an investigation, the Inspector General shall provide an explanation for the decision not to investigate.

(3) CRIMINAL INVESTIGATION.—If the matter is referred to the Department of Justice for criminal prosecution, the Inspector General may suspend any investigation under this subsection pending the outcome of the criminal prosecution. If the criminal investigation results in an indictment of the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, the Inspector General shall notify the head of the executive agency that awarded the contract, grant, or cooperative agreement of the indictment. If the criminal investigation results in a decision not to prosecute, the Inspector General shall resume any investigation that was suspended pursuant to this paragraph.

(b) REPORT AND DETERMINATION.—

(1) REPORT.— Upon completion of an investigation under subsection (a), the Inspector General shall submit a report on the investigation, including conclusions about whether the recipient of a grant, con-
tract, or cooperative agreement; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, to the head of the executive agency that awarded the contract, grant, or cooperative agreement.

(2) Determination.—Upon receipt of an Inspector General’s report pursuant to paragraph (1), the head of the executive agency shall make a written determination whether the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893.

(c) Remedial Actions.—

(1) In General.—If the head of an executive agency determines pursuant to subsection (b)(2) that the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the ac-
activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, or is notified of an indictment for an offense under subsection (a)(3), the head of agency shall consider taking one or more of the following remedial actions:

(A) Requiring the recipient to remove an employee from the performance of work under the grant, contract, or cooperative agreement.

(B) Requiring the recipient to terminate a subcontract or subgrant.

(C) Suspending payments under the grant, contract, or cooperative agreement until such time as the recipient of the grant, contract, or cooperative agreement has taken appropriate remedial action.

(D) Withholding award fees, consistent with the award fee plan, for the performance period in which the agency determined the contractor or subcontractor engaged in any of the activities described in such section 106(g).

(E) Declining to exercise available options under the contract.
(F) Terminating the contract for default or cause, in accordance with the termination clause for the contract.

(G) Referring the matter to the agency suspension and debarment official.

(2) SAVINGS CLAUSE.—Nothing in this subsection shall be construed as limiting the scope of applicable remedies available to the Federal Government.

(3) MITIGATING FACTOR.—Where applicable, the head of an executive agency may consider whether the contractor or grantee had a plan in place under section 894, and was in compliance with that plan at the time of the violation, as a mitigating factor in determining which remedies, if any, should apply.

(4) AGGRAVATING FACTOR.—Where applicable, the head of an executive agency may consider the failure of a contractor or grantee to abate an alleged violation or enforce the requirements of a compliance plan when directed by a contracting officer pursuant to subsection (a)(1) as an aggravating factor in determining which remedies, if any, should apply.

(d) INCLUSION OF REPORT CONCLUSIONS IN FAPIS.—
(1) In General.—The head of an executive agency shall ensure that any written determination under subsection (b) is included in the Federal Awardee Performance and Integrity Information System (FAPIIS).

(2) Amendment to Title 41, United States Code.—Section 2313(c)(1)(E) of title 41, United States Code, is amended to read as follows:

“(E) In an administrative proceeding—

“(i) a final determination of contractor fault by the Secretary of Defense pursuant to section 823(d) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2302 note; Public Law 111–84); or

“(ii) a final determination, pursuant to section 895(b)(2) of the End Trafficking in Government Contracting Act of 2012, that the contractor, a subcontractor, or an agent of the contractor or subcontractor engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)).”.

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SEC. 896. NOTIFICATION TO INSPECTORS GENERAL AND COOPERATION WITH GOVERNMENT.

(a) In General.—The head of an executive agency making or awarding a grant, contract, or cooperative agreement shall require that the recipient of the grant, contract, or cooperative agreement—

(1) immediately inform the Inspector General of the executive agency of any information it receives from any source that alleges credible information that the recipient; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, has engaged in conduct described in section 106(g) of the Trafficking in Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3 of this Act; and

(2) fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

(b) Effective Date.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 897. EXPANSION OF FRAUD IN FOREIGN LABOR CONTRACTING TO INCLUDE ATTEMPTED FRAUD AND WORK OUTSIDE THE UNITED STATES.

(a) In General.—Section 1351 of title 18, United States Code, is amended—
(1) by striking “Whoever knowingly and with the intent to defraud recruits, solicits or hires a person outside the United States” and inserting “(a) WORK INSIDE THE UNITED STATES.—Whoever knowingly and with the intent to defraud recruits, solicits, or hires a person outside the United States, or attempts to do so,”; and

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

“(b) WORK OUTSIDE THE UNITED STATES.—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States, or attempts to do so, for purposes of employment performed on a United States Government contract performed outside the United States, or on a United States military installation or mission outside the United States or other property or premises outside the United States owned or controlled by the United States Government, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment, shall be fined under this title or imprisoned for not more than 5 years, or both.”.

(b) SPECIAL RULE FOR ALIEN VICTIMS.—No alien may be admitted to the United States pursuant to subparagraph (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as a result of the alien
being a victim of a crime described in subsection (b) of section 1351 of title 18, United States Code, as added by subsection (a).

SEC. 898. IMPROVING DEPARTMENT OF DEFENSE ACCOUNTABILITY FOR REPORTING TRAFFICKING IN PERSONS CLAIMS AND VIOLATIONS.

Section 105(d)(7)(H) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amended—

(1) in clause (ii), by striking “and” at the end;

(2) by redesignating clause (iii) as clause (iv);

(3) by inserting after clause (ii) the following new clause:

“(iii) all known trafficking in persons cases reported to the Under Secretary of Defense for Personnel and Readiness;”;

(4) in clause (iv), as redesignated by paragraph (2), by inserting “and” at the end after the semicolon; and

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

“(v) all trafficking in persons activities of contractors reported to the Under Secretary of Defense for Acquisition, Technology, and Logistics;”.

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SEC. 899. RULES OF CONSTRUCTION.

(a) LIABILITY.—Excluding section 897, nothing in this subtitle 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 893.

(b) AUTHORITY OF DEPARTMENT OF JUSTICE.—Nothing in this subtitle shall be construed as diminishing or otherwise modifying the authority of the Attorney General to investigate activities covered by this subtitle.

(c) PROSPECTIVE EFFECT.—Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to apply to a contract or grant entered into or renewed before the date of the enactment of this subtitle.
TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

Subtitle A—Department of Defense Management

SEC. 901. DEFINITION AND REPORT ON TERMS “PREPARATION OF THE ENVIRONMENT” AND “OPERATIONAL PREPARATION OF THE ENVIRONMENT” FOR JOINT DOCTRINE PURPOSES.

(a) Definitions Required.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall define for purposes of joint doctrine the following terms:

(1) The term “preparation of the environment”.

(2) The term “operational preparation of the environment”.

(b) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the terms defined under subsection (a). The report shall include the following:

(1) The definition of the term “preparation of the environment” pursuant to subsection (a).
(2) Examples of activities meeting the definition
of the term “preparation of the environment” by spe-
cial operations forces and general purpose forces.

(3) The definition of the term “operational prep-
arration of the environment” pursuant to subsection
(a).

(4) Examples of activities meeting the definition
of the term “operational preparation of the environ-
ment” by special operations forces and general pur-
pose forces.

(5) An assessment of the appropriate roles of spe-
cial operations forces and general purpose forces in
conducting activities meeting the definition of the
term “preparation of the environment” and the defi-
nition of the term “operational preparation of the en-
vironment”.

SEC. 902. EXPANSION OF DUTIES AND RESPONSIBILITIES

OF THE NUCLEAR WEAPONS COUNCIL.

(a) Guidance on Nuclear Command, Control, and
Communications Systems.—Subsection (d) of section 179
of title 10, United States Code, is amended—

(1) by redesignating paragraph (10) as para-
graph (11); and

(2) by inserting after paragraph (9) the fol-
lowing new paragraph (10):
“(10) Providing programmatic guidance on nuclear command, control and communications systems.”

(b) BUDGET AND FUNDING MATTERS.—Such section is further amended—

(1) by redesignating subsection (f) as subsection (g); and

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

“(f) BUDGET AND FUNDING MATTERS.—(1) The Council shall submit to Congress each year, at the same time the budget of the President for the fiscal year beginning in such year is submitted to Congress pursuant to section 1105(a) of title 31, a certification whether or not the amounts requested for the National Nuclear Security Administration in such budget, and anticipated over the four fiscal years following such budget, meets nuclear stockpile and stockpile stewardship program requirements for such fiscal year and over such four fiscal years. If a member of the Council does not concur in a certification, the certification shall include the reasons for the member’s non-concurrence.

“(2) If a House of Congress adopts a bill authorizing or appropriating funds for the National Nuclear Security Administration for nuclear stockpile and stockpile steward-
ship program activities or other activities that, as determined by the Council, provides insufficient funds for such activities for the period covered by such bill, the Council shall notify the congressional defense committees of the determination.”.

SEC. 903. FAILURE OF THE DEPARTMENT OF DEFENSE TO OBTAIN AUDITS WITH AN UNQUALIFIED OPINION ON ITS FINANCIAL STATEMENTS BY FISCAL YEAR 2017.

If the Department of Defense fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2017, the following shall take effect, effective as of the date of the issuance of the opinion on such audit:

(1) Reorganization of Responsibilities of Chief Management Officer.—

(A) Position of Chief Management Officer.—Section 132a of title 10, United States Code, is amended to read as follows:

“§ 132a. Chief Management Officer

“(a) In General.—(1) There is a Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(2) Any individual nominated for appointment as Chief Management Officer shall be an individual who has—
“(A) extensive executive level leadership and management experience in the public or private sector;
“(B) strong leadership skills;
“(C) a demonstrated ability to manage large and complex organizations; and
“(D) a proven record in achieving positive operational results.

“(b) Powers and Duties.—The Chief Management Officer shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

“(c) Service as Chief Management Officer.—(1) The Chief Management Officer is the Chief Management Officer of the Department of Defense.

“(2) In serving as the Chief Management Officer of the Department of Defense, the Chief Management Officer shall be responsible for the management and administration of the Department of Defense with respect to the following:

“(A) The expenditure of funds, accounting, and finance.

“(B) Procurement, including procurement of any enterprise resource planning (ERP) system and any information technology (IT) system that is a financial feeder system, human resources system, or logistics system.
“(C) Facilities, property, nonmilitary equipment, and other resources.

“(D) Strategic planning, and annual performance planning, and identification and tracking of performance measures.

“(E) Internal audits and management analyses of the programs and activities of the Department, including the Defense Contract Audit Agency.

“(F) Such other areas or matters as the Secretary of Defense may designate.

“(3) The head of the Defense Contract Audit Agency shall be under the supervision of, and shall report directly to, the Chief Management Officer.

“(d) PRECEDENCE.—The Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.”.

(B) CONFORMING AMENDMENTS.—

(i) Section 131(b) of title 10, United States Code, is amended—

(I) by striking paragraph (3);

(II) by redesignating paragraph (2) as paragraph (3); and

(III) by inserting after paragraph (1) the following new paragraph (2):
“(2) The Chief Management Officer of the Department of Defense.”.

(ii) Section 132 of such title is amended—

(I) by striking subsection (c); and

(II) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(iii) Section 133(e)(1) of such title is amended by striking “and the Deputy Secretary of Defense” and inserting “, the Deputy Secretary of Defense, and the Chief Management Officer of the Department of Defense”.

(iv) Such title is further amended by inserting “the Chief Management Officer of the Department of Defense,” after “the Deputy Secretary of Defense,” each place it appears in the provisions as follows:

(I) Section 133(e)(2).

(II) Section 134(c).

(v) Section 137a(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows and inserting “the Chief Management Offi-
cer of the Department of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.”.

(vi) Section 138(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows through the period and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Director of Defense Research and Engineering.”.

(C) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a and inserting the following new item:

“132a. Chief Management Officer.”.

(D) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Chief Management Officer of the Department of Defense.”.

(E) REFERENCE IN LAW.—Any reference in any provision of law to the Chief Management Officer of the Department of Defense shall be
deemed to refer to the Chief Management Officer of the Department of Defense under section 132a of title 10, United States Code (as amended by this paragraph).

(2) JURISDICTION OF DFAS.—

(A) TRANSFER TO DEPARTMENT OF THE TREASURY.—Jurisdiction of the Defense Finance and Accounting Service (DFAS) is transferred from the Department of Defense to the Department of the Treasury.

(B) ADMINISTRATION.—The Secretary of the Treasury shall administer the Defense Finance and Accounting Service following transfer under this paragraph through the Financial Management Service of the Department of the Treasury.

(C) MEMORANDUM OF UNDERSTANDING.—

The Secretary of Defense and the Secretary of the Treasury shall jointly enter into a memorandum of understanding regarding the transfer of jurisdiction of the Defense Finance and Accounting Service under this paragraph. The memorandum of understanding shall provide for the transfer of the personnel and other resources of the Service to the Department of the Treasury and for the assumption of responsibility for such personnel.
and resources by the Department of the Treasury.

(D) CONSTRUCTION.—Nothing in this paragraph shall be construed as terminating, altering, or revising any responsibilities or authorities of the Defense Finance and Accounting Service (other than responsibilities and authorities in connection with the exercise of jurisdiction of the Service following transfer under this paragraph).

SEC. 904. INFORMATION FOR DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE FROM THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES FOR DEFENSE BUSINESS SYSTEM INVESTMENT REVIEWS.

Section 2222(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The investment management process required by paragraph (1) shall include requirements for the military departments and the Defense Agencies to submit to the Deputy Chief Management Officer such information on covered defense business system programs as the Deputy Chief Management Officer shall require for the review of defense business system programs under the process. Such information shall be submitted to the Deputy Chief Management
Subtitle B—Space Activities

SEC. 911. OPERATIONALLY RESPONSIVE SPACE PROGRAM OFFICE.

(a) In general.—Subsection (a) of section 2273a of title 10, United States Code, is amended to read as follows:

“(a) In general.—There is within the Air Force Space and Missile Systems Center of the Department of Defense an office known as the Operationally Responsive Space Program Office (in this section referred to as the ‘Office’). The facilities of the Office may not be co-located with the headquarters facilities of the Air Force Space and Missile Systems Center.”.

(b) Head of Office.—Subsection (b) of such section is amended by striking “shall be—” and all that follows and inserting “the designee of the Department of Defense Executive Agent for Space. The head of the Office shall report to the Commander of the Air Force Space and Missile Systems Center.”.

(c) Mission.—Subsection (c)(1) of such section is amended by striking “spacelift” and inserting “launch”.

(d) Senior Acquisition Executive.—Paragraph (1) of subsection (e) of such section is amended to read as follows:
“(1) The Program Executive Officer (PEO) for Space shall be the Acquisition Executive of the Office and shall provide streamlined acquisition authorities for projects of the Office.”.

(e) EXECUTIVE COMMITTEE.—Such section is further amended by adding at the end the following new subsection:

“(g) EXECUTIVE COMMITTEE.—(1) The Secretary of Defense shall establish for the Office an Executive Committee (to be known as the ‘Operationally Responsive Space Executive Committee’) to provide coordination, oversight, and approval of projects of the Office.

“(2) The Executive Committee shall consist of the officials (and their duties) as follows:

“(A) The Department of Defense Executive Agent for Space, who shall serve as Chair of the Executive Committee and provide oversight, prioritization, coordination, and resources for the Office.

“(B) The Under Secretary of Defense for Acquisition, Technology, and Logistics, who shall provide coordination and oversight of the Office and recommend funding sources for programs of the Office that exceed the approved program baseline.

“(C) The Commander of the United States Strategic Command, who shall validate requirements for systems to be acquired by the Office and participate
in approval of any acquisition program initiated by the Office.

“(D) The Commander of the Air Force Space Command, who shall organize, train, and equip forces to support the acquisition programs of the Office.

“(E) Such other officials (and their duties) as the Secretary of Defense considers appropriate.”.

(f) Transfer of Fiscal Year 2012 Funds.—

(1) In General.—To the extent provided in appropriations Acts, the Secretary of the Air Force may transfer from the funds described in paragraph (2), $60,000,000 to other, higher priority programs of the Air Force.

(2) Covered Funds.—The funds described in this paragraph are amounts authorized to be appropriated for fiscal year 2012 by section 201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1329) and available for Research, Development, Test, and Evaluation, Air Force, for the Weather Satellite Follow On Program as specified in the funding table in section 4201 of that Act.

(3) Effect on Authorization Amounts.—A transfer made from one account to another under the authority of this subsection shall be deemed to in-
crease the amount authorized for the account to which
the amount is transferred by an amount equal to the
amount transferred.

(4) CONSTRUCTION OF AUTHORITY.—The trans-
fer authority in this subsection is in addition to any
other transfer authority provided in this Act.

(5) PROGRAM PLAN.—Not later than December
31, 2012, the Secretary shall submit to the congress-
ional defense committees a report setting forth a pro-
gram plan for higher priority programs described in
paragraph (1).

SEC. 912. 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:

“§2275. Commercial space launch cooperation

“(a) AUTHORITY.—The Secretary of Defense may, to
assist the Secretary of Transportation in carrying out re-
sponsibilities set forth in title 51 with respect to private
sector involvement in commercial space activities and pub-
lic-private partnerships pertaining to space transportation
infrastructure, take the following actions:

“(1) Maximize the use by the private sector in
the United States of the capacity of the space trans-
portation infrastructure of the Department of Defense.
“(2) Maximize the effectiveness and efficiency of the space transportation infrastructure of the Department.

“(3) Reduce the cost of services provided by the Department 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.

“(5) Foster cooperation between the Department and covered entities.

“(b) AUTHORITY FOR CONTRACTS AND OTHER AGREEMENTS RELATING TO SPACE TRANSPORTATION INFRASTRUCTURE.—The Secretary of Defense—

“(1) may enter into a contract or other agreement with a covered entity to provide to the covered entity support and services related to the space transportation infrastructure of the Department of Defense; and

“(2) upon the request of that covered entity, may include such support and services in the space launch and reentry range support requirements of the Department 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; 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 that contract or other agreement has full non-Federal funding before the execution of the contract or other agreement.

“(c) CONTRIBUTIONS.—(1) The Secretary of Defense may enter into contracts or other agreements with covered entities on a cooperative and voluntary basis to accept contributions of funds, services, and equipment to carry out this section.

“(2) 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 contract or other agreement entered into under this subsection; and

“(B) shall be managed by the Secretary in accordance with regulations of the Department of Defense.

“(3) A contract or other agreement entered into under this subsection with a covered entity—

“(A) shall address the terms of use, ownership, and disposition of the funds, services, or equipment contributed pursuant to the contract or other agreement; and

“(B) shall include a provision that the covered entity will not recover the costs of its contribution through any other contract or agreement with the United States.

“(d) Defense Cooperation Space Launch Account.—(1) There is established on the books of the Treasury a special account to be known as the ‘Defense Cooperation Space Launch Account’.

“(2) Funds received by the Secretary of Defense under subsection (c) shall be credited to the Defense Cooperation Space Launch Account.

“(3) Amounts in the Department Defense Cooperation Space Launch Account shall be available, to the extent provided in appropriation Acts, for costs incurred by the De-
department of Defense under subsection (c). Funds in the Account shall remain available until expended.

“(e) ANNUAL REPORT.—Not later than January 31 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 previous 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 that term in section 50501(7) of title 51.

“(3) SPACE RECOVERY SUPPORT FACILITIES.—The term ‘space recovery support facilities’ has the meaning given that 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 chapter 135 of such title is amended by adding at the end the following new item:

“2275. Commercial space launch cooperation.”.

SEC. 913. REPORTS ON INTEGRATION OF ACQUISITION AND CAPABILITY DELIVERY SCHEDULES FOR COMPONENTS FOR MAJOR SATELLITE ACQUISITION PROGRAMS AND FUNDING FOR SUCH PROGRAMS.

(a) IN GENERAL.—Chapter 135 of title 10, United States Code, as amended by section 912 of this Act, is further amended by adding at the end the following new section:

“§ 2276. Reports on integration of acquisition and capability delivery schedules for components for major satellite acquisition programs and funding for such programs

“(a) REPORTS REQUIRED.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall submit to the congressional defense committees a report on each major satellite acquisition program in accordance with subsection (d) that assesses—

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“(1) the integration of the schedules for the acquisition and the delivery of the capabilities of the components for the program; and

“(2) funding for the program.

“(b) ELEMENTS.—Each report required by subsection (a) with respect to a major satellite acquisition program shall include the following:

“(1) The amount of funding approved for the program and for each related program that is necessary for the operational capability of the program.

“(2) The dates by which the program is anticipated to reach initial and full operational capability.

“(3) An assessment of the extent to which the schedules for the acquisition and the delivery of the capabilities of the components for the program or any related program referred to in paragraph (1) are integrated.

“(4) If the Under Secretary determines pursuant to the assessment under paragraph (3) that the schedules for the acquisition and the delivery of the capabilities of the components for the program, or a related program referred to in paragraph (1), provide for the acquisition or the delivery of the capabilities of at least two of the three components for the pro-
gram or related program more than one year apart,
an identification of—

“(A) the measures the Under Secretary is
taking or is planning to take to improve the in-
tegration of those schedules; and

“(B) the risks and challenges that impede
the ability of the Department of Defense to fully
integrate those schedules.

“(c) Consideration by Milestone Decision Au-
thority.—The Milestone Decision Authority shall include
the report required by subsection (a) with respect to a major
satellite acquisition program as part of the documentation
used to approve the acquisition of the program.

“(d) Submittal of Reports.—(1) In the case of a
major satellite acquisition program initiated before the date
of the enactment of the National Defense Authorization Act
for Fiscal Year 2013, the Under Secretary shall submit the
report required by subsection (a) with respect to the pro-
gram not later than one year after such date of enactment.

“(2) In the case of a major satellite acquisition pro-
gram initiated on or after the date of the enactment of the
National Defense Authorization Act for Fiscal Year 2013,
the Under Secretary shall submit the report required by
subsection (a) with respect to the program at the time of
the Milestone B approval of the program.
“(e) Notification to Congress of Non-integrated Acquisition and Capability Delivery Schedules.—If, after submitting the report required by subsection (a) with respect to a major satellite acquisition program, the Under Secretary determines that the schedules for the acquisition and the delivery of the capabilities of the components for the program, or a related program referred to in subsection (b)(1), provide for the acquisition or the delivery of the capabilities of at least two of the three components for the program or related program more than one year apart, the Under Secretary shall, not later than 30 days after making that determination, submit to the congressional defense committees a report—

“(1) notifying the committees of that determination; and

“(2) identifying the measures the Under Secretary is taking or is planning to take to improve the integration of those schedules.

“(f) Definitions.—In this section:

“(1) Components.—The term ‘components’, with respect to a major satellite acquisition program, refers to any satellites acquired under the program and the ground equipment and user terminals necessary for the operation of those satellites.
“(2) MAJOR SATELLITE ACQUISITION PROGRAM.—The term ‘major satellite acquisition program’ means a major defense acquisition program (as defined in section 2430 of this title) for the acquisition of a satellite.

“(3) MILESTONE B APPROVAL.—The term ‘Milestone B approval’ has the meaning given that term in section 2366(e)(7) of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 135 of such title, as so amended, is further amended by adding at the end the following new item:

“2276. Reports on integration of acquisition and capability delivery schedules for components for major satellite acquisition programs and funding for such programs.”.

SEC. 914. DEPARTMENT OF DEFENSE REPRESENTATION IN DISPUTE RESOLUTION REGARDING SURRENDER OF DEPARTMENT OF DEFENSE BANDS OF ELECTROMAGNETIC FREQUENCIES.


(1) in subparagraph (A), by striking “and” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; and”; and
(3) by adding at the end the following new sub-
paragraph:

“(C) in the event of any dispute resolution
process involving the surrender of use of such
band, the Department of Defense has adequate
representation to convey its views.”.

Subtitle C—Intelligence-Related
and Cyber Matters

SEC. 921. AUTHORITY TO PROVIDE GEOSPATIAL INTEL-
LIGENCE SUPPORT TO SECURITY ALLIANCES
AND INTERNATIONAL AND REGIONAL ORGA-
NIZATIONS.

(a) Extension of Authority to Security Alli-
ances and International and Regional Organiza-
tions.—Section 443(a) of title 10, United States Code, is
amended by inserting “, regional organizations with defense
or security components, and international organizations
and security alliances of which the United States is a mem-
ber” after “foreign countries”.

(b) Conforming and Clerical Amendments.—

(1) Heading Amendment.—The heading of sec-
tion 443 of such title is amended to read as follows:
“§ 443. Imagery intelligence and geospatial information: support for foreign countries, security alliances, and international and regional organizations”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of subchapter I of chapter 22 of such title 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, security alliances, and international and regional organizations.”.

SEC. 922. ARMY DISTRIBUTED COMMON GROUND SYSTEM.

(a) ASSIGNMENT OF RESPONSIBILITY FOR OVERSIGHT.—The Secretary of the Army shall assign responsibility for oversight of the development, acquisition, testing, and fielding of the Distributed Common Ground System (DCGS) cloud computing program of the Army to the Chief Information Officer of the Army ((CIO)/G–6).

(b) REVIEW OF PROGRAM.—

(1) IN GENERAL.—Not later than December 1, 2012, the Chief Information Officer shall submit to the Secretary a report on a review of the Distributed Common Ground System cloud computing program of the Army conducted by the Chief Information Officer for purposes of this section.

(2) ELEMENTS.—The report shall include the following:
(A) An assessment of the program in comparison with commercial products, if applicable, with respect to each of the following:

(i) The effectiveness of analyst tools, user interfaces, and data visualization in supporting analyst missions and requirements.

(ii) Training requirements for analysts.

(iii) Ease of use for analysts.

(iv) Rates of progress in developing analyst tools and linking tools for standard workflows.

(B) An assessment of the soundness of the past decisions of the Army, and the future plans of the Army, for acquiring and integrating analyst tools, user interfaces, and data visualization capabilities through government-sponsored custom development, leasing of commercial solutions, and government open source development.

(C) Such recommendations regarding the program as the Chief Information Officer considers appropriate in light of the review under this subsection.
SEC. 923. RATIONALIZATION OF CYBER NETWORKS AND CYBER PERSONNEL OF THE DEPARTMENT OF DEFENSE.

(a) In General.—The Secretary of Defense shall take appropriate actions to substantially reduce the number of sub-networks and network enclaves across the Department of Defense, and the associated security and access management controls, in order to achieve the following objectives for the Department:

(1) Visibility for the United States Cyber Command in the operational and security status of all networks, network equipment, and computers.

(2) Elimination of redundant network security infrastructure and personnel.

(3) Rationalization and consolidation of cyber attack detection, diagnosis, and response resources, and elimination of gaps in security coverage.

(4) Reduction of barriers to information sharing and enhancement of the capacity to rapidly create collaborative communities of interest.

(5) Enhancement of access to information through authentication-based and identity-based access controls.

(6) Enhancement of the capacity to deploy, and achieve access to, enterprise-level services.
(7) Separation of server and end-user device computing to facilitate server and data center consolidation and a more secure tiered and zoned network architecture.

(b) **PERSONNEL PLAN.—**

(1) **IN GENERAL.—** As part of the actions taken under subsection (a), the Secretary shall establish and carry out a plan to reassign personnel billets currently allocated to network operations and security that will become available pursuant to the reduction in network enclaves required by that subsection to tasks related to potential offensive cyber operations in order to achieve an appropriate balance between the offensive and defensive missions of the United States Cyber Command and its components. The plan shall include targets for the number of personnel to be reassigned to tasks related to offensive operations, and the rate at which such personnel shall be added to the workforce for such tasks.

(2) **DISPOSITION OF PERSONNEL.—** In developing the plan required by paragraph (1), the Secretary shall—

(A) determine whether the number of personnel required to be reassigned to tasks related to offensive operations in order to achieve the
balance described in paragraph (1) will be met, in pace and numbers, through the reassignment of personnel billets pursuant to the plan; and

(B) if the Secretary determines that the number of personnel so required will not be so met (whether because of insufficient numbers of personnel in billets to be reassigned or because personnel available for reassignment cannot be trained or directed to tasks related to offensive operations), take appropriate actions to ensure the availability to the United States Cyber Command of appropriate numbers of personnel qualified to undertake tasks related to offensive operations.

(3) ADDITIONAL ELEMENTS.—In developing the plan required by paragraph (1), the Secretary shall also—

(A) identify targets for the number of personnel to be reassigned to tasks related to offensive cyber operations, and the rate at which such personnel shall be added to the workforce for such tasks; and

(B) identify targets for use of National Guard personnel to support cyber workforce ra-
tionalization and the actions taken under sub-
section (a).

(4) Submittal to Congress.—The Secretary
shall submit the plan required by paragraph (1) to
the congressional defense committees at the time of the
submittal to Congress of the budget of the President
for fiscal year 2014 pursuant to section 1105(a) of
title 31, United States Code.

SEC. 924. NEXT-GENERATION HOST-BASED CYBER SECU-
RITY SYSTEM FOR THE DEPARTMENT OF DE-
FENSE.

(a) Strategy for Acquisition of System Re-
quired.—The Chief Information Officer of the Department
of Defense shall, in coordination with the Under Secretary
of Defense for Acquisition, Technology, and Logistics, de-
velop a strategy to acquire next-generation host-based cyber-
security tools and capabilities (in this section referred to
as a “next-generation system”) for the Department of De-
fense.

(b) Elements of System.—It is the sense of Congress
that any next-generation system acquired under the strat-
egy required by subsection (a) should meet the following re-
quirements:

(1) To overcome problems and limitations in
current capabilities, the system should not rely on
anti-virus or signature-based threat detection techniques that—

(A) cannot address new or rapidly morphing threats;

(B) consume substantial amounts of communications capacity to remain current with known threats and to report current status; or

(C) consume substantial amounts of resources to store rapidly growing threat libraries.

(2) The system should provide an open architecture-based framework for so-called “plug-and-play” integration of a variety of types of deployable tools in addition to cyber intrusion detection tools, including tools for—

(A) insider threat detection;

(B) continuous monitoring and configuration management;

(C) remediation following infections; and

(D) protection techniques that do not rely on detection of the attack, such as virtualization, and diversification of attack surfaces.

(3) The system should be designed for ease of deployment to potentially millions of host devices of tailored security solutions depending on need and risk, and to be compatible with cloud-based, thin-client,
and virtualized environments as well as battlefield devices and weapons systems.

(c) SUBMITTAL TO CONGRESS.—The Chief Information Office shall submit to Congress a report setting forth the strategy required by subsection (a) together with the budget justification materials of the Department of Defense submitted to Congress with the budget of the President for fiscal year 2015 pursuant to section 1105(a) of title 31, United States Code.

SEC. 925. IMPROVEMENTS OF SECURITY, QUALITY, AND COMPETITION IN COMPUTER SOFTWARE PROCURED BY THE DEPARTMENT OF DEFENSE.

(a) COMPREHENSIVE PROGRAM ON IMPROVEMENT OF PROCUREMENT OF COMPUTER SOFTWARE.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in coordination with the Chief Information Officer of the Department of Defense, develop a comprehensive program for improvements of the security, quality, and competition in the computer software procured by the Department of Defense for covered systems.

(b) UPDATE OF DEVELOPMENT AND ACQUISITION MODELS.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition, Technology, and Logistics shall, in coordination with the Chief Information Officer,
provide for the development of updates and improvements to one or more existing best-practice development and acquisition models (such as the Capability Maturity Model Integration) in order to provide explicit guidance under such model or models for improved assurance, security, quality, and resiliency in the computer software developed and procured by the Department.

(2) ELEMENTS.—Any update or improvement to a development and acquisition model under this subsection shall—

(A) include diagnostic methods that enable evaluations of conformance to the processes and best practices of the model for achieving quality, assurance, and security throughout the life cycle of software products concerned; and

(B) be compatible with the variety of current agile and incremental software development methodologies.

(c) REQUIREMENTS FOR SECURE CODE DEVELOPMENT PRACTICES.—The Under Secretary shall, in coordination with the Chief Information Officer—

(1) direct the Director of the Defense Information Systems Agency to modify the Application Security and Development Security Technical Implementation VerDate Mar 15 2010 01:32 Dec 07, 2012 Jkt 029200 PO 00000 Frm 00490 Fmt 6652 Sfmt 6203 E:\SENENR\H4310.PP H4310rfrederick on DSK6VPTVN1PROD with
Guide (STIG) to require (rather than highly recommend) the use of automated static vulnerability analysis tools in the computer software code development phase, and in development and operational testing, to identify and remediate security vulnerabilities for covered systems;

(2) develop a list of qualified government and private-sector static analysis tools and third-party testing organizations to support the requirement under paragraph (1);

(3) direct the Director—

(A) to designate secure software coding standards; and

(B) to modify the Security Technical Implementation Guide to reference the approved standards; and

(4) develop guidance and direction for Department program managers to require government software development and maintenance organizations and contractors to identify and implement, through contract statements of work, a secure software coding plan that includes verifiable processes and practices.

(d) VERIFICATION OF EFFECTIVE IMPLEMENTATION.—

The Under Secretary shall, in coordination with the Chief Information Officer, develop guidance and direction for De-
partment program managers for covered systems to do as
follows:

(1) To require evidence that government software
development and maintenance organizations and con-
tractors are conforming in computer software coding
to—

(A) approved secure coding standards of the
Department during software development, up-
grade and maintenance activities, including
through the use of inspection and appraisals;

(B) an applicable best practice development
and acquisition model; and

(C) the requirement established pursuant to
subsection (b)(1).

(2) To make appropriate use of authorized soft-
ware code assessment centers (whether a government
center, Federally funded research and development
center, or government contractor) to evaluate applica-
tions and software products for conformance to secure
coding requirements.

(e) STUDY ON ADDITIONAL MEANS OF IMPROVING
SOFTWARE SECURITY.—

(1) IN GENERAL.—The Under Secretary shall, in
coordination with the Chief Information Officer, pro-
vide for a study of potential mechanisms for obtain-
ing higher quality and secure development of computer software for the Department.

(2) MECHANISMS TO BE STUDIED.—The mechanisms studied under paragraph (1) may include the following:

(A) Liability for defects or vulnerabilities in software code.

(B) So-called “clawback” provisions on earned fees that enable the Department to recoup funds for security vulnerabilities discovered after software is delivered.

(C) Exemption from liability for rigorous conformance with secure development processes.

(D) Warranties against software defects and vulnerabilities.

(f) SOFTWARE REPOSITORIES AND COLLABORATIVE DEVELOPMENT ENVIRONMENTS.—The Under Secretary shall, in consultation with the Chief Information Officer—

(1) establish or require the use of one or more existing computer software repositories and collaborative computer software development environments (such as Forge.mil managed by the Defense Information Systems Agency) for covered systems for purposes of—
(A) storing software code owned by the government, or to which it has use rights, together with all associated documentation and quality and security test results;

(B) minimizing duplicative investment in software code development infrastructure while promoting common, high-quality development practices and facilitating sharing of best practices; and

(C) promoting software re-use and competition for software capability insertion, upgrades, and maintenance;

(2) establish rules and procedures for depositors in the repositories and environments provided for under paragraph (1) to keep the software code base current, if the depositors are not already using such a repository or environment for software development and life-cycle management; and

(3) ensure that the repositories and environments provided for under paragraph (1) provide automated tools for software reverse engineering, functionality analysis, and static and dynamic vulnerability analysis of source code and binary code in order to enable users to search for software relevant to their require-
ments, understand what the code does and how it functions, and assess its quality and security.

(g) COVERED SYSTEMS DEFINED.—In this section, the term “covered systems” means any Department of Defense critical information systems and weapons systems, including—

(1) major systems, as that term is defined in section 2302(5) of title 10, United States Code;

(2) national security systems, as that term is defined in section 3542(b)(2) of title 44, United States Code; and

(3) Department of Defense information systems categorized as Mission Assurance Category I in Department of Defense Directive 8500.01E that are funded by the Department of Defense.

SEC. 926. COMPETITION IN CONNECTION WITH DEPARTMENT OF DEFENSE DATA LINK SYSTEMS.

(a) COMPETITION IN CONNECTION WITH DATA LINK SYSTEMS.—

(1) IN GENERAL.—Not later than December 1, 2013, the Under Secretary of Defense for Acquisition, Technology, and Logistics shall—

(A) develop an inventory of all data link systems in use and in development in the Department of Defense;
(B) conduct a business case analysis of each data link system contained in the inventory under subparagraph (A) to determine whether—

(i) the maintenance, upgrade, new deployment, or replacement of such system should be open to competition; or

(ii) the data link should be converted to an open architecture, or a different data link standard should be adopted to enable such competition;

(C) for each data link system for which competition is determined advisable under clause (i) or (ii) of subparagraph (B), develop a plan (with specific objectives, actions, and schedules) to achieve such competition, including a plan to address any policy, legal, programmatic, or technical barriers to such competition; and

(D) for each data link system for which competition is determined not advisable under subparagraph (B), prepare a justification for the determination that it is not practical to conduct such competition or to convert the data link standard to open architecture or adopt a different data link standard for which competition is feasible.
(2) Element of business case analyses.—In conducting a business case analysis for purposes of paragraph (1)(B), the Under Secretary shall solicit the views of industry on the merits and feasibility of introducing competition for the maintenance, upgrade, new deployment, or replacement for the data link system in question.

(b) Earlier Actions.—If the Under Secretary completes any portion of the plan described in subsection (a)(1)(C) before December 1, 2013, the Secretary may commence action on such portion of the plan upon completion of such portion, including publication of such portion of the plan.

(c) Reports.—

(1) Submittal of plan to Congress.—The Under Secretary shall submit to Congress the plan described in subsection (a)(1)(C) at the same time the budget of the President for fiscal year 2015 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code. The Under Secretary shall include with the plan—

(A) a list of the data link systems covered by subsection (a)(1)(C); and

(B) a list of the data link systems covered by subsection (a)(1)(D); and
(C) for each data link system covered by subsection (a)(1)(D), the justification prepared under that subsection with respect to the data link system.

(2) Comptroller of the United States Assessment.—Not later than 90 days after the submittal to Congress under paragraph (1) of the plan described in subsection (a)(1)(C), the Comptroller General of the United States shall submit to Congress a report setting forth the assessment of the Comptroller General of the plan, including an assessment of the adequacy and objectives of the plan.

SEC. 927. INTEGRATION OF CRITICAL SIGNALS INTELLIGENCE CAPABILITIES.

(a) Plan for Integration Required.—

(1) In General.—Not later than January 1, 2013, the Director of the Intelligence, Surveillance, and Reconnaissance (ISR) Task Force shall develop a plan to rapidly achieve an operationally integrated signals intelligence collection and dissemination capability to meet requirements for detecting, tracking, and precisely geolocating high-band communications devices in order to trigger the immediate observation and tracking of high-value targets by imagery sensor by combining or integrating capabilities that exist or
are in development in ongoing programs, including
the following:

(A) The Guardrail program and the
ARGUS A160 program of the Army.

(B) The Blue Moon quick reaction ca-
pability program of the Air Force.

(C) The Wide Area Network Detection pro-
gram of the Defense Advanced Research Projects
Agency (DARPA).

(2) CONSULTATION.—The Director shall consult
with the National Security Agency, the combatant
commands (including the United States Special Oper-
ations Command), and the formal wireless working
groups of the intelligence community in developing
the plan.

(3) SUPPORT.—The Secretary of the Army, the
Secretary of the Air Force, and the Director of the
Defense Advanced Research Projects Agency shall each
provide the Director such information and support as
the Director shall require for the development of the
plan.

(b) DEVELOPMENT AND DEPLOYMENT.—In addition to
the responsibility under subsection (a), the Director of the
Intelligence, Surveillance, and Reconnaissance Task Force
shall also coordinate funding, provide acquisition oversight,
coordinate system deployment, and synchronize operational integration in support of combat operations for purposes of the development and deployment of the capability described in that subsection.

SEC. 928. COLLECTION AND ANALYSIS OF NETWORK FLOW DATA.

(a) DEVELOPMENT OF TECHNOLOGIES.—The Chief Information Officer of the Department of Defense may, in coordination with the Under Secretary of Defense for Policy and the Under Secretary of Defense for Intelligence and acting through the Director of the Defense Information Systems Agency (DISA), use the available funding and research activities and capabilities of the Community Data Center of the Defense Information Systems Agency to develop and demonstrate collection, processing, and storage technologies for network flow data that—

(1) are potentially scalable to the volume used by Tier 1 Internet Service Providers (ISPs) to collect and analyze the flow data across their networks;

(2) will substantially reduce the cost and complexity of capturing and analyzing high volumes of flow data; and

(3) support the capability—

(A) to detect and identify cybersecurity threats, networks of compromised computers, and
command and control sites used for managing illicit cyber operations and receiving information from compromised computers;

(B) track illicit cyber operations for attribution of the source; and

(C) provide early warning and attack assessment of offensive cyber operations.

(b) COORDINATION.—Any research and development required in the development of the technologies described in subsection (a) shall be conducted in cooperation with the heads of other appropriate departments and agencies of the Federal Government and, whenever feasible, Tier 1 Internet Service Providers.

SEC. 929. DEPARTMENT OF DEFENSE USE OF NATIONAL SECURITY AGENCY CLOUD COMPUTING DATABASE AND INTELLIGENCE COMMUNITY CLOUD COMPUTING INFRASTRUCTURE AND SERVICES.

(a) LIMITATION ON USE OF NSA DATABASE.—

(1) LIMITATION.—No component of the Department of Defense may utilize the cloud computing database developed by the National Security Agency (NSA) called Accumulo after September 30, 2013, unless the Chief Information Officer of the Department of Defense certifies one of the following:
(A) That there are no viable commercial open source databases with extensive industry support (such as the Apache Foundation HBase and Cassandra databases) that have security features comparable to the Accumulo database that are considered essential by the Chief Information Officer for purposes of the certification under this paragraph.

(B) That the Accumulo database has become a successful Apache Foundation open source database with adequate industry support and diversification, based on criteria to be established by the Chief Information Officer for purposes of the certification under this paragraph and submitted to the appropriate committees of Congress not later than January 1, 2013.

(2) CONSTRUCTION.—The limitation in paragraph (1) shall not apply to the National Security Agency.

(b) ADAPTATION OF ACCUMULO SECURITY FEATURES TO HBASE DATABASE.—The Director of the National Security Agency shall take appropriate actions to ensure that companies and organizations developing and supporting open source and commercial open source versions of the Apache Foundation HBase and Cassandra databases, or
similar systems, receive technical assistance from govern-
ment and contractor developers of software code for the
Accumulo database to enable adaptation and integration of
the security features of the Accumulo database.

(c) COORDINATION REGARDING DoD USE OF INTEL-
LIGENCE COMMUNITY CLOUD COMPUTING INFRASTRUC-
tURE AND SERVICES.—

(1) IN GENERAL.—The Under Secretary of De-
fense for Acquisition, Technology, and Logistics, the
Chief Information Officer of the Department of De-
fense, and the Chief Information Officer of each of the
military departments shall coordinate with the Direc-
tor of National Intelligence and the Under Secretary
of Defense for Intelligence regarding the use of cloud
computing infrastructure and software services offered
by the intelligence community by components of the
Department of Defense for purposes other than intel-
ligence analysis.

(2) PURPOSE.—The purpose of the coordination
required by paragraph (1) is to ensure that Depart-
ment use of cloud computing infrastructure and soft-
ware services described in that paragraph is cost-effec-
tive and consistent with the Information Technology
Efficiencies initiative, data center and server consoli-
...ation plans, and cybersecurity requirements and policies of the Department.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 930. ELECTRO-OPTICAL IMAGERY.

(a) SUSTAINMENT OF COLLECTION CAPACITY.—The Secretary of Defense and the Director of National Intelligence shall jointly take appropriate actions to sustain through fiscal year 2013 the commercial electro-optical imaging collection capacity that was planned under the Enhanced View program approved in the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) to be available to the Department of Defense through the Service Level Agreements with commercial data providers.

(b) IDENTIFICATION OF DEPARTMENT OF DEFENSE ELECTRO-OPTICAL IMAGERY REQUIREMENTS.—

(1) REPORT.—Not later than April 1, 2013, the Vice Chairman of the Joint Chiefs of Staff shall sub-
mit to the Director of the Congressional Budget Office a report setting forth a comprehensive description of Department of Defense peacetime and wartime requirements for electro-optical imagery under current circumstances and under anticipated revisions of strategy and budgetary constraints.

(2) Scope of Requirements.—The requirements under paragraph (1) shall—

(A) be expressed in such terms as daily regional and global area coverage and number of point targets, resolution, revisit rates, mean-time to access, latency, redundancy, survivability, and diversity; and

(B) take into consideration all types of imagery and collection means available.

(c) Assessment of Identified Requirements.—

(1) In general.—Not later than September 15, 2013, the Director of the Congressional Budget Office shall submit to the appropriate committees of Congress a report setting forth an assessment by the Director of the report required by subsection (b).

(2) Elements.—The assessment required by paragraph (1) shall include an assessment of the following:
(A) The extent to which the requirements of the Department for electro-optical imagery from space can be satisfied by commercial companies using either—

(i) current designs; or

(ii) enhanced designs that could be developed at low risk.

(B) Whether a reduction by half in the amounts requested for the Enhanced View program for fiscal year 2013 from amounts requested for that program for fiscal year 2012 is consistent with Presidential Space Policy of June 2010, Presidential Policy Directive 4, applicable provisions of the Federal Acquisition Regulation (10.001(a)(3)(ii) and 12.101(a)–(b)), and section 2377 of title 10, United States Code, regarding preferences for procuring commercial capabilities and modifying as necessary and feasible commercial capabilities to meet government requirements, and for modifying government requirements to a reasonable extent to enable commercial or non-developmental products to meet government needs.
(3) Consultation and other resources.—In preparing the assessment required by paragraph (1), the Director shall—

(A) consult widely with appropriate individuals and entities, including Members and committees of Congress, the Office of Management and Budget and other agencies and officials of the Government, private industry, and academia; and

(B) make maximum use of existing studies and modeling and simulations conducted by or on behalf of Members and committees of Congress, the Joint Staff, the Director of National Intelligence, the National Reconnaissance Office, the National Geospatial-Intelligence Agency, private industry, and academia.

(4) Access to information.—The Director of National Intelligence and the Secretary of Defense shall each provide the staff of the Director of the Congressional Budget Office with such access to information and programs applicable to the assessment required by paragraph (1) as the Director of the Congressional Budget Office shall require for the preparation of the assessment.
(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate; and

(2) the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

(e) FUNDING.—In addition to any other amounts authorized to be appropriated by this Act and available for Service Level Agreements described in subsection (a), of the amounts authorized to be appropriated for fiscal year 2013 by section 301 for operation and maintenance and available as specified in the funding table in section 4301, $125,000,000 is available for such Service Level Agreements.

SEC. 931. SOFTWARE LICENSES OF THE DEPARTMENT OF DEFENSE.

(a) AUDITS.—Not later than 180 days after the date of the enactment of this Act, and every two years thereafter, the Chief Information Officer of the Department of the Defense shall, in consultation with chief information officers of the military departments and the Defense Agencies—
(1) conduct an inventory of all existing software licenses in favor of the Department of Defense, including licenses in use and licenses not in use, on an application-by-application basis;

(2) compare the number of software licenses in use, and the manner of their use by Department employees, with the number of software licenses available to the Department and the product use rights contained in such licenses;

(3) assess the needs of the Department and the components of the Department for software licenses during the two fiscal years next following the date of the completion of the inventory; and

(4) determine means by which the Department can achieve the greatest possible economies of scale and cost-savings in the procurement, use, and optimization of software licenses.

(b) PERFORMANCE PLAN.—

(1) IN GENERAL.—If the Chief Information Officer determines through an inventory conducted under subsection (a) that the number of existing software licenses, on an application-by-application basis, of the Department and the components of the Department exceeds the needs of the Department for such software licenses, the Secretary of Defense shall, not later than

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90 days after the date of the completion of such inventory, implement a plan to bring the number of software licenses, on an application-by-application basis, into balance with the needs of the Department.

(2) **Exceptions.**—The Chief Information Officer may exempt from coverage under a plan under paragraph (1) such applications or categories of applications as the Chief Information Officer considers appropriate. Immediately upon finalizing the applications or categories of applications to be exempt from coverage under a plan, the Chief Information Officer shall submit to the congressional defense committees a report (in classified form, if required) setting forth the applications or categories of applications to be exempt from coverage under the plan.

**SEC. 932. DEFENSE CLANDESTINE SERVICE.**

(a) **Prohibition on Use of Funds for Additional Personnel.**—Amounts authorized to be appropriated by this Act for the Military Intelligence Program (MIP) may not be obligated or expended to provide for a number of personnel conducting or supporting human intelligence within the Department of Defense in excess of the number of such personnel as of April 20, 2012.

(b) **CAPE Report on Costs.**—Not later than 120 days after the date of the enactment of this Act, the Director
of Cost Assessment and Program Evaluation of the Department of Defense shall submit to the appropriate committees of Congress an independent estimate of the costs of the Defense Clandestine Service, whether funded through the Military Intelligence Program or the National Intelligence Program, including an estimate of the costs over the period of the current future-years defense program and an estimate of the out year costs.

(c) USDI Report on DCS.—

(1) Report Required.—Not later than February 1, 2013, the Under Secretary of Defense for Intelligence shall submit to the appropriate committees of Congress a report on the Defense Clandestine Service.

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

(A) A detailed description of the location and schedule for current and anticipated deployments of case officers trained under the Field Tradecraft Course, whether overseas or domestically, and a certification whether or not such deployments can be accommodated and supported.

(B) A statement of the objectives for the effective management of case officers trained under the Field Tradecraft Course for each of the
Armed Forces, the Defense Intelligence Agency, and the United States Special Operations Command, including objectives on numbers of tours requiring training in the Field Tradecraft Course and objectives for management of career tracks and case officer covers.

(C) A statement of the manner in which each Armed Force, the Defense Intelligence Agency, and the United States Special Operations Command will each achieve the objectives applicable thereto under subparagraph (B).

(D) A copy of any memoranda of understanding or memoranda of agreement between the Department of Defense and other departments and agencies of the United States Government, or between components or elements of the Department of Defense, that are required to implement objectives for the Defense Clandestine Service.

(d) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committees on Armed Services and Appropriations and the Select Committee on Intelligence of the Senate; and
(B) the Committees on Armed Services and Appropriations and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “future-years defense program” means the future-years defense program under section 221 of title 10, United States Code.

SEC. 933. AUTHORITY FOR SHORT-TERM EXTENSION OF LEASE FOR AIRCRAFT SUPPORTING THE BLUE DEVIL INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE PROGRAM.

(a) In general.—Notwithstanding section 2401 of title 10, United States Code, the Secretary of the Air Force may extend or renew the lease of aircraft supporting the Blue Devil intelligence, surveillance, and reconnaissance program after the date of the expiration of the current lease of such aircraft for a term that is the shorter of—

(1) the period beginning on the date of the expiration of the current lease and ending on the date on which the Commander of the United States Central Command notifies the Secretary that a substitute is available for the capabilities provided by the lease, or that the capabilities provided by such aircraft are no longer required; or

(2) six months.
(b) FUNDING.—Amounts authorized to be appropriated for fiscal year 2013 by title XV and available for Overseas Contingency Operations for operation and maintenance as specified in the funding tables in section 4302 may be available for the extension or renewal of the lease authorized by subsection (a).

SEC. 934. SENSE OF SENATE ON POTENTIAL SECURITY RISKS TO DEPARTMENT OF DEFENSE NETWORKS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Cybersecurity threats are pervasive and serious, including through the supply chain of information technology equipment and software.

(2) Semiconductor manufacturing is already dominated by foreign producers, presenting supply chain risk management challenges.

(3) In a number of instances, foreign manufacturers of telecommunications equipment, including advanced wireless technology, are gaining global market share due to high quality and low prices. Competitive market forces ensure that commercial providers of consumer, business, and government systems and services will choose equipment and associated software from these manufacturers. In some cases, like
Huawei Industries, this competitive position stems in part from inappropriate government subsidies and other forms of assistance.

(4) Some of these companies also present clear cybersecurity supply chain risks that the Government must address.

(5) The Committee on Foreign Investment in the United States has blocked the attempt by Huawei to acquire United States technology firms on two occasions and the National Security Agency and the Secretary of Commerce have advised two major United States telecommunications carriers against selecting Huawei as a supplier.

(6) The Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111–383) provided authority and mechanisms for the Secretary of Defense to control these supply chain risks, but only for National Security Systems, leaving many information technology systems and missions exposed to supply chain risks.

(7) Blocking sales from providers of information technology systems and services due to concerns about cybersecurity risks, while maintaining our commitment to free trade and fair and transparent competition, poses difficult policy challenges.
(b) **SENSE OF SENATE.**—It is the sense of the Senate that the Department of Defense—

(1) must ensure it maintains full visibility and adequate control of its supply chain, including subcontractors, in order to mitigate supply chain exploitation; and

(2) needs the authority and capability to mitigate supply chain risks to its information technology systems that fall outside the scope of National Security Systems.

**SEC. 935. SENSE OF CONGRESS ON THE UNITED STATES CYBER COMMAND.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) On June 23, 2009, the Secretary of Defense directed the Commander of the United States Strategic Command to establish the United States Cyber Command, which became operational on May 21, 2010, and operates as a sub-unified command subordinate to the United States Strategic Command.

(2) In May 2012, media reports indicated that General Martin Dempsey, the Chairman of the Joint Chiefs of Staff, planned to recommend to Secretary of Defense Leon Panetta that the two-year-old United States Cyber Command be elevated to full combatant command status.
(3) On August 14, 2012, General Keith Alexander, the Commander of the United States Cyber Command and the Director of the National Security Agency, addressed the TechNet Land Forces conference and stated that “[i]n 2007 we drafted . . . a paper . . . about establishing a Cyber Command . . . [which concluded that] . . . the most logical is to set it up as a sub unified and grow it to a unified, and I think that’s the process that we’re going to work our way through”.

(4) On October 11, 2012, Secretary of Defense Leon Panetta discussed cybersecurity in a speech to the Business Executives for National Security in New York, New York, specifically calling for a strengthening of the United States Cyber Command and stating that the Department of Defense “must ensure that [the United States Cyber Command] has the resources, that it has the authorities, that it has the capabilities required to perform this growing mission. And it must also be able to react quickly to events unfolding in cyberspace and help fully integrate cyber into all of the department’s plans and activities.”.

(b) SENSE OF CONGRESS.—Congress—

(1) recognizes the serious cyber threat to national security and the need to work both offensively and de-
fensively to protect the Nation’s networks and critical infrastructure;

(2) acknowledges the importance of the unified command structure of the Department in directing military operations in cyberspace and recognizes that a change in the status of the United States Cyber Command has Department-wide and national security implications, which require careful consideration;

(3) expects to be briefed and consulted about any proposal to elevate the United States Cyber Command to a unified command before a decision by the Secretary make such a proposal to the President and to receive, at a minimum—

(A) a clear statement of mission and related legal definitions;

(B) an outline of the specific national security benefits of elevating the sub-unified United States Cyber Command to a unified command;

(C) an estimate of the cost of creating a unified United States Cyber Command and a justification of the expenditure; and

(D) if the Secretary considers it advisable to continue the designation of the Commander of the United States Cyber Command as also being the Director of the National Security Agency—
(i) an explanation of how a single individual could serve as a commander of a combatant command that conducts overt, albeit clandestine, cyber operations under title 10, United States Code, as well as the director of an intelligence agency that conducts covert cyber operations under the National Security Act of 1947 (50 U.S.C. 401 et seq.) in a manner that affords deniability to the United States; and

(ii) a statement of whether the Secretary believes it is appropriate either to appoint a line officer as the Director of the National Security Agency or to take the unprecedented step of appointing an intelligence officer as a unified commander; and

(4) believes that appropriate policy foundations and standing rules of engagement must be in place before any decision to create a unified United States Cyber Command.

SEC. 936. REPORTS TO DEPARTMENT OF DEFENSE ON PENETRATIONS OF NETWORKS AND INFORMATION SYSTEMS OF CERTAIN CONTRACTORS.

(a) PROCESS FOR REPORTING PENETRATIONS.—The Under Secretary of Defense for Intelligence shall, in coordi-
nation with the officials specified in subsection (c), establish a process by which cleared defense contractors shall report to elements of the Department of Defense designated by the Under Secretary for purposes of the process when a network or information system of such contractors designated pursuant to subsection (b) is successfully penetrated.

(b) DESIGNATION OF NETWORKS AND INFORMATION SYSTEMS.—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish criteria for designating the cleared defense contractors’ networks or information systems that contain or process information created by or for the Department of Defense to be subject to the reporting process established pursuant to subsection (a).

(c) OFFICIALS.—The officials specified in this subsection are the following:

(1) The Under Secretary of Defense for Policy.

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(3) The Chief Information Officer of the Department of Defense.

(4) The Commander of the United States Cyber Command.

(d) PROCESS REQUIREMENTS.—
(1) **RAPID REPORTING.**—The process required by subsection (a) shall provide for rapid reporting by contractors of successful penetrations of designated network or information systems.

(2) **REPORT ELEMENTS.**—The report by a contractor on a successful penetration of a designated network or information system under the process shall include the following:

(A) A description of the technique or method used in the penetration.

(B) A sample of the malicious software, if discovered and isolated by the contractor.

(3) **ACCESS.**—The process shall include mechanisms by which Department of Defense personnel may, upon request, obtain access to equipment or information of a contractor necessary to conduct a forensic analysis to determine whether information created by or for the Department in connection with any Department program was successfully exfiltrated from a network or information system of the contractor and, if so, what information was exfiltrated.

(4) **LIMITATION ON DISSEMINATION OF CERTAIN INFORMATION.**—The process shall prohibit the dissemination outside the Department of Defense of information obtained or derived through the process.
that is not created by or for the Department except
with the approval of the contractor providing such in-
formation.

(e) CLEARED DEFENSE CONTRACTOR DEFINED.—In
this section, the term “cleared defense contractor” means a
private entity granted clearance by the Defense Security
Service to receive and store classified information for the
purpose of bidding for a contract or conducting activities
under a contract with the Department of Defense.

Subtitle D—Other Matters

SEC. 941. NATIONAL LANGUAGE SERVICE CORPS.

(a) AUTHORITY TO ESTABLISH.—The David L. Boren
et seq.) is amended by adding at the end the following new
section:

“SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.

“(a) ESTABLISHMENT.—(1) The Secretary of Defense
may establish and maintain within the Department of De-
fense 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.

†HR 4310 PP
“(b) National Security Education Board.—If the Corps is established, the Secretary shall provide for the National Security Education Board to oversee and coordinate the activities of the Corps to such extent and in such manner as determined by the Secretary under paragraph (9) of section 803(d).

“(c) Membership.—To be eligible for membership in the Corps, a person must be a citizen of the United States authorized by law to be employed in the United States, have attained the age of 18 years, and possess such foreign language skills as the Secretary considers appropriate for membership in the Corps. Members of the Corps may include employees of the Federal Government and of State and local governments.

“(d) Training.—The Secretary may provide members of the Corps such training as the Secretary prescribes for purposes of this section.

“(e) Service.—Upon a determination that it is in the national interests of the United States, the Secretary shall call upon members of the Corps to provide foreign language services to the Department of Defense or another department or agency of the United States.

“(f) Funding.—The Secretary may impose fees, in amounts up to full-cost recovery, for language services and technical assistance rendered by members of the Corps.
Amounts of fees received under this section shall be credited to the account of the Department providing funds for any costs incurred by the Department in connection with the Corps. Amounts so credited to such account shall be merged with amounts in such account, and shall be available to the same extent, and subject to the same conditions and limitations, as amounts in such account. Any amounts so credited shall remain available until expended.”.

(b) NATIONAL SECURITY EDUCATION BOARD MATTERS.—

(1) COMPOSITION.—Subsection (b) of section 803 of such Act (50 U.S.C. 1903) is amended—

(A) by striking paragraph (5);

(B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(C) by inserting after paragraph (4) the following new paragraphs:


“(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.”.
SEC. 942. REPORT ON EDUCATION AND TRAINING AND PROMOTION RATES FOR PILOTS OF REMOTELY PILOTED AIRCRAFT.

(a) Report Required.—Not later than January 31, 2013, the Secretary of the Air Force and the Chief of Staff of the Air Force shall jointly submit to the congressional defense committees a report on education and training and promotion rates for Air Force pilots of remotely piloted aircraft (RPA).

(b) Elements.—The report required by subsection (a) shall include the following:

(1) A detailed analysis of the reasons for persistently lower average education and training and promotion rates for Air Force pilots of remotely piloted aircraft.

(2) An assessment of the long-term impact on the Air Force of the sustainment of such lower rates

(3) A plan to raise such rates, including—

(A) a description of the near-term and longer-term actions the Air Force intends to undertake to implement the plan; and

(B) an analysis of the potential direct and indirect impacts of the plan on the achievement and sustainment of the combat air patrol objectives of the Air Force for remotely piloted aircraft.
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 $5,000,000,000.

(3) Exception for Transfers Between Military Personnel Authorizations.—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) Limitations.—The authority provided by this section 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. AUTHORITY TO TRANSFER FUNDS TO THE NATIONAL NUCLEAR SECURITY ADMINISTRATION TO SUSTAIN NUCLEAR WEAPONS MODERNIZATION.

(a) Transfer Authorized.—If the amount authorized to be appropriated for the weapons activities of the National Nuclear Security Administration for fiscal year 2013 in section 3101 is less than $7,900,000,000 (the amount projected to be required for such activities in fiscal year 2013 as specified in the report under section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549)), the Secretary of De-
fense may transfer, from amounts authorized to be appro-
priated for the Department of Defense for fiscal year 2013
pursuant to this Act, to the Secretary of Energy an amount,
not to exceed $150,000,000, to be available only for weapons
activities of the National Nuclear Security Administration.

(b) NOTICE TO CONGRESS.—In the event of a transfer
under subsection (a), the Secretary of Defense shall prompt-
ly notify Congress of the transfer, and shall include in such
notice the Department of Defense account or accounts from
which funds are transferred.

(c) TRANSFER MECHANISM.—Any funds transferred
under this section shall be transferred in accordance with
established procedures for reprogramming under section
1001 or successor provisions of law.

(d) CONSTRUCTION OF AUTHORITY.—The transfer au-
thority provided under subsection (a) is in addition to any
other transfer authority provided under this Act.

SEC. 1003. AUDIT READINESS OF DEPARTMENT OF DE-
FENSE STATEMENTS OF BUDGETARY RE-
SOURCES.

(a) OBJECTIVE.—Section 1003(a)(2)(A)(ii) of the Na-
tional Defense Authorization Act for Fiscal Year 2010 (Pub-
lic Law 111–84; 123 Stat. 2439; 10 U.S.C. 2222 note) is
amended by inserting “, and the statement of budgetary re-
sources of the Department of Defense is validated as ready
for audit by not later than September 30, 2014” after “Sep-
tember 30, 2017”.

(b) AFFORDABLE AND SUSTAINABLE APPROACH.—

(1) IN GENERAL.—The Chief Management Offi-
cer of the Department of Defense and the Chief Man-
agement Officers of each of the military departments
shall ensure that plans to achieve an auditable state-
ment of budgetary resources of the Department of De-
fense by September 30, 2014, include appropriate
steps to minimize one-time fixes and manual work-
rounds, are sustainable and affordable, and will not
delay full auditability of financial statements.

(2) ADDITIONAL ELEMENTS IN FIAR PLAN RE-
PORT.—Each semi-annual report on the Financial
Improvement and Audit Readiness Plan of the De-
partment of Defense submitted by the Under Sec-
retary of Defense (Comptroller) under section 1003(b)
of the National Defense Authorization Act for Fiscal
Year 2010 during the period beginning on the date of
the enactment of this Act and ending on September
30, 2014, shall include the following:

(A) A description of the actions taken by
the military departments pursuant to paragraph
(1).
(B) A determination by the Chief Management Officer of each military department whether or not such military department is able to achieve an auditable statement of budgetary resources by September 30, 2014, without an unaffordable or unsustainable level of one-time fixes and manual work-arounds and without delaying the full auditability of the financial statements of such military department.

(C) If the Chief Management Officer of a military department determines under subparagraph (B) that the military department is not able to achieve an auditable statement of budgetary resources by September 30, 2014, as described in that subparagraph—

(i) an explanation why the military department is unable to meet the deadline;

(ii) an alternative deadline by which the military department will achieve an auditable statement of budgetary resources;

(iii) a description of the plan of the military department for meeting the alternative deadline.
SEC. 1004. REPORT ON EFFECTS OF BUDGET SEQUESTRATION ON THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The inability of the Joint Select Committee on Deficit Reduction to find $1,200,000,000,000 in savings will trigger automatic funding reductions known as “sequestration” to the Department of Defense of $492,000,000,000 between 2013 and 2021 under section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 USC 901a).

(2) These reductions are in addition to reductions of $487,000,000,000 already being implemented by the Department of Defense, and would decrease the readiness and capabilities of the Armed Forces while increasing risks to the effective implementation of the National Security Strategy of the United States.

(3) The leaders of the Department of Defense have consistently testified that threats to the national security of the United States have increased, not decreased. Secretary of Defense Leon Panetta said that these reductions would “inflict severe damage to our national defense for generations”, comments that have been echoed by the Secretaries of the Army, Navy, and Air Force.

(4) While reductions in funds available for the Department of Defense will automatically commence
January 2, 2013, uncertainty regarding the reductions has already exacerbated Department of Defense efforts to plan future defense budget.

(5) Sequestration will have a detrimental effect on the industrial base that supports the Department of Defense.

(b) REPORT.—


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

(A) An assessment of the potential impact of sequestration on the readiness of the Armed Forces, including impacts to steaming hours, flying hours, and full spectrum training miles, and an estimate of the increase or decrease in readi-
ness (as defined in the C status C–1 through C–5).

(B) An assessment of the potential impact
of sequestration on the ability of the Department
of Defense to carry out the National Military
Strategy of the United States, and any changes
to the most recent Risk Assessment of the Chair-
man of the Joint Chiefs of Staff under section
153(b) of title 10, United States Code arising
from sequestration.

(C) A list of the programs, projects, and ac-
tivities across the Department of Defense, the
military departments, and the elements and
components of the Department of Defense that
would be reduced or terminated as a result of se-
questration.

(D) An estimate of the number and value of
all contracts that will be terminated, restruc-
tured, or revised in scope as a result of sequestra-
tion, including an estimate of potential termi-
nation costs and of increased contract costs due
to renegotiation and reinstatement of contracts.

(3) ASSUMPTIONS.—The report required by
paragraph (1) shall assume the following:
(A) Except as provided in subparagraph 
(B), the funds subject to sequester are the funds 
in all 050 accounts, including all unobligated 
balances.

(B) The funds exempt from the sequester are 
the following:

(i) Funds in accounts for military per-
sonnel.

(ii) Funds in accounts for overseas 
contingency operations.

(4) Presentation of certain information.— 
In listing programs, projects, and activities under 
paragraph (2)(C), the report required by paragraph 
(1) shall set forth for each the following:

(A) The most specific level of budget item 
identified in applicable appropriations Acts.

(B) Related classified annexes and explana-
tory statements.

(C) Department of Defense budget justifica-
tion documents DOD P–1 and R–1 as subse-
quently modified by congressional action, and as 
submitted by the Department of Defense together 
with the budget materials for the budget of the 
President for fiscal year 2013 (as submitted to
Congress pursuant to section 1105(a) of title 31, United States Code).

(D) Department of Defense document O–1 for operation and maintenance accounts for fiscal year 2013, for which purpose the term “program, project, or activity” means the budget activity account and sub account for the program, project, or activity as submitted in such document O–1.

**SEC. 1005. REPORT ON BALANCES CARRIED FORWARD BY THE DEPARTMENT OF DEFENSE AT THE END OF FISCAL YEAR 2012.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, and publish on the Internet website of the Department of Defense available to the public, the following:

(1) The total dollar amount of all balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.

(2) The total dollar amount of all unobligated balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.

(3) The total dollar amount of any balances (both obligated and unobligated) that have been carried forward by the Department of Defense for five
years or more as of the end of fiscal year 2012 by account.

SEC. 1006. TRANSFER OF CERTAIN FISCAL YEAR 2012 AND 2013 FUNDS.

(a) TRANSFER AUTHORIZED.—To the extent provided in appropriations Acts, the Secretary of Defense may transfer from fiscal year 2012 and 2013 procurement or research, development, test, and evaluation accounts an aggregate of $46,000,000 to be available for the additional authorizations in sections 132, 154, and 217.

(b) COVERED FUNDS.—In subsection (a), the term “fiscal year 2012 and 2013 procurement or research, development, test, and evaluation accounts” means—

(1) amounts authorized to be appropriated for fiscal year 2012 by sections 101 and 201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) and available as specified in the funding tables in sections 4101 and 4201 of that Act for Army tactical bridging, BLIN–133, $12.5 million; Army C–RAM, BLIN–90, $15.8 million; Army non-system training devices, BLIN–182, $9.8 million; Defense wide 12/14 USSOCOM C–ISO modifications, $4.0 million; Defense wide 12/14 Combat mission requirements, $4.2 million.
(c) **Effect on Authorization Amounts.**—A transfer made from one account to another under the authority of this section shall be deemed to change the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **Construction of Authority.**—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

**Subtitle B—Counter-Drug Activities**

**SEC. 1011. EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.**


**SEC. 1012. REQUIREMENT FOR BIENNIAL CERTIFICATION ON PROVISION OF SUPPORT FOR COUNTER-DRUG ACTIVITIES TO CERTAIN FOREIGN GOVERNMENTS.**

Section 1033 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1881), as most recently amended by section 1006 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1557), is further amended—
(1) in subsection (f)—

(A) in paragraph (1), by striking “the written certification described in subsection (g) for that fiscal year.” and inserting “a written certification described in subsection (g) applicable to that fiscal year. The first such certification with respect to any such government may apply only to a period of one fiscal year. Subsequent certifications with respect to any such government may apply to a period of not to exceed two fiscal years.”; and

(B) in paragraph (4)(B), by striking “The Committee on National Security and the Committee on International Relations of the House of Representatives” and inserting “The Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives”; and

(2) in subsection (g), in the matter preceding paragraph (1)—

(A) by striking “The written” and inserting “A written”; and

(B) by striking “for a fiscal year” and all that follows through the colon and inserting “with respect to a government to receive support
under this section for any period of time is a certification of each of the following with respect to that government.”

SEC. 1013. AUTHORITY TO SUPPORT THE UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.

(a) Authority.—

(1) In general.—Of the amounts authorized to be appropriated by section 1404 for the Department of Defense for drug interdiction and counter-drug activities, Defense-wide for fiscal year 2013, not more than $50,000,000 may be used by the Secretary of Defense to provide in support of a unified campaign by the Government of Colombia against narcotics trafficking and against terrorist organizations (as designated by the Secretary of State) in Colombia the following:

(A) Logistics support, services, and supplies.

(B) The types of support authorized under section 1004(b) of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 374 note).

(C) The types of support authorized under section 1033(c) of the National Defense Author-
(2) Scope of Authority.—The authority to provide assistance for a campaign under this subsection includes authority to take actions to protect human health and welfare in emergency circumstances, including the undertaking of rescue operations.

(b) Assistance Otherwise Prohibited by Law.—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in this subsection that is otherwise prohibited by any provision of law.

(c) Limitation on Participation of United States Personnel.—No United States Armed Forces personnel, United States civilian employees, or United States civilian contractor personnel employed by the United States may participate in any combat operation in connection with assistance using funds pursuant to the authority in subsection (a), except for the purpose of acting in self defense or of rescuing any United States citizen, including any United States Armed Forces personnel, United States civilian employee, or civilian contractor employed by the United States.
(d) Relation to Other Authorities.—The authority provided by subsection (a) is in addition to any other authority in law to provide assistance to the Government of Colombia.

(e) Report.—

(1) In general.—Not later than November 1 following any fiscal year in which the Secretary of Defense provides support under subsection (a), the Secretary shall submit to the congressional defense committees a report setting forth the following:

(A) A description of the support provided, including—

(i) a description of the support;

(ii) the cost of the support;

(iii) a list of the Colombia units to which support was provided; and

(iv) a list of the Colombia operations supported.

(B) Guidance for future Department of Defense support for a unified campaign by the Government of Colombia against narcotics trafficking and terrorism.

(2) Form.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.
SEC. 1014. QUARTERLY REPORTS ON USE OF FUNDS IN THE
DRUG INTERDICTION AND COUNTER-DRUG
ACTIVITIES, DEFENSE-WIDE ACCOUNT.

(a) QUARTERLY REPORTS ON EXPENDITURES OF FUNDS.—Not later than 60 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a description of the expenditure of funds, by project code, from the Drug Interdiction and Counter-Drug Activities, Defense-wide account during such fiscal year quarter, including expenditures of funds in direct or indirect support of the counter-drug activities of foreign governments.

(b) INFORMATION ON SUPPORT OF COUNTER-DRUG ACTIVITIES OF FOREIGN GOVERNMENTS.—The information in a report under subsection (a) on direct or indirect support of the counter-drug activities of foreign governments shall include, for each foreign government so supported, the following:

(1) The total amount of assistance provided to, or expended on behalf of, the foreign government.

(2) A description of the types of counter-drug activities conducted using the assistance.

(3) An explanation of the legal authority under which the assistance was provided.
(c) **CESSATION OF REQUIREMENT.**—No report shall be required under subsection (a) for any fiscal year quarter beginning on or after October 1, 2017.

(d) **REPEAL OF OBSOLETE AUTHORITY.**—Section 1022 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398) is repealed.

**Subtitle C—Naval Vessels and Shipyards**

**SEC. 1021. RETIREMENT OF NAVAL VESSELS.**

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Chief of Naval Operations shall submit to the congressional defense committees a report that sets forth a comprehensive description of the current requirements of the Navy for combatant vessels of the Navy, including submarines.

(b) ADDITIONAL REPORT ELEMENT IF LESS THAN 313 VESSELS REQUIRED.—If the number of combatant vessels for the Navy (including submarines) specified as being required in the report under subsection (a) is less than 313 combatant vessels, the report shall include a justification for the number of vessels specified as being so required and the rationale by which the number of vessels is considered consistent with applicable strategic guidance issued by the President and the Secretary of Defense in 2012.
SEC. 1022. TERMINATION OF A MARITIME PREPOSITIONING SHIP SQUADRON.

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Chief of Naval Operations and the Commandant of the Marine Corps shall jointly submit to the congressional defense committees a report setting forth an assessment of the Marine Corps Prepositioning Program—Norway and the capability of that program to address any readiness gaps that will be created by the termination of Maritime Prepositioning Ship Squadron One in the Mediterranean.

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

(A) A detailed description of the time required to transfer stockpiles onto Navy vessels for use in contingency operations.

(B) A comparison of the response time of the Marine Corps Prepositioning Program—Norway with the current response time of Maritime Prepositioning Ship Squadron One.

(C) A description of the equipment stored in the stockpiles of the Marine Corps Prepositioning Program—Norway, and an assessment of the differences, if any, between that equipment and the
equipment of a Maritime Prepositioning Ship squadron.

(D) A description and assessment of the current age and state of maintenance of the equipment of the Marine Corps Maritime Prepositioning Program–Norway.

(E) A plan to address the equipment shortages and modernization needs of the Marine Corps Maritime Prepositioning Program–Norway.

(b) Limitation on Availability of Funds.—Amounts authorized to be appropriated by this Act may not be obligated or expended to terminate a Maritime Prepositioning Ship squadron until the date of the submission to the congressional defense committees of the report required by subsection (a).

SEC. 1023. SENSE OF CONGRESS ON RECAPITALIZATION FOR THE NAVY AND COAST GUARD.

(a) Findings.—Congress makes the following findings:

(1) More than 70 percent of the world’s surface is comprised of navigable oceans.

(2) More than 80 percent of the population of the world lives within 100 miles of an ocean.

(3) More than 90 percent of the world’s commerce traverses an oceans.
(4) The national security of the United States is
inextricably linked to the maintenance of global free-
dom of access for both the strategic and commercial
interests of the United States.

(5) To maintain that freedom of access the sea
services of the United States, composed of the Navy,
the Marine Corps, and the Coast Guard, must be suf-
ficiently positioned as rotationally globally deployable
forces with the capability to decisively defend United
States citizens, homeland, and interests abroad from
direct or asymmetric attack and must be comprised
of sufficient vessels to maintain global freedom of ac-
tion.

(6) To achieve appropriate capabilities to ensure
national security the Government of the United States
must continue to recapitalize the fleets of the Navy
and Coast Guard and must continue to conduct vital
maintenance and repair of existing vessels to ensure
such vessels meet service life goals.

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

(1) the sea services of the United States should
be funded and maintained to provide the broad spec-
trum of capabilities required to protect the national
security of the United States;
(2) such capabilities should include—

(A) the ability to project United States power rapidly anywhere on the globe without the need for host nation basing permission or long and potentially vulnerable logistics supply lines;

(B) the ability to land and recover maritime forces from the sea for direct combat action, to evacuate United States citizens from hostile situations, and to provide humanitarian assistance where needed;

(C) the ability to operate from the subsurface with overpowering conventional combat power, as well as strategic deterrence; and

(D) the ability to operate in collaboration with United States maritime partners in the common interest of preventing piracy at sea and maintaining the commercial sea lanes available for global commerce;

(3) the Secretary of Defense, in coordination with the Secretary of the Navy, should maintain the recapitalization plans for the Navy as a priority in all future force structure decisions; and

(4) the Secretary of Homeland Security should maintain the recapitalization plans for the Coast
Guard as a priority in all future force structure decisions.

SEC. 1024. NOTICE TO CONGRESS FOR THE REVIEW OF PROPOSALS TO NAME NAVAL VESSELS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Navy traces its ancestry to October 13, 1775, when an Act of the Continental Congress authorized the first vessel of a navy for the United Colonies. Vessels of the Continental Navy were named for early patriots and military heroes, Federal institutions, colonial cities, and positive character traits representative of naval and military virtues.

(2) An Act of Congress on March 3, 1819, made the Secretary of the Navy responsible for assigning names to vessels of the Navy. Traditional sources for vessel names customarily encompassed such categories as geographic locations in the United States; historic sites, battles, and ships; naval and military heroes and leaders; and noted individuals who made distinguished contributions to United States national security.

(3) These customs and traditions provide appropriate and necessary standards for the naming of vessels of the Navy.
(b) NOTICE TO CONGRESS.—Section 7292 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d)(1) The Secretary of the Navy may not announce or implement any proposal to name a vessel of the Navy until 30 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such proposal.

“(2) Each report under this subsection shall describe the justification for the proposal covered by such report in accordance with the standards referred to in section 1024(a) of the National Defense Authorization Act for Fiscal Year 2013.”.

(c) EFFECTIVE DATE.—This section and the amendment made by this section shall go into effect on the date that is 30 days after the date of the enactment of this Act.

Subtitle D—Counterterrorism

SEC. 1031. EXTENSION OF CERTAIN PROHIBITIONS AND REQUIREMENTS RELATING TO DETAINES AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

(a) PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN US FOR TRANSFER OF DETAINES.—Section 1026(a) of the National Defense Authoriza-
tion Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1566) is amended by inserting “or 2013” after “fiscal year 2012”.

(b) REQUIREMENTS FOR CERTIFICATIONS ON TRANSFERS OF DETAINEES TO FOREIGN COUNTRIES OR ENTITIES.—Section 1028(a)(1) of the National Defense Authorization Act for Fiscal Year 2012 (125 Stat. 1567; 10 U.S.C. 801 note) is amended by inserting “or 2013” after “fiscal year 2012”.

SEC. 1032. PROHIBITION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.

No authorized to be appropriated funds 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. 1033. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.

Section 4001 of title 18, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

“(b)(1) An authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States, unless an Act of Congress expressly authorizes such detention.

“(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act For Fiscal Year 2013.

“(3) Paragraph (1) shall not be construed to authorize the detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.”.
Subtitle E—Miscellaneous  
Authorities and Limitations

SEC. 1041. ENHANCEMENT OF RESPONSIBILITIES OF THE  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
REGARDING THE NATIONAL MILITARY STRATE-  
GY.

(a) IN GENERAL.—Subsection (b) of section 153 of title  
10, United States Code, is amended to read as follows:

“(b) NATIONAL MILITARY STRATEGY.—

“(1) NATIONAL MILITARY STRATEGY.—(A) The  
Chairman shall determine each even-numbered year  
whether to prepare a new National Military Strategy  
in accordance with this subparagraph or to update a  
strategy previously prepared in accordance with this  
subsection. The Chairman shall complete preparation  
of the National Military Strategy or update in time  
for transmittal to Congress pursuant to paragraph  
(3), including in time for inclusion of the report of  
the Secretary of Defense, if any, under paragraph (4).  

“(B) Each National Military Strategy (or up-  
date) under this paragraph shall be based on a com-  
prehensive review conducted by the Chairman in con-  
junction with the other members of the Joint Chiefs  
of Staff and the commanders of the unified and speci-  
fied combatant commands.
“(C) Each National Military Strategy (or update) submitted under this paragraph shall refer to and support each of the following:

“(i) The most recent National Security Strategy prescribed by the President pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a).

“(ii) The most recent annual report of the Secretary of Defense submitted to the President and Congress pursuant to section 113 of this title.

“(iii) The most recent Quadrennial Defense Review conducted by the Secretary of Defense pursuant to section 118 of this title.

“(iv) Any other national security or defense strategic guidance issued by the President or the Secretary of Defense.

“(D) Each National Military Strategy (or update) submitted under this paragraph shall do the following:

“(i) Describe the strategic environment and the opportunities and challenges that affect United States national interests and United States national security.
“(ii) Describe the threats, such as international, regional, transnational, hybrid, terrorism, cyber-attack, weapons of mass destruction, asymmetric challenges, and any other categories of threats identified by the Chairman, to the United States national security.

“(iii) Identify the United States national military objectives and the relationship of those objectives to the strategic environment and to the threats described under clause (ii).

“(iv) Identify the operational concepts, missions, tasks, or activities necessary to support the achievement of the objectives identified under clause (iii).

“(v) Identify the fiscal, budgetary, and resource environments and conditions that, in the assessment of the Chairman, impact the strategy.

“(vi) Identify the implications of current force planning and sizing constructs for the strategy.

“(vii) Identify and assess the capacity, capabilities, and availability of United States forces (including both the regular and reserve components) to support the execution of missions required by the strategy.
“(viii) Identify areas in which the armed forces intends to engage and synchronize with other departments and agencies of the United States Government contributing to the execution of missions required by the strategy.

“(ix) Identify and assess potential areas in which the armed forces could be augmented by contributions from alliances (such as the North Atlantic Treaty Organization (NATO)), international allies, or other friendly nations in the execution of missions required by the strategy.

“(x) Identify and assess the requirements for contractor support to the armed forces for conducting training, peacekeeping, overseas contingency operations, and other major combat operations under the strategy.

“(xi) Identify the assumptions made with respect to each of clauses (i) through (x).

“(E) Each update to a National Military Strategy under this paragraph shall address only those parts of the most recent National Military Strategy for which the Chairman determines, on the basis of a comprehensive review conducted in conjunction with the other members of the Joint Chiefs of Staff and the
commanders of the combatant commands, that a modification is needed.

“(2) RISK ASSESSMENT.—(A) The Chairman shall prepare each year an assessment of the risks associated with the most current National Military Strategy (or update) under paragraph (1). The risk assessment shall be known as the ‘Risk Assessment of the Chairman of the Joint Chiefs of Staff’. The Chairman shall complete preparation of the Risk Assessment in time for transmittal to Congress pursuant to paragraph (3), including in time for inclusion of the report of the Secretary of Defense, if any, under paragraph (4).

“(B) The Risk Assessment shall do the following:

“(i) As the Chairman considers appropriate, update any changes to the strategic environment, threats, objectives, force planning and sizing constructs, assessments, and assumptions in the National Military Strategy.

“(ii) Identify and define the strategic risks to United States interests and the military risks in executing the missions of the National Military Strategy.

“(iii) Identify and define levels of risk distinguishing between the concepts of probability
and consequences, including an identification of what constitutes ‘significant’ risk in the judgment of the Chairman.

“(iv) Identify and assess risk in the National Military Strategy by category and level and the ways in which risk might manifest itself, including how risk is projected to increase, decrease, or remain stable over time, and, for each category of risk, assess the extent to which current or future risk increases, decreases, or is stable as a result of budgetary priorities, tradeoffs, or fiscal constraints or limitations as currently estimated and applied in the most current future-years defense program under section 221 of this title.

“(v) Identify and assess risk associated with the assumptions or plans of the National Military Strategy about the contributions or support of—

“(I) other departments and agencies of the United States Government (including their capabilities and availability);

“(II) alliances, allies, and other friendly nations, (including their capabilities, availability, and interoperability); and
“(III) contractors.

“(vi) Identify and assess the critical deficiencies and strengths in force capabilities (including manpower, logistics, intelligence, and mobility support) identified during the preparation and review of the contingency plans of each unified combatant command, and identify and assess the effect of such deficiencies and strengths for the National Military Strategy.

“(3) Submittal of National Military Strategy and Risk Assessment to Congress.—(A) Not later than February 15 of each even-numbered year, the Chairman shall, through the Secretary of Defense, submit to the Committees on Armed Services of the Senate and the House of Representatives the National Military Strategy or update, if any, prepared under paragraph (1) in such year.

“(B) Not later than February 15 each year, the Chairman shall, through the Secretary of Defense, submit to the Committees on Armed Services of the Senate and the House of Representatives the Risk Assessment prepared under paragraph (2) in such year.

“(4) Secretary of Defense Reports to Congress.—(A) In transmitting a National Military Strategy (or update) or Risk Assessment to Congress
pursuant to paragraph (3), the Secretary of Defense shall include in the transmittal such comments of the Secretary thereon, if any, as the Secretary considers appropriate.

“(B) If the Risk Assessment transmitted under paragraph (3) in a year includes an assessment that a risk or risks associated with the National Military Strategy (or update) are significant, or that critical deficiencies in force capabilities exist for a contingency plan described in paragraph (2)(B)(vi), the Secretary shall include in the transmittal of the Risk Assessment the plan of the Secretary for mitigating such risk or deficiency. A plan for mitigating risk of deficiency under this subparagraph shall—

“(i) address the risk assumed in the National Military Strategy (or update) concerned, and the additional actions taken or planned to be taken to address such risk using only current technology and force structure capabilities; and

“(ii) specify, for each risk addressed, the extent of, and a schedule for expected mitigation of, such risk, and an assessment of the potential for residual risk, if any, after mitigation.”.

(b) CONFORMING AMENDMENT.—Such section is further amended by striking subsection (d).
SEC. 1042. MODIFICATION OF AUTHORITY ON TRAINING OF SPECIAL OPERATIONS FORCES WITH FRIENDLY FOREIGN FORCES.

(a) Authority To Pay for Minor Military Construction in Connection With Training.—Subsection (a) of section 2011 of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(4) Expenses of minor military construction directly related to that training with such expenses payable from amounts available to the commander for unspecified minor military construction, except that—

“(A) the amount of any project for which such expenses are so payable may not exceed $250,000; and

“(B) the total amount of such expenses so paid in any fiscal year may not exceed $2,000,000.”.

(b) Purposes of Training.—Subsection (b) of such section is amended to read as follows:

“(b) Purposes of Training.—The purposes of the training for which payment may be made under subsection (a) shall be as follows:

“(1) To train the special operations forces of the combatant command.
“(2) In the case of a commander of a combatant command having a geographic area of responsibility, to train the military forces and other security forces of a friendly foreign country in a manner consistent with the Theater Campaign Plan of the commander for that geographic area.”.

(c) Prior Approval.—Subsection (c) of such section is amended by inserting before the period at the end of the second sentence the following: “, or, in the case of training activities carried out after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the approval of the Secretary of Defense, in coordination with the Secretary of State”.

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

(1) in paragraph (3)—

(A) by inserting “or other security” after “foreign” the first place it appears; and (B) by striking “foreign military personnel” and inserting “such foreign personnel”;

(2) in paragraph (4)—

(A) by striking “and military training activities” and inserting “military training activities”; and
(B) by inserting before the period at the end
the following: “, and training programs spon-
sored by the Department of State”;
(3) by redesignating paragraph (6) as para-
graph (7); and
(4) by inserting after paragraph (5) the fol-
lowing new paragraph (6):
“(6) A description of any minor military con-
struction projects for which expenses were paid, in-
cluding a justification of the benefits of each such
project to training under this section.”.
(e) EFFECTIVE DATE.—The amendments made by this
section shall take effect on the of the enactment of this Act.
The amendments made by subsection (d) shall apply with
respect to any reports submitted under subsection (e) of sec-
tion 2011 of title 10, United States Code (as so amended),
after that date.
SEC. 1043. EXTENSION OF AUTHORITY TO PROVIDE AS-
SURED 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”.

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(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. 1044. PARTICIPATION OF VETERANS IN THE TRANSITION ASSISTANCE PROGRAM OF THE DEPARTMENT OF DEFENSE.

(a) In general.—Each veteran, during the one-year period beginning on the date on which the veteran is discharged or separated from service in the Armed Forces, shall be authorized to participate in the Transition Assistance Program (TAP) of the Department of Defense.

(b) Scope of authorized participation.—As part of their participation in the Transition Assistance Program pursuant to this section, veterans shall be authorized to receive the following:

(1) Transition assistance counseling under the program at any military installation at which transition assistance counseling is being provided to members of the Armed Forces under the program.
(2) Ongoing access to the electronic materials and information provided as part of the Transition Assistance Program, including access after the end of the one-year period of participation under subsection (a).

(c) Memorandum of Understanding.—The Secretary of Defense and the Secretary of Veterans Affairs shall enter into a memorandum of understanding regarding the participation of veterans in the Transition Assistance Program pursuant to this section. The memorandum of understanding shall provide for the access of veterans to military installations for purposes of participation in the Transition Assistance Program and such other matters as such Secretaries jointly consider appropriate for purposes of this section.

(d) Definitions.—In this section:

(1) The term “Transition Assistance Program” means the program carried out by the Department of Defense under sections 1142 and 1144 of title 10, United States Code.

(2) The term “veteran” has the meaning given that term in section 101 of title 38, United States Code.
SEC. 1045. MODIFICATION OF THE MINISTRY OF DEFENSE ADVISOR PROGRAM.

(a) In General.—Subsection (a) of section 1081 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1599; 10 U.S.C. 168 note) is amended by inserting—

(1) in the matter preceding paragraph (1), by inserting “, regional organizations with defense or security components, and international organizations of which the United States is a member” after “foreign countries”; and

(2) by inserting “or organization” after “ministry” both places it appears.

(b) Reports.—Subsection (c) of such section is amended—

(1) by inserting “or organizations” after “defense ministries” both places it appears; and

(2) by striking paragraph (7).

(c) Conforming Amendment.—The heading of such section is amended to read as follows:
“SEC. 1081. AUTHORITY FOR ASSIGNMENT OF CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE AS ADVISORS TO FOREIGN MINISTRIES OF DEFENSE AND CERTAIN REGIONAL AND INTERNATIONAL ORGANIZATIONS.”.

SEC. 1046. INTERAGENCY COLLABORATION ON UNMANNED AIRCRAFT SYSTEMS.

(a) FINDINGS ON JOINT DEPARTMENT OF DEFENSE FEDERAL AVIATION ADMINISTRATION EXECUTIVE COMMITTEE ON CONFLICT AND DISPUTE RESOLUTION.—Section 1036(a) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4596) is amended by adding at the end the following new paragraph:

“(9) Collaboration of scientific and technical personnel and sharing of technical information, test results, and resources where available from the Department of Defense, the Federal Aviation Administration, and the National Aeronautics and Space Administration can advance an enduring relationship of research capability to advance the access of unmanned aircraft systems of the Department of Defense, the National Aeronautics and Space Administration and other public agencies to the National Air-space System.”.

(b) INTERAGENCY COLLABORATION.—
(1) IN GENERAL.—The Secretary of Defense shall collaborate with the Administrator of the Federal Aviation Administration and the Administrator of the National Aeronautics and Space Administration to conduct research and seek solutions to challenges associated with the safe integration of unmanned aircraft systems into the National Airspace System in accordance with subtitle B of title III of the FAA Modernization and Reform Act of 2012 (Public Law 112–95; 126 Stat. 72).

(2) ACTIVITIES IN SUPPORT OF PLAN ON ACCESS TO NATIONAL AIRSPACE FOR UNMANNED AIRCRAFT SYSTEMS.—Collaboration under paragraph (1) may include research and development of scientific and technical issues, equipment, and technology in support of the plan to safely accelerate the integration of unmanned aircraft systems as required by subtitle B of title III of the FAA Modernization and Reform Act of 2012.

(3) NONDUPLICATIVE EFFORTS.—If the Secretary of Defense determines it is in the interest of the Department of Defense, the Secretary may use existing aerospace-related laboratories, personnel, equipment, research radars, and ground facilities of the Depart-
Department of Defense to avoid duplication of efforts in carrying out collaboration under paragraph (1).

(4) REPORTS.—

(A) REQUIREMENT.—The Secretary of Defense, on behalf of the UAS Executive Committee, shall annually submit to the congressional defense committees, the Committee on Transportation and Infrastructure, and the Committee on Science, Space, and Technology of the House of Representatives, and the Committee on Commerce, Science, and Transportation of the Senate a report on the progress of research activity of the Department of Defense, including—

(i) progress in accomplishing the goals of the unmanned aircraft systems research, development, and demonstration as related to the Department of Defense Final Report to Congress on Access to National Airspace for Unmanned Aircraft Systems of October 2010, and any ongoing and collaborative research and development programs with the Federal Aviation Administration and the National Aeronautics and Space Administration and
(ii) estimates of long-term funding

needs and details of funds expended and allo-

icated in the budget requests of the Presi-

dent that support integration into the Na-

tional Airspace.

(B) TERMINATION.—The requirement to

submit a report under subparagraph (A) shall

terminate on the date that is 5 years after the

date of the enactment of this Act.

(c) UAS EXECUTIVE COMMITTEE DEFINED.—In this

section, the term “UAS Executive Committee” means the

National Aeronautics and Space and Administration and

the Department of Defense–Federal Aviation Administra-
tion executive committee described in section 1036(b) of the

Duncan Hunter National Defense Authorization Act for

Fiscal Year 2009 and established by the Secretary of De-
fense and the Administrator of the Federal Aviation Ad-

ministration.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is

hereby authorized to be appropriated such sums as may be

necessary to carry out this section.

SEC. 1047. SENSE OF SENATE ON NOTICE TO CONGRESS ON

UNFUNDED PRIORITIES.

It is the sense of the Senate that—
(1) not later than 45 days after the submittal to Congress of the budget for a fiscal year under section 1105(a) of title 31, United States Code, each officer specified in paragraph (2) should, through the Chairman of the Joint Chiefs of Staff and the Secretary of Defense, submit to the congressional defense committees a list of any priority military programs or activities under the jurisdiction of such officer for which, in the estimate of such officer additional funds, if available, would substantially reduce operational or programmatic risk or accelerate the creation or fielding of a critical military capability;

(2) the officers specified in this paragraph are—

(A) the Chief of Staff of the Army;

(B) the Chief of Naval Operations;

(C) the Chief of Staff of the Air Force;

(D) the Commandant of the Marine Corps;

and

(E) the Commander of the United States Special Operations Command; and

(3) each list, if any, under paragraph (1) should set forth for each military program or activity on such list—

(A) a description of such program or activity;
(B) a summary description of the justification for or objectives of additional funds, if available for such program or activity; and

(C) the additional amount of funds recommended in connection with the justification or objectives described for such program or activity under subparagraph (B).

SEC. 1048. ENHANCEMENT OF AUTHORITIES ON ADMISSION OF DEFENSE INDUSTRY CIVILIANS TO CERTAIN DEPARTMENT OF DEFENSE EDUCATIONAL INSTITUTIONS AND PROGRAMS.

(a) NAVY DEFENSE PRODUCT DEVELOPMENT PROGRAM.—Section 7049(a) of title 10, United States Code, is amended—

(1) in the second sentence, by inserting “or professional continuing education certificate” after “master’s degree”;  

(2) in the third sentence, by striking “125 such defense industry employees” and inserting “250 such defense industry employees”; and  

(3) in the last sentence, by inserting before the period at the end the following: “or an appropriate professional continuing education certificate, as applicable”.
(b) United States Air Force Institute of Technology.—Section 9314a(a) of such title is amended—

(1) in paragraph (1), by inserting “or professional continuing education certificate” after “graduate degree”;

(2) in paragraph (2), by striking “125 defense industry employees” and inserting “250 defense industry employees”; and

(3) in paragraph (3), by inserting before the period at the end the following: “or an appropriate professional continuing education certificate, as applicable”.

SEC. 1049. MILITARY WORKING DOG MATTERS.

(a) Retirement of Military Working Dogs.—

(1) Section 2583 of title 10, United States Code, is amended—

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

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

“(f) Transfer of Retired Military Working Dogs.—If the Secretary of the military department concerned determines that a military working dog should be retired, and no suitable adoption is available at the mili-
tary facility where the dog is located, the Secretary may transfer the dog—

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

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

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

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

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

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

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

“(c) STANDARDS OF CARE.—The veterinary care provided under the system authorized by this section shall meet such standards as the Secretary shall establish and from time to time update.”.
(2) Clerical amendment.—The table of sections at the beginning of chapter 50 of such title is amended by adding at the end the following new item:

“993. Military working dogs: veterinary care for retired military working dogs.”.

(c) Recognition of service of military working dogs.—The Secretary of Defense may authorize the recognition of military working dogs that are killed, wounded, or missing in action and military working dogs that perform an exceptionally meritorious or courageous act in service to the United States.

SEC. 1050. Prohibition on funds to enter into contracts or agreements with Rosoboronexport.

(a) Prohibition.—None of the funds authorized to be appropriated by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport.

(b) National security waiver authority.—The Secretary of Defense may waive the applicability of subsection (a) if the Secretary determines that such a waiver is in the national security interests of the United States with respect to the capacity of the Afghan National Security Forces (ANSF).
SEC. 1051. SENSE OF CONGRESS ON THE JOINT WARFIGHTING ANALYSIS CENTER.

It is the sense of Congress that the Joint Warfighting Analysis Center (JWAC) should have adequate resources to meet the continuing requirements of the combatant commands.

SEC. 1052. TRANSITION ASSISTANCE ADVISOR PROGRAM.

(a) Program Authorized.—

(1) In general.—Chapter 58 of title 10, United States Code, is amended by inserting after section 1144 the following new section:

“§ 1144a. Transition Assistance Advisors

“(a) In general.—The Secretary of Defense shall establish as part of the Transition Assistance Program (TAP) a Transition Assistance Advisor (TAA) program to provide professionals in each State to serve as statewide points of contact to assist members of the armed forces in accessing benefits and health care furnished under laws administered by the Secretary of Defense and benefits and health care furnished under laws administered by the Secretary of Veterans Affairs.

“(b) Number of Advisors.—The Secretary of Defense shall ensure that the minimum number of Transition Assistance Advisors in each State is as follows:

“(1) During the period beginning 180 days before the commencement of a contingency operation
(or, if later, as soon before as is otherwise practicable) and ending 180 days after the conclusion of such contingency operation—

“(A) in the case of a State with fewer than 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States residing in the State, not less than one Transition Assistance Advisor; and

“(B) in the case of a State with 1,500 or more members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State, not less than one Transition Assistance Advisor for each 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State.

“(2) At any time not covered by paragraph (1)—

“(A) in the case of a State with fewer than 5,000 members of the Army National Guard of the United States and the Air National Guard of the United States residing in the State, not less than one Transition Assistance Advisor; and

“(B) in the case of a State with 5,000 or more members of the Army National Guard of
the United States and the Air National Guard of the United States, not less than one Transition Assistance Advisor for each 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State.

“(c) DUTIES.—The duties of a Transition Assistance Advisor includes the following:

“(1) To assist with the creation and execution of individual transition plans for members of the National Guard described in subsection (d)(2) and their families for the reintegration of such members into civilian life.

“(2) To provide employment support services to members of the National Guard and their families, including assistance with discovering employment opportunities and identifying and obtaining assistance from programs within and outside of the Federal Government.

“(3) Provide information on relocation, health care, mental health care, and financial support services available to members of the National Guard or their families from the Department of Defense, the Department of Veterans Affairs, and other Federal, State, and local agencies.
“(4) Provide information on educational support services available to members of the National Guard, including Post-9/11 Educational Assistance under chapter 33 of title 38.

“(d) Transition Plans.—(1) Each individual plan created under subsection (c)(1) for a member of the National Guard described in paragraph (2) shall include the following:

“(A) A plan for the transition of the member to life in the civilian world, including with respect to employment, education, and health care.

“(B) A description of the transition services that the member and the member’s family will need to achieve their transition objectives, including information on any forms that such member will need to fill out to be eligible for such services.

“(C) A point of contact for each agency or entity that can provide the transition services described in subparagraph (B).

“(2) A member of the National Guard described in this paragraph is any member of the National Guard who has served on active duty in the armed forces for a period of more than 180 days.

“(e) Funding.—Amounts for the program established under subsection (a) for a fiscal year shall be derived from
amounts authorized to be appropriated for operations and
maintenance for the National Guard for that fiscal year.

“(f) STATE DEFINED.—In this section, the term ‘State’
means each of the several States of the United States, the
District of Columbia, and any territory of the United
States.”.

(2) CLERICAL AMENDMENT.—The table of sec-
tions at the beginning of chapter 58 of such title is
amended by inserting after the item relating to sec-
tion 1144 the following new item:

“1144a. Transition Assistance Advisors.”.

(b) REPORT.—Not later than 90 days after the date
of the enactment of this Act, the Secretary of Defense shall
submit to Congress a report setting forth a description of
the efforts of the Secretary to implement the requirements
of section 1144A of title 10, United States Code, as added
by subsection (a)(1).

Subtitle F—Reports

SEC. 1061. REPORT ON STRATEGIC AIRLIFT AIRCRAFT.

Not later than 90 days after the date of the enactment
of this Act, the Secretary of Defense shall submit to the con-
gressional defense committees a report that sets forth the
following:

(1) An assessment of the feasibility and advis-
ability of obtaining a Federal Aviation Administra-
tion certification for commercial use of each of the fol-
lowing:

(A) A commercial variant of the C–17 aircraft.

(B) A retired C–17A aircraft.

(C) A retired C–5A aircraft.

(2) An assessment of the current limitations of
the aircraft of the Civil Reserve Air Fleet.

(3) An assessment of the potential for using the
aircraft referred to in paragraph (1) in the Civil Re-
serve Air Fleet.

(4) An assessment of the advantages of adding
the aircraft referred to in paragraph (1) to the Civil
Reserve Air Fleet.

(5) An update on the status of any cooperation
between the Federal Aviation Administration and the
Department of Defense on the certification of the air-
craft referred to in paragraph (1).

(6) A description of all actions required, includ-
ing any impediments to such actions, to offering re-
tired C–5A aircraft or retired C–17A aircraft as ex-
cess defense articles to United States allies or for sale
to Civil Reserve Air Fleet carriers.

(7) A description of the actions required for in-
terested allies or Civil Reserve Air Fleet carriers to
take delivery of excess C–5A aircraft or excess C–17A aircraft, including the actions, modifications, or demilitarization necessary for such recipients to take delivery of such aircraft, and provisions for permitting such recipients to undertake responsibility for such actions, to the maximum extent practicable.

SEC. 1062. REPEAL OF BIENNIAL REPORT ON THE GLOBAL POSITIONING SYSTEM.

Section 2281 of title 10, United States Code, is amended—

(1) by striking subsection (d); and

(2) by redesignating subsection (e) as subsection (d).

SEC. 1063. REPEAL OF ANNUAL REPORT ON THREAT POSED BY WEAPONS OF MASS DESTRUCTION, BALLISTIC MISSILES, AND CRUISE MISSILES.


SEC. 1064. REPORT ON PROGRAM ON RETURN OF RARE EARTH PHOSPHORS FROM DEPARTMENT OF DEFENSE FLUORESCENT LIGHTING WASTE TO THE DOMESTIC RARE EARTH SUPPLY CHAIN.

(a) FINDINGS.—Congress makes the following findings:
(1) In its December 2011 report entitled “Critical Materials Strategy”, the Department of Energy states that the heavy rare earth phosphors, dysprosium, europium, terbium, and yttrium, are particularly important given their relative scarcity and their importance to clean energy, energy efficiency, hybrid and electric vehicles, and advanced defense systems, among other key technologies.

(2) While new sources of production of rare earth elements show promise, these are focused primarily on the light rare earth elements.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the recycling of end-use technologies that use rare earth elements can provide near-term opportunities to recapture, reprocess, and reuse some of the rare earth elements contained in them;

(2) fluorescent lighting materials could prove to be a promising recyclable source of heavy rare earth elements;

(3) a cost-benefit analysis would be helpful in determining the viability of a Department of Defense program to recycle fluorescent lighting waste in order to increase its supplies of heavy rare earth elements; and
(4) the recycling of heavy rare earth elements
may be one component of a long term strategic plan
to address the global demand for such elements, with-
out which such elements could be unnecessarily lost.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2013,
the Secretary of Defense shall submit to the congres-
sional defense committees a report on the results of a
cost-benefit analysis on, and on recommendations
concerning, the feasibility and advisability of estab-
lishing a program within the Department of Defense
to—

(A) recapture fluorescent lighting waste;

and

(B) make such waste available to entities
that have the ability to extract rare earth phos-
phors, reprocess and separate them in an envi-
ronmentally safe manner, and return them to the
domestic rare earth supply chain.

(2) ELEMENTS.—The report required by para-
graph (1) shall include analysis of measures that
could be taken to—

(A) provide for the disposal and mitigation
of residual mercury and other hazardous byprod-
ucts to be produced by the recycling process; and
(B) address concerns regarding the potential
export of heavy rare earth materials obtained
from United States Government sources to non-
allied nations.

SEC. 1065. REPORT ON ESTABLISHMENT OF JOINT ARMED
FORCES HISTORICAL STORAGE AND PRESER-
VATION FACILITY.

Not later than 180 days after the date of the enactment
of this Act, the Secretary of Defense shall submit to the con-
gressional defense committees a report setting forth an as-
essment of the feasibility and advisability of establishing
a joint Armed Forces historical storage and preservation
facility. The report shall include a description and assess-
ment of the current capacities and qualities of the historical
storage and preservation facilities of each of the Armed
Forces, including the following:

(1) An identification of any excess capacity at
any such facility.

(2) An identification of any shortfalls in the ca-
pacity or quality of such facilities of any Armed
Force, and a description of possible actions to address
such shortfalls.
SEC. 1066. STUDY ON BRADLEY FIGHTING VEHICLE INDUSTRIAL BASE.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall conduct a study on the Bradley Fighting Vehicle industrial base.

(b) Content.—The study required under subsection (a) shall—

(1) assess the quantitative impacts of a production break for the Bradley Fighting Vehicle, including the cost of shutdown compared to the cost of continued production; and

(2) assess the qualitative impacts of a production break for the Bradley Fighting Vehicle, including the loss of a specialized workforce and supplier base.

SEC. 1067. REPORT ON MILITARY RESOURCES NECESSARY TO EXECUTE UNITED STATES FORCE POSTURE STRATEGY IN THE ASIA PACIFIC REGION.

(a) Review Required.—

(1) In General.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, conduct a comprehensive review of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of...
the United States with regard to the Asia Pacific region to determine the resources, equipment, and transportation required to meet the strategic and operational plans of the United States.

(2) ELEMENTS.—The review required under paragraph (1) shall include the following elements:

(A) The force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program of the United States associated with the Asia Pacific region that would be required to execute successfully the full range of missions called for in the national defense strategy.

(B) An estimate of the timing for initial and final operational capability for each unit based in, realigned within, or identified for support to the Asia Pacific region.

(C) An assessment of the strategic and tactical sea, ground, and air transportation required for the forces assigned to the Asia Pacific region to meet strategic and operational plans.

(D) The specific capabilities, including the general number and type of specific military platforms, their permanent station, and planned forward operating locations needed to achieve the
strategic and warfighting objectives identified in the review.

(E) The forward presence, phased deployments, pre-positioning, and other anticipatory deployments of manpower or military equipment necessary for conflict deterrence and adequate military response to anticipated conflicts.

(F) The budget plan that would be required to provide sufficient resources to execute successfully the full range of missions and phased operations in the Asia Pacific region at a low-to-moderate level of risk and any additional resources (beyond those programmed in the current future-years defense program) required to achieve such a level of risk.

(G) Budgetary recommendations that are not constrained to comply with and are fully independent of the budget submitted to Congress by the President pursuant to section 1105 of title 31, United States Code.

(b) CJCS REVIEW.—Upon the completion of the review under subsection (a), the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chairman’s assessment of the review, including the
Chairman’s assessment of risk and a description of the capabilities needed to address such risk.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the review required under subsection (a).

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of the elements set forth under subsection (a)(1).

(B) A description of the assumptions used in the examination, including assumptions relating to—

(i) the status of readiness of the Armed Forces;

(ii) the cooperation of allies, mission-sharing, and additional benefits to and burdens on the Armed Forces resulting from coalition operations;

(iii) warning times;

(iv) levels of engagement in operations other than war and smaller-scale contin-
gencies and withdrawal from such operations and contingencies;

(v) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies; and

(vi) the roles and responsibilities that would be discharged by contractors.

(C) Any other matters the Secretary of Defense considers appropriate.

(D) The assessment of the Chairman of the Joint Chiefs of Staff under subsection (b), including related comments of the Secretary of Defense.

(3) FORM.—The report required under paragraph (1) may be submitted in classified or unclassified form.

SEC. 1068. REPORT ON PLANNED EFFICIENCY INITIATIVES AT SPACE AND NAVAL WARFARE SYSTEMS COMMAND.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on plans to implement efficiency initiatives to reduce overhead costs at the Space and Naval Warfare Systems Command (SPAWAR), including a detailed descrip-
tion of the long-term impacts on current and planned future mission requirements.

SEC. 1069. STUDY ON ABILITY OF NATIONAL AIR AND GROUND TEST AND EVALUATION INFRA-STRUCTURE FACILITIES TO SUPPORT DEFENSE HYPERSONIC TEST AND EVALUATION ACTIVITIES.

(a) Study Required.—The Director of the Office of Science and Technology Policy, working with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration (NASA), shall conduct a study on the ability of Department of Defense and NASA air and ground test and evaluation infrastructure facilities and private ground test and evaluation infrastructure facilities, including wind tunnels and air test ranges, as well as associated instrumentation, to support defense hypersonic test and evaluation activities for the short and long term.

(b) Report and Plan.—

(1) In general.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report containing the results of the study required under subsection (a) together with a
plan for requirements and proposed investments to meet Department of Defense needs through 2025.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the current condition and adequacy of the hypersonics test and evaluation infrastructure within the Department of Defense, NASA, and the private sector to support hypersonic research and development within the Department of Defense.

(B) An identification of test and evaluation infrastructure that could be used to support Department of Defense hypersonic research and development outside the Department and assess means to ensure the availability of such capabilities to the Department in the present and future.

(C) A time-phased plan to acquire required hypersonics research, development, test and evaluation capabilities, including identification of the resources necessary to acquire any needed capabilities that are currently not available.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—
SEC. 1069A. REPORT ON SIMULATED TACTICAL FLIGHT TRAINING IN A SUSTAINED GRAVITY ENVIRONMENT.

(a) INDEPENDENT STUDY REQUIRED.—The Secretary of Defense shall provide for the conduct by an appropriate federally funded research and development center (FFRDC) of a study on the effectiveness of simulated tactical flight training in a sustained gravity environment.

(b) ELEMENTS.—The study conducted pursuant to subsection (a) shall include the following:

(1) An assessment of the effectiveness of high fidelity simulated tactical flight training in a sustained gravity environment generally, and, in particular, the effectiveness of such training in preparing pilots to withstand and tolerate the high-gravity forces associated with the operation of high-performance combat aircraft (commonly referred to as “G readiness” and “G tolerance”).
(2) An assessment of the cost savings to be achieved through the use of simulated tactical flight training in a sustained gravity environment, including cost savings associated with operation and maintenance and life cycle savings associated with aircraft and airframe usage.

(3) An assessment of the safety benefits to be achieved through the use of simulated tactical flight training in a sustained gravity environment.

(4) An identification and assessment of other benefits to be achieved through the use of simulated tactical flight training in a sustained gravity environment, including benefits relating to physiological research and benefits relating to reductions in carbon emissions.

(5) An evaluation and comparison of tactical flight simulators that could be used for simulated tactical flight training in a sustained gravity environment.

(6) Such other matters relating to the use of simulated tactical flight training in a sustained gravity environment as the Secretary shall specify for purposes of the study.

(c) REPORT.—In providing for study pursuant to subsection (a), the Secretary shall require the federally funded
research and development center conducting the study to submit to the Secretary a report on the results of the study, including the matters specified in subsection (b), by not later than 18 months after the date of the enactment of this Act.

(d) TRANSMITTAL TO CONGRESS.—Not later than 90 days after the submittal to the Secretary of the report required by subsection (c), the Secretary shall transmit the report to the congressional defense committees, together with any comments of the Secretary in light of the report and such recommendations for legislative or administrative action as the Secretary considers appropriate regarding the use of simulated tactical flight training in a sustained gravity environment in light of the report.

SEC. 1069B. REPORT ON DEPARTMENT OF DEFENSE SUPPORT FOR UNITED STATES DIPLOMATIC SECURITY.

(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the ongoing Department of Defense review of defense support of United States diplomatic security.
(b) **ELEMENTS.**—The report required by subsection (a) shall include, but not be limited to, such findings and recommendations as the Secretaries consider appropriate with respect to the following:

1. **Department of Defense authorities, directives, and guidelines in support of diplomatic security.**
2. **Interagency processes and procedures to identify, validate, and resource diplomatic security support required from the Department of Defense.**
3. **Department of Defense roles, missions, and resources required to fulfill requirements for United States diplomatic security, including, but not limited to the following:**
   1. **Marine Corps Embassy Security Guard detachments.**
   2. **Training and advising host nation security forces for diplomatic security.**
   3. **Intelligence collection to prevent and respond to threats to diplomatic security.**
   4. **Security assessments of diplomatic missions.**
   5. **Support of emergency action planning.**
   6. **Rapid response forces to respond to threats to diplomatic security.**
(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1069C. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE SPENDING FOR CONFERENCES AND CONVENTIONS.**

Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of Department of Defense spending for conferences and conventions. The report shall include, at a minimum, an assessment of the following:

(1) The extent to which Department spending for conferences and conventions has been wasteful or excessive.

(2) The actions the Department has taken to control spending for conferences and conventions, and the efficacy of those actions.

(3) Any fees incurred for the cancellation of conferences or conventions and an evaluation of the impact of cancelling conferences and conventions.

**Subtitle G—Nuclear Matters**

**SEC. 1071. STRATEGIC DELIVERY SYSTEMS.**

(a) **FINDINGS.**—Congress makes the following findings:
(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 12 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 strategic 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 mod-
ernize 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) REQUIREMENTS.—

(1) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 491. Strategic delivery systems

“(a) ANNUAL CERTIFICATION.—Beginning in fiscal year 2013, the President shall annually certify in writing to the congressional defense committees whether plans to modernize or replace strategic delivery systems are fully funded at levels equal to or more than the levels set forth in the November 2010 update to the plan referred to in section 1251 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2549), including plans regarding—
“(1) a heavy bomber and air-launched cruise
missile;
“(2) an intercontinental ballistic missile;
“(3) a submarine-launched ballistic missile;
“(4) a ballistic missile submarine; and
“(5) maintaining the nuclear command and con-
trol system (as first reported in section 1043 of the
National Defense Authorization Act for Fiscal Year
2012 (Public Law 112–81; 125 Stat. 1576)).
“(b) ADDITIONAL REPORT MATTERS FOLLOWING Cer-
tAIN CERTIFICATIONS.—If the President certifies under
subsection (a) that plans to modernize or replace strategic
delivery systems are not fully funded, the President shall
include in the next annual report submitted to Congress
under section 1043 of the National Defense Authorization
Act for Fiscal Year 2012 the following:
“(1) A determination whether or not the lack of
full funding will result in a loss of military capa-
bility when compared with the November 2010 update
to the plan referred to in section 1251 of the National
“(2) If the determination under paragraph (1) is
that the lack of full funding will result in a loss of
military capability—
“(A) a plan to preserve or retain the military capability that would otherwise be lost; or

“(B) a report setting forth—

“(i) an assessment of the impact of the lack of full funding on the strategic delivery systems specified in subsection (a); and

“(ii) a description of the funding required to restore or maintain the capability.

“(3) A certification by the President whether or not the President is committed to accomplishing the modernization and replacement of strategic delivery systems and will meet the obligations concerning nuclear modernization as set forth in declaration 12 of the Resolution of Advice and Consent to Ratification of the New START Treaty.

“(c) Treatment of Certain Reductions.—Any certification under subsection (a) shall not take into account the following:

“(1) Reductions made to ensure the safety, security, reliability, and credibility of the nuclear weapons stockpile and strategic delivery systems, including activities related to surveillance, assessment, certification, testing, and maintenance of nuclear warheads and delivery systems.
“(2) Strategic delivery systems that are retired or awaiting dismantlement on the date of the certification under subsection (a).

“(d) DEFINITIONS.—In this section:


“(2) The term ‘strategic delivery system’ means a delivery system for nuclear weapons.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by adding at the end the following new item:

“491. Strategic delivery systems.”.

SEC. 1072. REQUIREMENTS DEFINITION FOR COMBINED WARHEAD FOR CERTAIN MISSILE SYSTEMS.

Not later than 60 days after the date of the enactment of this Act, the Nuclear Weapons Council shall submit Congress a report setting forth a definition of the requirements for a combined warhead for the W–78 Minuteman III missile system and the W–88 Trident D–5 missile system. The definition shall serve as the basis for a 6.1 conception definition and 6.2 feasibility study for the combined systems.
SEC. 1073. CONGRESSIONAL BUDGET OFFICE ESTIMATE OF COSTS OF NUCLEAR WEAPONS AND DELIVERY SYSTEMS.

Not later than one year after the date of the enactment of this Act, the Director of the Congressional Budget Office shall submit to the congressional defense committees a report setting forth the following:

(1) An estimate of the costs over the 10-year period beginning on the date of the report associated with fielding and maintaining the current nuclear weapons and nuclear weapon delivery systems of the United States.

(2) An estimate of the costs over the 10-year period beginning on the date of the report of any life extension, modernization, or replacement of any current nuclear weapons or nuclear weapon delivery systems of the United States that is anticipated as of the date of the report.

SEC. 1074. BRIEFINGS ON DIALOGUE BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON NUCLEAR ARMS, MISSILE DEFENSE, AND LONG-RANGE CONVENTIONAL STRIKE SYSTEMS.

(a) BRIEFINGS.—Not later than 60 days after the date of the enactment of this Act, and not less than twice each year thereafter, the President, or the President’s designee,
shall brief the Committees on Foreign Relations and Armed Services of the Senate on the dialogue between the United States and the Russian Federation on issues related to limits or controls on nuclear arms, missile defense systems, or long-range conventional strike systems.

(b) Sense of the Senate on Certain Agreements.—It is the sense of the Senate that any agreement between the United States and the Russian Federation related to missile defense, nuclear weapons, or long-range conventional strike systems obligating the United States to reduce or limit the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

Subtitle H—Other Matters

SEC. 1081. REDESIGNATION OF THE CENTER FOR HEMISPHERIC DEFENSE STUDIES AS THE WILLIAM J. PERRY CENTER FOR HEMISPHERIC DEFENSE STUDIES.

(a) Redesignation.—

(1) In general.—The Center for Hemispheric Defense Studies is hereby redesignated as the “William J. Perry Center for Hemispheric Defense Studies”.
(2) REFERENCES.—Any reference in any law, regulation, map, document, record, or other paper of the United States to the center referred to in paragraph (1) shall be considered to be a reference to the William J. Perry Center for Hemispheric Defense Studies.

(b) CONFORMING AMENDMENTS.—Title 10, United States Code, is amended as follows:

(1) In section 184—

(A) in subsection (b)(2), by striking subparagraph (C) and inserting the following new subparagraph (C):

“(C) The William J. Perry Center for Hemispheric Defense Studies, established in 1997 and located in Washington, D.C.”; and

(B) in subsection (f)(5), by striking “Center for Hemispheric Defense Studies” and inserting “William J. Perry Center for Hemispheric Defense Studies”.

(2) In section 2611(a)(2), by striking subparagraph (C) and inserting the following new subparagraph (C):

“(C) The William J. Perry Center for Hemispheric Defense Studies.”.
SEC. 1082. TECHNICAL AMENDMENTS TO REPEAL STATUTORY REFERENCES TO UNITED STATES JOINT FORCES COMMAND.

Title 10, United States Code, is amended as follows:

(1)(A) Section 232 is repealed.

(B) The table of sections at the beginning of chapter 9 is amended by striking the item relating to section 232.

(2) Section 2859(d) is amended—

(A) by striking paragraph (2); and

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

(3) Section 10503(13)(B) is amended—

(A) by striking clause (iii); and

(B) redesignating clause (iv) as clause (iii).

SEC. 1083. SENSE OF CONGRESS ON NON-UNITED STATES CITIZENS WHO ARE GRADUATES OF UNITED STATES EDUCATIONAL INSTITUTIONS WITH ADVANCED DEGREES IN SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS.

(a) FINDINGS.—Congress makes the following findings:

(1) It is a national security concern that more than half of all graduates with advanced scientific and technical degrees from United States institutions of higher education are non-United States citizens who have very limited opportunities upon graduation.
to contribute to the science and technology activities of the Department of Defense and the United States defense industrial base.

(2) The capabilities of the Armed Forces are highly reliant upon advanced technologies that provide our forces with a technological edge on the battlefield.

(3) In order to maintain and advance our military technological superiority, the United States requires the best and brightest scientists, mathematicians, and engineers to discover, develop, and field the next generation of weapon systems and defense technologies.

(4) The Department of Defense and the defense industrial base compete with other sectors for a limited number of United States citizens who have appropriate advanced degrees and skills.

(5) While an overarching national priority is to increase the numbers of United States citizens who have appropriate advanced degrees in science, technology, engineering, and mathematics (STEM), it would be beneficial if the Department of Defense and the defense industrial base were able to access the pool of talent of non-United States citizens with advanced scientific and technical degrees from United States
institutions of higher education, many of whom are otherwise returning to their home countries.

(b) Sense of Congress.—It is the sense of Congress—

(1) that the Department of Defense should make every reasonable and practical effort to increase the number of United States citizens who pursue advanced degrees in science, technology, engineering, and mathematics; and

(2) to strongly urge the Department of Defense to investigate innovative mechanisms (subject to all appropriate security requirements) to access to the pool of talent of non-United States citizens with advanced scientific and technical degrees from United States institutions of higher education, especially in those scientific and technical areas that are most vital to the national defense (such as those identified by the Assistant Secretary of Defense for Research and Engineering and the Armed Forces).

SEC. 1084. Sense of Senate on the Maintenance by the United States of a Triad of Strategic Nuclear Delivery Systems.

(a) Findings.—The Senate finds the following:

(1) The April 2010 Nuclear Posture Review concluded that even with the reductions specified in the
New START Treaty, the United States should retain a nuclear “Triad” of land-based intercontinental ballistic missiles, submarine-launched ballistic missiles and nuclear capable heavy bombers, noting that “[r]etaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities”.

(2) The resolution of ratification for the New START Treaty, which the Senate approved on December 22, 2010, stated that “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) In a message to the Senate on February 2, 2011, President Obama certified that he intended to “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 to
“maintain the United States rocket motor industrial base”.

(b) Sense of Senate.—It is the sense of the Senate that—

(1) the United States should maintain a triad of strategic nuclear delivery systems; and

(2) the United States is committed to modernizing the component weapons and delivery systems of that triad.

Sec. 1085. Plan to partner with state and local entities to address veterans claims backlog.

(a) Findings.—Congress makes the following findings:

(1) The Department of Veterans Affairs defines any claim for benefits under laws administered by the Secretary of Veterans Affairs as backlogged if the claim has been pending for 125 days or more.

(2) According to the Department, as of November 24, 2012, there were 899,540 pending claims, with 604,583 (67.2 percent) of those considered backlogged.

(3) The Department’s data further shows that, on November 22, 2010, there were 749,934 claims pending, with only 244,129 (32.6 percent) of those considered backlogged.
(4) During the past two years, both the overall
number of backlogged claims and the percentage of all
pending claims that are backlogged have doubled.

(5) In order to reduce the claims backlog at re-
gional offices of the Department of Veterans Affairs
located in Texas, the Texas Veterans Commission an-
nounced two initiatives on July 19, 2012, to partner
with the Department of Veterans Affairs—

(A) to assist veterans whose claims are al-
ready backlogged to complete development of
those claims; and

(B) to help veterans who are filing new
claims to fully develop those claims prior to fil-
ing them, shortening the processing time re-
quired.

(6) The common goal of the two initiatives of the
Texas Veterans Commission, called the “Texas State
Strike Force Team” and the “Fully Developed Claims
Team Initiative”, is to reduce the backlog of claims
pending in Texas by 17,000 within one year.

(7) During the first two months of these new ini-
tiatives, the Texas Veterans Commission helped vet-
erans complete development of more than 2,500 back-
logged claims and assisted veterans with the submis-
sion of more than 800 fully developed claims.
(8) In testimony before the Subcommittee on Disability Assistance and Memorial Affairs of the Committee on Veterans’ Affairs of the House of Representatives on September 21, 2012, Diana Rubens, Deputy Under Secretary for Field Operations of the Veterans Benefits Administration, indicated that the Department of Veterans Affairs has experienced positive outcomes in projects with the Texas Veterans Commission, stating that both Veterans Service Organizations “and state and county service officers . . . are important partners in VBA’s transformation to better serve Veterans.”.

(9) At the same hearing, Mr. John Limpose, director of the regional office of the Department of Veterans Affairs in Waco, Texas, testified that the “TVC is working very, very well” with regional offices of the Department in Texas, calling the Texas Veterans Commission a “very positive story that we can branch out into . . . all of our stakeholders.”.

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to reduce the current backlog of pending claims for benefits under laws administered by the Secretary and
more efficiently process claims for such benefits in the future.

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

(A) A summary of all steps the Secretary has taken thus far to partner with non-Federal entities in support of efforts to reduce the backlog described in paragraph (1) and more efficiently process claims described in such paragraph in the future, including two previous initiatives by the Texas Veterans Commission, namely the 2008–2009 Development Assistant Pilot Project and the 2009–2011 Claims Processing Assistance Team.

(B) A plan for the Secretary to partner with non-Federal entities to support efforts to reduce such backlog and more efficiently process such claims in the future, including the following:

(i) State and local agencies relating to veterans affairs.

(ii) Organizations recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.
(iii) Such other relevant government
and non-government entities as the Sec-
retary considers appropriate.

(C) A description of how the Secretary in-
tends to leverage partnerships with non-Federal
entities described in subparagraph (B) to elimi-
nate such backlog, including through increasing
the percentage of claims that are fully developed
prior to submittal to the Secretary and ensuring
that new claims are fully developed prior to their
submittal.

(D) A description of what steps the Sec-
retary has taken and will take—

(i) to expedite the processing of claims
that are already fully developed at the time
of submittal; and

(ii) to support initiatives by non-Fed-
eral entities described in subparagraph (B)
to help claimants gather and submit nec-
essary evidence for claims that were pre-
viously filed but require further develop-
ment.

(E) A description of how partnerships with
non-Federal entities described in subparagraph
(B) will fit into the Secretary’s overall claims processing transformation plan.

SEC. 1086. SENSE OF THE SENATE ON PROTECTION OF DEPARTMENT OF DEFENSE AIRFIELDS, TRAINING AIRSPACE, AND AIR TRAINING ROUTES.

It is the sense of the Senate that—

(1) Department of Defense airfields, training airspace, and air training routes are national treasures that must be protected from encroachment;

(2) placement or emplacement of obstructions near or on Department of Defense airfields, training airspace, or air training routes has the potential of increasing risk to military aircraft and personnel as well as impacting training and readiness; and

(3) the Department of Defense should develop comprehensive rules and regulations to address construction and use of land in close proximity to Department of Defense airfields, training areas, or air training routes to ensure compatibility with military aircraft operations.
SEC. 1087. EXTENSION OF AUTHORITIES TO CARRY OUT A PROGRAM OF REFERRAL AND COUNSELING SERVICES TO VETERANS AT RISK OF HOMELESSNESS WHO ARE TRANSITIONING FROM CERTAIN INSTITUTIONS.

Section 2023(d) of title 38, United States Code, is amended by striking “September 30, 2012” and inserting “September 30, 2013”.

SEC. 1088. SENSE OF CONGRESS THAT THE BUGLE CALL COMMONLY KNOWN AS TAPS SHOULD BE DESIGNATED AS THE NATIONAL SONG OF MILITARY REMEMBRANCE.

It is the sense of Congress that the bugle call commonly known as “Taps” should be designated as the National Song of Military Remembrance.

SEC. 1089. REPORTS ON THE POTENTIAL SECURITY THREATPOSED BY BOKO HARAM.

(a) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress an intelligence assessment of the Nigerian organization known as Boko Haram. Such assessment shall address the following:

(1) The organizational structure, operational goals, and funding sources of Boko Haram.
(2) The extent to which Boko Haram threatens the stability of Nigeria and surrounding countries.

(3) The extent to which Boko Haram threatens the security of citizens of the United States or the national security or interests of the United States.

(4) Any interaction between Boko Haram and al-Qaeda in the Islamic Maghreb or other al-Qaeda affiliates with respect to operational planning and execution, training, and funding.

(5) The capacity of Nigerian security forces to counter the threat posed by Boko Haram and an assessment of the effectiveness of the strategy of the Nigerian government to date.

(6) Any intelligence gaps with respect to the leadership, operational goals, and capabilities of Boko Haram.

(b) SECRETARY OF STATE REPORT.—Not later than 90 days after the date the report required by subsection (a) is submitted to Congress, the Secretary of State shall submit to Congress a report describing the strategy of the United States to counter the threat posed by Boko Haram.
SEC. 1090. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.


(b) Corporation.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) Technical and Conforming Amendments.—

(1) Small Business Act.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this section, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking “section 34(d)” and inserting “section 33(d)”;

(C) in section 33 (15 U.S.C. 657d), as so redesignated—

(i) by striking “section 35” each place it appears and inserting “section 34”; and

(ii) in subsection (a)—
(I) in paragraph (2), by striking “section 35(c)(2)(B)” and inserting “section 34(c)(2)(B)”;

(II) in paragraph (4), by striking “section 35(c)(2)” and inserting “section 34(c)(2)”;

(III) in paragraph (5), by striking “section 35(c)” and inserting “section 34(c)”;

(iii) in subsection (h)(2), by striking “section 35(d)” and inserting “section 34(d)”;

(D) in section 34 (15 U.S.C. 657e), as so redesignated—

(i) by striking “section 34” each place it appears and inserting “section 33”; and

(ii) in subsection (c)(1), by striking section “34(c)(1)(E)(ii)” and inserting section “33(c)(1)(E)(ii)”;

(E) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(F) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking “section 43” and inserting “section 42”; and
(G) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking “section 43” and inserting “section 42”.

(2) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking “and the National Veterans Business Development Corporation”.

(3) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking “any of the” and all that follows and inserting “any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).”.

(4) FOOD, CONSERVATION, AND ENERGY ACT OF 2008.—Section 12072(c)(2) of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636g(c)(2)) is amended by striking “section 43 of the Small Business Act, as added by this Act” and inserting “section 42 of the Small Business Act (15 U.S.C. 657o)”.

(5) VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b...
note) is amended by striking “In cooperation with the National Veterans Business Development Corporation, develop” and inserting “Develop”.

SEC. 1091. WHITE SANDS MISSILE RANGE AND FORT BLISS.

(a) Withdrawal.—

(1) In general.—Subject to valid existing rights and paragraph (3), the Federal land described in paragraph (2) is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) Description of Federal land.—The Federal land referred to in paragraph (1) consists of—

(A) the approximately 5,100 acres of land depicted as “Parcel 1” on the map entitled “White Sands Missile Range/Fort Bliss/BLM Land Transfer and Withdrawal” and dated April 3, 2012 (referred to in this section as the “map”);

(B) the approximately 37,600 acres of land depicted as “Parcel 2”, “Parcel 3”, and “Parcel 4” on the map; and
(C) any land or interest in land that is acquired by the United States within the boundaries of the parcels described in subparagraph (B).

(3) LIMITATION.—Notwithstanding paragraph (1), the land depicted as “Parcel 4” on the map is not withdrawn for purposes of the issuance of oil and gas pipeline rights-of-way.

(b) RESERVATION.—The Federal land described in subsection (a)(2)(A) is reserved for use by the Secretary of the Army for military purposes in accordance with Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822).

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Effective on the date of enactment of this Act, administrative jurisdiction over the approximately 2,050 acres of land generally depicted as “Parcel 2” on the map—

(1) is transferred from the Secretary of the Army to the Secretary of the Interior (acting through the Director of the Bureau of Land Management); and

(2) shall be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) any other applicable laws.

(d) LEGAL DESCRIPTION.—
(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a legal description of the Federal land withdrawn by subsection (a).

(2) FORCE OF LAW.—The legal description published under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct errors in the legal description.

(3) REIMBURSEMENT OF COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in implementing this subsection with regard to the Federal land described in subsection (a)(2)(A).

SEC. 1092. TRANSPORT FOR FEMALE GENITAL MUTILATION.

Section 116 of title 18, United States Code, is amended by adding at the end the following:

“(d) Whoever knowingly transports from the United States and its territories a person in foreign commerce for the purpose of conduct with regard to that person that would be a violation of subsection (a) if the conduct occurred within the United States, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.”.
SEC. 1093. 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.

SEC. 1094. TRANSFER OF EXCESS AIRCRAFT TO OTHER DEPARTMENTS.

(a) TRANSFER.—Subject to subsection (c), the Secretary of Defense shall transfer excess aircraft specified in subsection (b) to the Secretary of Agriculture and the Secretary of Homeland Security for use by the Forest Service and the United States Coast Guard. The transfer of any excess aircraft under this subsection shall be without reimbursement.

(b) AIRCRAFT.—
(1) IN GENERAL.—The aircraft transferred under subsection (a) are aircraft of the Department of Defense that are—

(A) identified by the Forest Service or the United States Coast Guard as a suitable platform to carry out their respective missions;

(B) subject to paragraphs (2) and (3), excess to the needs of the Department of Defense, as determined by the Secretary of Defense;

(C) acceptable for use by the Forest Service, as determined by the Secretary of Agriculture; and

(D) acceptable for use by the United States Coast Guard, as determined by the Secretary of Homeland Security.

(2) LIMITATION ON NUMBER.—The number of aircraft that may be transferred to either the Secretary of Agriculture or the Secretary of Homeland Security may not exceed 12 aircraft.

(3) LIMITATIONS ON DETERMINATION AS EXCESS.—Aircraft may not be determined to be excess for the purposes of this subsection, unless such aircraft are determined to be excess in the report referenced by subsection (b) of section 1703 of title XVII.
of this Act, or if such aircraft are otherwise prohib-
ited from being determined excess by law.

(c) PRIORITY IN TRANSFER.—The Secretary of Agri-
culture and the Secretary of Homeland Security shall be
afforded equal priority in the transfer under subsection (a)
of excess aircraft of the Department of Defense specified in
subsection (b) before any other department or agency of the
Federal Government.

(d) CONDITIONS OF TRANSFER.—Excess aircraft
transferred to the Secretary of Agriculture under subsection
(a)—

(1) may be used only for wildfire suppression
purposes; and

(2) may not be flown or otherwise removed from
the United States unless dispatched by the National
Interagency Fire Center in support of an inter-
national agreement to assist in wildfire suppression
efforts or for other purposes approved by the Sec-
retary of Agriculture in writing in advance.

(e) EXPIRATION OF AUTHORITY.—The authority to
transfer excess aircraft under subsection (a) shall expire on
December 31, 2013.
SEC. 1095. REAUTHORIZATION OF SALE OF AIRCRAFT AND
PARTS FOR WILDFIRE SUPPRESSION PURPOSES.

Section 2 of the Wildfire Suppression Aircraft Transfer Act of 1996 (10 U.S.C. 2576 note) is amended—

(1) in subsection (a), by striking “during the period beginning on October 1, 1996, and ending on September 30, 2005” and inserting “during a period specified in subsection (g)”;

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

“(g) PERIODS FOR EXERCISE OF AUTHORITY.—The periods specified in this subsection are the following:

“(1) The period beginning on October 1, 1996, and ending on September 30, 2005.

“(2) The period beginning on October 1, 2012, and ending on September 30, 2017.”.

SEC. 1096. PROTECTION OF VETERANS’ MEMORIALS.

(a) TRANSPORTATION OF STOLEN MEMORIALS.—Section 2314 of title 18, United States Code, is amended by adding at the end the following:

“In the case of an offense under the first paragraph of this section, if the goods, wares, or merchandise consist of or include a veterans’ memorial, the requirement of that
paragraph that the goods, wares, or merchandise have a
value of $5,000 or more does not apply. In this paragraph,
the term ‘veterans’ memorial’ means a grave marker, head-
stone, monument, or other object, intended to permanently
honor a veteran or mark a veteran’s grave, or any monu-
ment that signifies an event of national military historical
significance.”.

(b) SALE OR RECEIPT OF STOLEN MEMORIALS.—Sec-
tion 2315 of such title is amended by adding at the end
the following:

“In the case of an offense under the first paragraph
of this section, if the goods, wares, or merchandise consist
of or include a veterans’ memorial, the requirement of that
paragraph that the goods, wares, or merchandise have a
value of $5,000 or more does not apply. In this paragraph,
the term ‘veterans’ memorial’ means a grave marker, head-
stone, monument, or other object, intended to permanently
honor a veteran or mark a veteran’s grave, or any monu-
ment that signifies an event of national military historical
significance.”.
SEC. 1097. TRANSPORTATION OF INDIVIDUALS TO AND FROM FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.

(a) In General.—Chapter 1 of title 38, United States Code, is amended by inserting after section 111 the following new section:

"§111A. Transportation of individuals to and from Department facilities

"(a) Transportation by Secretary.—The Secretary may transport any person to or from a Department facility or other place in connection with vocational rehabilitation, counseling required by the Secretary pursuant to chapter 34 or 35 of this title, or for the purpose of examination, treatment, or care."

(b) Conforming Amendment.—Subsection (h) of section 111 of such title is—

(1) transferred to section 111A of such title, as added by subsection (a);

(2) redesignated as subsection (b);

(3) inserted after subsection (a) of such section;

and

(4) amended by inserting "TRANSPORTATION BY THIRD-PARTIES.—" before "The Secretary".

(c) Clerical Amendment.—The table of sections at the beginning of chapter 1 of such title is amended by in-
serting after the item relating to section 111 the following new item:

“111A. Transportation of individuals to and from Department facilities.”.

SEC. 1098. NATIONAL PUBLIC AWARENESS AND PARTICIPA-
TION CAMPAIGN FOR VETERANS’ HISTORY

PROJECT OF AMERICAN FOLKLIFE CENTER.

(a) In General.—The Director of the American Folklife Center at the Library of Congress shall carry out a national public awareness and participation campaign for the program required by section 3(a) of the Veterans’ Oral History Project Act (20 U.S.C. 2142(a)). Such campaign shall provide for the following:

(1) Encouraging the people of the United States, veterans organizations, community groups, and national organizations to participate in such program.

(2) Ensuring greater awareness and participation throughout the United States in such program.

(3) Providing meaningful opportunities for learning about the experiences of veterans.

(4) Complementing the efforts supporting the re-adjustment and successful reintegration of veterans into civilian life after service in the Armed Forces.

(b) Coordination and Cooperation.—To the degree practicable, the Director shall, in carrying out the campaign required by subsection (a), coordinate and cooperate with veterans service organizations.
(c) Veterans Service Organization Defined.—In this section, the term “veterans service organization” means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

SEC. 1099. TECHNICAL AMENDMENTS RELATING TO THE TERMINATION OF THE ARMED FORCES INSTITUTE OF PATHOLOGY UNDER DEFENSE BASE CLOSURE AND REALIGNMENT.

Section 177 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by striking “those professional societies” and all that follows through “the Armed Forces Institute of Pathology” and inserting “the professional societies and organizations that support the activities of the American Registry of Pathology”; and

(ii) by striking the second sentence;

and

(B) in paragraph (3), by striking “with the concurrence of the Director of the Armed Forces Institute of Pathology”; and

(2) in subsection (b)—
(A) by striking paragraph (1);

(B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively; and

(C) in paragraph (2), as redesignated by subparagraph (B)—

(i) by striking “accept gifts and grants from and”; and

(ii) by inserting “and accept gifts and grants from such entities” before the semicolon; and

(3) in subsection (d), by striking “to the Director” and all that follows through “it deems desirable,” and inserting “annually to its Board and supporting organizations referred to in subsection (a)(2)”.

SEC. 1099A. IMPROVED ENUMERATION OF MEMBERS OF THE ARMED FORCES IN ANY TABULATION OF TOTAL POPULATION BY SECRETARY OF COMMERCE.

(a) In general.—Section 141 of title 13, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:
“(g) Effective beginning with the 2020 decennial cen-
sus of population, in taking any tabulation of total popu-
lation by States, the Secretary shall take appropriate meas-
ures to ensure, to the maximum extent practicable, that all
members of the Armed Forces deployed abroad on the date
of taking such tabulation are—
“(1) fully and accurately counted; and
“(2) properly attributed to the State in which
their residence at their permanent duty station or
homeport is located on such date.”.

(b) Construction.—The amendments made by sub-
section (a) shall not be construed to affect the residency sta-
tus of any member of the Armed Forces under any provision
of law other than title 13, United States Code.

SEC. 1099B. STATE CONSIDERATION OF MILITARY TRAIN-
ING IN GRANTING CERTAIN STATE CERTIFI-
CATIONS AND LICENSES AS A CONDITION ON
THE RECEIPT OF FUNDS FOR VETERANS EM-
PLOYMENT AND TRAINING.

(a) In General.—Section 4102A(c) of title 38, United
States Code, is amended by adding at the end the following:
“(9)(A) As a condition of a grant or contract under
which funds are made available to a State in order to carry
out section 4103A or 4104 of this title for any program
year, the Secretary may require the State—
“(i) to demonstrate that when the State approves
or denies a certification or license described in sub-
paragraph (B) for a veteran the State takes into con-
sideration any training received or experience gained
by the veteran while serving on active duty in the
Armed Forces; and

“(ii) to disclose to the Secretary in writing the
following:

“(I) Criteria applicants must satisfy to re-
ceive a certification or license described in sub-
paragraph (B) by the State.

“(II) A description of the standard prac-
tices of the State for evaluating training received
by veterans while serving on active duty in the
Armed Forces and evaluating the documented
work experience of such veterans during such
service for purposes of approving or denying a
certification or license described in subparagraph
(B).

“(III) Identification of areas in which
training and experience described in subclause
(II) fails to meet criteria described in subclause
(I).”

“(B) A certification or license described in this sub-
paragraph is any of the following:
“(i) A license to be a State tested nursing assistant or a certified nursing assistant.

“(ii) A commercial driver’s license.

“(iii) An emergency medical technician license EMT–B or EMT–I.

“(iv) An emergency medical technician–paramedic license.

“(C) The Secretary shall share the information the Secretary receives under subparagraph (A)(ii) with the Secretary of Defense to help the Secretary of Defense improve training for military occupational specialties so that individuals who receive such training are able to receive a certification or license described in subparagraph (B) from a State.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a program year beginning on or after the date of the enactment of this Act.

SECTION 1099C. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.

Chapter 44 of title 18, United States Code, is amended—

(1) in section 926B—

(A) in subsection (c)(1), by inserting “or apprehension under section 807(b) of title 10,
United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; (B) in subsection (d), by striking “as a law enforcement officer” and inserting “that identifies the employee as a police officer or law enforcement officer of the agency”; and (C) in subsection (f), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; and (2) in section 926C— (A) in subsection (c)(2), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; and (B) in subsection (d)— (i) in paragraph (1), by striking “that indicates” and inserting “that identifies the person as having been employed as a police officer or law enforcement officer and indicates”; and (ii) in paragraph (2)(A), by inserting “that identifies the person as having been employed as a police officer or law enforcement officer” after “officer”.

†HR 4310 PP
SEC. 1099D. MODERNIZATION OF ABSENTEE BALLOT MAIL DELIVERY SYSTEM.

It is the sense of Congress that the Department of Defense should partner with the United States Postal Service (USPS) to modernize the USPS mail delivery system to address problems with the delivery of absentee ballots and ensure the effective and efficient delivery of such ballots, including through the establishment of a centralized mail forwarding system to ensure that blank ballots are properly redirected.

SEC. 1099E. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

Section 1207(a)(5) of the Small Business Jobs Act of 2010 (15 U.S.C. 649b note) is amended by inserting after “Guam,” the following: “the Commonwealth of the Northern Mariana Islands,”.

TITLE XI—CIVILIAN PERSONNEL MATTERS

SEC. 1101. AUTHORITY FOR TRANSPORTATION OF FAMILY HOUSEHOLD PETS OF CIVILIAN PERSONNEL DURING EVACUATION OF NON-ESSENTIAL PERSONNEL.

Section 5725 of title 5, United States Code, is amended—

(1) in subsection (a)(2), by inserting “and family household pets,” after “personal effects,”; and
(2) by adding at the end the following new subsection:

“(c)(1) Authority under subsection (a) to transport family household pets of an employee includes authority for shipment and the payment of quarantine costs, if any.

“(2) An employee for whom transportation of family household pets is authorized under subsection (a) may be paid reimbursement or a monetary allowance if other commercial transportation means have been used.

“(3) The provision of transportation of family household pets for an employee of the Department of Defense under subsection (a) and the payment of reimbursement under paragraph (2) shall be subject to the same terms and conditions as apply under subsection 406(b)(1)(H)(iii) of title 37 with respect to family household pets of members of the uniformed services, including limitations on the types, size, and number of pets for which transportation may be provided or reimbursement paid.”.

SEC. 1102. EXPANSION OF EXPERIMENTAL PERSONNEL PROGRAM FOR SCIENTIFIC AND TECHNICAL PERSONNEL AT THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.

(a) EXPANSION.—Section 1101(b)(1)(A) of the Strom Thurmond National Defense Authorization Act for Fiscal
Year 1999 (5 U.S.C. 3104 note) is amended by striking “40” and inserting “60”.

(b) CONSTRUCTION.—The amendment made by subsection (a) shall not be construed as affecting any applicable authorization or delimitation of the numbers of personnel that may be employed at the Defense Advanced Research Projects Agency.

SEC. 1103. ONE-YEAR EXTENSION OF DISCRETIONARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.


†HR 4310 PP
SEC. 1104. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE 
AND RETIREMENT TREATMENT FOR CERTAIN 
RETIREES OF THE ARMED FORCES.

(a) Increase in Maximum Age Limit for Positions 
Subject to FERS.—

(1) Law enforcement officers.—Section 3307(e) of title 5, United States Code, is amended—

(A) in paragraph (1), by inserting “or (3)” after “paragraph (2)”; and

(B) by adding at the end the following:

“(3) The maximum age limit for an original appointment to a position as a law enforcement officer (as defined in section 8401(17)) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.”.

(2) Other positions.—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of such title), or customs and border protection officer (as defined in section 8401(36) of such title) shall be 47 years of age, in the case of an individual who on the effective date of such appoint-
ent is eligible to receive retired pay or retainer pay
for military service, or pension or compensation from
the Department of Veterans Affairs instead of such re-
tired or retainer pay.

(b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of
such title is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by adding “or” at the end;

and

(3) by inserting after paragraph (2) the fol-
lowing:

“(3) after becoming 57 years of age and com-
pleting 10 years of service as a law enforcement offi-
cer, member of the Capitol Police or Supreme Court
Police, nuclear materials courier, customs or border
protection officer, or any combination of such service
totaling 10 years, if such employee—

“(A) is originally appointed to a position
as a law enforcement officer, member of the Cap-
itol Police or Supreme Court Police, nuclear ma-
terials courier, or customs and border protection
officer on or after the effective date of this para-
graph under section 1104(e) of the National De-
sense Authorization Act for Fiscal Year 2013,

and

“(B) on the date that original appointment
met the requirements of section 3307(e)(2) of this
title or section 1104(a)(2) of the National De-
Fense Authorization Act for Fiscal Year 2013,”.

(c) MANDATORY SEPARATION.—Section 8425 of such
title is amended—

(1) in subsection (b)(1), in the first sentence, by
inserting “, except that a law enforcement officer, nu-
clear materials courier, or customs and border protec-
tion officer eligible for retirement under section
8412(d)(3) shall be separated from the service on the
last day of the month in which that employee becomes
57 years of age” before the period;

(2) in subsection (c), in the first sentence, by in-
serting “, except that a member of the Capitol Police
eligible for retirement under section 8412(d)(3) shall
be separated from the service on the last day of the
month in which that employee becomes 57 years of
age” before the period; and

(3) in subsection (d), in the first sentence, by in-
serting “, except that a member of the Supreme Court
Police eligible for retirement under section 8412(d)(3)
shall be separated from the service on the last day of
the month in which that employee becomes 57 years of age” before the period.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415(e) of such title is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking “The annuity of an employee” and inserting “(1) Except as provided in paragraph (2), the annuity of an employee”; and

(3) by adding at the end the following:

“(2)(A) The annuity of an employee retiring under subsection (d) or (e) of section 8412 or under subsection (a), (b), or (c) of section 8425 who is an employee described in subparagraph (B) is—

“(i) 1 7/10 percent of that individual’s average pay multiplied by so much of such individual’s civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate, does not exceed 20 years; plus

“(ii) 1 percent of that individual’s average pay multiplied by the remainder of such individual’s total service.
“(B) An employee described in this subparagraph is an employee who—

“(i) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1104(e) of the National Defense Authorization Act for Fiscal Year 2013; and

“(ii) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1104(a)(2) of the National Defense Authorization Act for Fiscal Year 2013.”.

(e) EFFECTIVE DATE.—This section (including the amendments made by this section) shall take effect 60 days after the date of enactment of this Act and shall apply to appointments made on or after that effective date.
TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

Subtitle A—Assistance and Training

SEC. 1201. EXTENSION OF AUTHORITY TO BUILD THE CAPACITY OF FOREIGN MILITARY FORCES AND MODIFICATION OF NOTICE IN CONNECTION WITH INITIATION OF ACTIVITIES.

(a) EXTENSION.—Subsection (g) of section 1206 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456), as most recent amended by section 1204(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1622), is further amended—

(1) by striking “September 30, 2013” and inserting “September 30, 2014”; and

(2) by striking “fiscal years 2006 through 2013” and inserting “fiscal years 2006 through 2014”.

(b) MODIFICATION OF NOTICE.—

(1) IN GENERAL.—Subsection (e)(2) of such section 1206, as amended by section 1206(a) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2418), is further amended by adding at the end the following new subparagraph:
“(D) Detailed information (including the amount and purpose) on the assistance provided the country during the three preceding fiscal years under each of the following programs or accounts:

“(i) A program under this section.


“(iii) Peacekeeping Operations.


“(v) Nonproliferation, Anti-Terrorism, Demining, and Related Programs (NADR).”.

(2) APPLICABILITY.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to any country in which activities are initiated under section 1206 of the National Defense Authorization Act for Fiscal Year 2006 on or after that date.
SEC. 1202. EXTENSION OF AUTHORITY FOR NON-RECIPROCAL EXCHANGE OF DEFENSE PERSONNEL BETWEEN THE UNITED STATES AND FOREIGN COUNTRIES.


SEC. 1203. AUTHORITY TO BUILD THE CAPACITY OF CERTAIN COUNTERTERRORISM FORCES IN YEMEN AND EAST AFRICA.

(a) Authority.—The Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance as follows:

(1) To enhance the ability of the Yemen Ministry of Interior Counter Terrorism Forces to conduct counterterrorism operations against al Qaeda in the Arabian Peninsula and its affiliates.

(2) To enhance the capacity of the national military forces, security agencies serving a similar defense function, other counterterrorism forces, and border security forces of Djibouti, Ethiopia, and Kenya to conduct counterterrorism operations against al Qaeda, al Qaeda affiliates, and al Shabaab.

(3) To enhance the capacity of national military forces participating in the African Union Mission in
Somalia to conduct counterterrorism operations against al Qaeda, al Qaeda affiliates, and al Shabaab.

(b) **TYPES OF ASSISTANCE.**—

(1) **AUTHORIZED ELEMENTS.**—Assistance under subsection (a) may include the provision of equipment, supplies, training, and minor military construction.

(2) **REQUIRED ELEMENTS.**—Assistance under subsection (a) shall be provided in a manner that promotes—

(A) observance of and respect for human rights and fundamental freedoms; and

(B) respect for legitimate civilian authority in the country receiving such assistance.

(3) **ASSISTANCE OTHERWISE PROHIBITED BY LAW.**—The Secretary of Defense may not use the authority in subsection (a) to provide any type of assistance described in this subsection that is otherwise prohibited by any other provision of law.

(4) **LIMITATIONS ON MINOR MILITARY CONSTRUCTION.**—The total amount that may be obligated and expended on minor military construction under subsection (a) in any fiscal year may not exceed amounts as follows:
(A) In the case of minor military construc-
tion under paragraph (1) of subsection (a),
$10,000,000.

(B) In the case of minor military construc-
tion under paragraphs (2) and (3) of subsection
(a), $10,000,000.

(c) FUNDING.—

(1) IN GENERAL.—Of the amount authorized to
be appropriated for a fiscal year for the Department
of Defense for operation and maintenance—

(A) not more than $75,000,000 may be used
to provide assistance under paragraph (1) of
subsection (a); and

(B) not more than $75,000,000 may used to
provide assistance under paragraphs (2) and (3)
of subsection (a).

(2) AVAILABILITY OF FUNDS FOR ASSISTANCE
ACROSS FISCAL YEARS.—Amounts available under
this subsection for the authority in subsection (a) for
a fiscal year may be used for assistance under that
authority that begins in such fiscal year but ends in
the next fiscal year.

(d) NOTICE TO CONGRESS.—

(1) IN GENERAL.—Not later than 30 days before
providing assistance under subsection (a), the Sec-
Secretary of Defense shall submit to the committees of Congress specified in paragraph (2) a notice setting forth the assistance to be provided, including the types of such assistance, the budget for such assistance, and the completion date for the provision of such assistance.

(2) COMMITTEES OF CONGRESS.—The committees of Congress specified in this paragraph are—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(e) EXPIRATION.—Except as provided in subsection (c)(2), the authority provided under subsection (a) may not be exercised after the earlier of—

(1) the date on which the Global Security Contingency Fund achieves full operational capability; or

(2) September 30, 2014.

SEC. 1204. LIMITATION ON AVAILABILITY OF FUNDS FOR STATE PARTNERSHIP PROGRAM.

(a) LIMITATION.—Of the amounts authorized to be appropriated by this Act and available for the State Partner-
ship Program, not more than 50 percent may be obligated
or expended for that Program until the latter of the fol-
lowing:

(1) The date on which the Secretary of Defense
submits to the appropriate congressional committees
the final regulations required by subsection (a) of sec-
tion 1210 of the National Defense Authorization Act
for Fiscal Year 2010 (Public Law 111–84; 123 Stat.

(2) The date on which the Secretary of Defense
certifies to the appropriate congressional committees
that appropriate modifications have been made, and
appropriate controls have been instituted, to ensure
the compliance of the Program with section 1341 of
title 31, United States Code (commonly referred to as
the “Anti-Deficiency Act”), in the future.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
FINED.—In this section, the term “appropriate congress-
ional committees” has the meaning given that term in sub-
section (d) of section 1210 of the National Defense Author-
ization Act for Fiscal Year 2010.
Subtitle B—Matters Relating to
Iraq, Afghanistan, and Pakistan

SEC. 1211. COMMANDERS’ EMERGENCY RESPONSE PRO-
GRAM IN AFGHANISTAN.

(a) ONE-YEAR EXTENSION.—

(1) IN GENERAL.—Section 1201 of the National
Defense Authorization Act for Fiscal Year 2012 (Public
Law 112–81; 125 Stat. 1619) is amended by strik-
ing “fiscal year 2012” each place it appears and in-
serting “fiscal year 2013”.

(2) CONFORMING AMENDMENT.—The heading of
subsection (a) of such section is amended by striking
“FISCAL YEAR 2012” and inserting “FISCAL YEAR
2013”.

(b) AMOUNT OF FUNDS AVAILABLE DURING FISCAL
YEAR 2013.—Subsection (a) of such section is further
amended by striking “$400,000,000” and inserting
“$200,000,000”.

SEC. 1212. EXTENSION OF AUTHORITY TO SUPPORT OPER-
ATIONS AND ACTIVITIES OF THE OFFICE OF
SECURITY COOPERATION IN IRAQ.

(a) LIMITATION ON AMOUNT OF FUNDS FOR FISCAL
YEAR 2013.—Subsection (c) of section 1215 of the National
Defense Authorization Act for Fiscal Year 2012 (Public
Law 112–81; 125 Stat. 1631; 10 U.S.C. 113 note) is amend-
ed by striking “in fiscal year 2012” and all that follows and inserting “may not exceed amounts as follows:

“(1) In fiscal year 2012, $524,000,000.
“(2) In fiscal year 2013, $508,000,000.”.

(b) SOURCE OF FUNDS.—Subsection (d) of such section is amended by inserting “or 2013” after “fiscal year 2012”.

SEC. 1213. ONE-YEAR EXTENSION AND MODIFICATION OF AUTHORITY TO USE FUNDS FOR REINTEGRATION ACTIVITIES IN AFGHANISTAN.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Senate is deeply concerned with the dramatic rise in conflict-induced displacement in Afghanistan and the corresponding increase in humanitarian need, especially as winter approaches;

(2) there have been several reports of children freezing to death in various refugee settlements in Afghanistan during the winter of 2011–12;

(3) the Bureau of Population, Refugees, and Migration of the Department of State and the Special Representative for Afghanistan and Pakistan should jointly develop a comprehensive strategy to address the displacement and human suffering referred to in paragraphs (1) and (2), which shall include—
(A) an assessment of the capacity of the Government of Afghanistan—

(i) to prevent, mitigate, and respond to forced displacement; and

(ii) to provide durable solutions for internally displaced Afghans and Afghan refugees; and

(B) a coherent plan to strengthen the capacity of the Government of Afghanistan to address the causes and consequences of displacement within Afghanistan.


(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. ONE-YEAR EXTENSION AND MODIFICATION OF AUTHORITY FOR PROGRAM TO DEVELOP AND CARRY OUT INFRASTRUCTURE PROJECTS IN AFGHANISTAN.


(1) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) IN GENERAL.—Subject to paragraph (2), to carry out the program authorized under subsection (a), the Secretary of Defense may use amounts as follows:

“(A) Up to $400,000,000 made available to the Department of Defense for operation and maintenance for fiscal year 2012.

“(B) Up to $350,000,000 made available to the Department of Defense for operation and maintenance for fiscal year 2013.”;
(2) in paragraph (2)—

(A) by striking “85 percent” and inserting “50 percent”;

(B) by inserting “for a fiscal year after fiscal year 2011” after “in paragraph (1)”; and

(C) by striking “fiscal year 2012.” and inserting “such fiscal year, including for each project to be initiated during such fiscal year the following:

“(A) An estimate of the financial and other requirements necessary to sustain such project on an annual basis after the completion of such project.

“(B) An assessment whether the Government of Afghanistan is committed to and has the capacity to maintain and use such project after its completion.

“(C) A description of any arrangements for the sustainment of such project following its completion if the Government of Afghanistan lacks the capacity (in either financial or human resources) to maintain such project.”; and

(3) in paragraph (3), by adding at the end the following new subparagraph:
“(C) In the case of funds for fiscal year 2013, until September 30, 2014.”.

SEC. 1215. EXTENSION OF PAKISTAN COUNTERINSURGENCY FUND.

(a) EXTENSION.—Section 1224(h) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2521), as most recently amended by section 1220(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1633), is further amended by striking “September 30, 2012” each place it appears and inserting “September 30, 2013”.

(b) EXTENSION OF LIMITATION ON FUNDS PENDING REPORT.—Section 1220(b)(1)(A) of the National Defense Authorization Act for Fiscal Year 2012 (125 Stat. 1633) is amended by striking “fiscal year 2013” and inserting “fiscal year 2013”.

SEC. 1216. EXTENSION AND MODIFICATION OF AUTHORITY FOR REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

(a) EXTENSION OF AUTHORITY.—Subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 393), as most recently amended by section 1213 of the National De-
fense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1630), is further amended—

(1) by striking “for fiscal year 2012” and

(2) by inserting “, during the period ending on September 30, 2013,” after “Secretary of Defense may”.

(b) LIMITATION ON AMOUNTS AVAILABLE.—Subsection (d) of such section, as so amended, is further amended—

(1) by striking “during fiscal year 2012 may not exceed $1,690,000,000” and inserting “may not exceed $1,750,000,000 during fiscal year 2013, except that reimbursements made during fiscal year 2013 for support provided by Pakistan before May 1, 2011, using funds available for that purpose before fiscal year 2013 shall not count against this limitation”;

and

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

“(3) PROHIBITION ON REIMBURSEMENT OF PAKISTAN FOR SUPPORT DURING PERIODS CLOSED TO TRANSSHIPMENT.—Effective as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, funds (including funds from a prior fiscal year that remain available for obligation) may not be used for reimbursements under the au-
authority in subsection (a) for Pakistan for claims of support provided during any period when the ground lines of supply through Pakistan to Afghanistan were closed to the transshipment of equipment and supplies in support of United States military operations in Afghanistan.”.

(c) SUPPORTED OPERATIONS.—Such section is further amended in subsections (a)(1) and (b) by striking “Operation Iraqi Freedom or”.

(d) LIMITATION ON REIMBURSEMENT OF PAKISTAN IN FISCAL YEAR 2013 PENDING CERTIFICATION ON PAKISTAN.—

(1) IN GENERAL.—Effective as of the date of the enactment of this Act, no amounts authorized to be appropriated by this Act, and no amounts authorized to be appropriated for fiscal years before fiscal year 2013 that remain available for obligation, may be used for reimbursements of Pakistan under the authority in subsection (a) of section 1233 of the National Defense Authorization Act for Fiscal Year 2008, as so amended, until the Secretary of Defense certifies to the congressional defense committees each of the following:

(A) That Pakistan has opened and is maintaining security along the ground lines of supply
through Pakistan to Afghanistan for the trans-
shipment of equipment and supplies in support
of United States military operations in Afghani-
stan.

(B) That Pakistan is not providing support
to militant extremists groups (including the
Haqqani Network and the Afghan Taliban
Quetta Shura) located in Pakistan and con-
ducting cross-border attacks against United
States, coalition, or Afghanistan security forces,
and is taking actions to prevent such groups
from basing and operating in Pakistan.

(C) That Pakistan is demonstrating a con-
tinuing commitment, and is making significant
efforts toward the implementation of a strategy,
to counter improvised explosive devices, includ-
ing efforts to attack improvised explosive device
networks, monitor known precursors used in im-
provised explosive devices, and develop and im-
plement a strict protocol for the manufacture of
explosive materials (including calcium ammo-
nium nitrate) and accessories and for their sup-
ply to legitimate end users.

(D) That Pakistan is demonstrably cooper-
ating with United States counterterrorism ef-
forts, including by not detaining, prosecuting, or
imprisoning citizens of Pakistan as a result of
their cooperation with such efforts, including Dr.
Shakil Afridi.

(2) WAIVER AUTHORITY.—The Secretary may
waive the limitation in paragraph (1) if the Sec-
retary certifies to the congressional defense committees
in writing that the waiver is in the national security
interests of the United States and includes with such
certification a justification for the waiver.

SEC. 1217. EXTENSION AND MODIFICATION OF LOGISTICAL
SUPPORT FOR COALITION FORCES SUPPORTING CERTAIN UNITED STATES MILITARY
OPERATIONS.

(a) EXTENSION.—Section 1234 of the National Defense
Authorization Act for Fiscal Year 2008 (Public Law 111–
181; 122 Stat. 394), as most recently amended by section
1211 of the National Defense Authorization Act for Fiscal
Year 2012 (Public Law 112–81; 125 Stat. 1629)), is further
amended by striking “fiscal year 2012” each place it ap-
ppears and inserting “fiscal year 2013”.

(b) REPEAL OF AUTHORITY FOR USE OF FUNDS IN
CONNECTION WITH IRAQ.—
(1) IN GENERAL.—Subsection (a) of such section 1234, as so amended, is further amended by striking "Iraq and".

(2) CONFORMING AMENDMENT.—The heading of such section 1234 is amended by striking "IRAQ AND".

SEC. 1218. STRATEGY FOR SUPPORTING THE ACHIEVEMENT OF A SECURE PRESIDENTIAL ELECTION IN AFGHANISTAN IN 2014.

(a) STRATEGY REQUIRED.—The Secretary of Defense shall, in consultation with the Secretary of State, develop a strategy to support the Government of Afghanistan in its efforts to achieve a secure presidential election in Afghanistan in 2014.

(b) ELEMENTS.—The strategy shall include support to the Government of Afghanistan for the following:

(1) The identification and training of an adequate number of personnel within the current existing end strength of the Afghanistan National Security Forces (ANSF) for security of polling stations, election materials, and protection of election workers and officials.

(2) The recruitment and training of an adequate number of female personnel in the Afghanistan National Security Forces to afford equitable access to
polls for women, secure polling stations, and secure locations for counting and storing election materials.

(3) The securing of freedom of movement and communications for candidates before and during the election.

(c) Funding Resources.—In developing the strategy, the Secretary shall identify, from among funds currently available to the Department of Defense for activities in Afghanistan, the funds required to execute the strategy.

SEC. 1219. INDEPENDENT ASSESSMENT OF THE AFGHAN NATIONAL SECURITY FORCES.

(a) Independent Assessment Required.—The Secretary of Defense shall provide for the conduct of an independent assessment of the strength, force structure, force posture, and capabilities required to make the Afghan National Security Forces (ANSF) capable of providing security for their own country so as to prevent Afghanistan from ever again becoming a safe haven for terrorists that threaten Afghanistan, the region, and the world.

(b) Conduct of Assessment.—The assessment required by subsection (a) may, at the election of the Secretary, be conducted by—

(1) a Federally-funded research and development center (FFRDC); or
(2) an independent, non-governmental institute described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code that has recognized credentials and expertise in national security and military affairs appropriate for the assessment.

(c) ELEMENTS.—The assessment required by subsection (a) shall include, but not be limited to, the following:

(1) An assessment of the likely internal and regional security environment for Afghanistan over the next decade, including challenges and threats to the security and sovereignty of Afghanistan from state and non-state actors.

(2) An assessment of the strength, force structure, force posture, and capabilities required to make the Afghan National Security Forces capable of providing security for their own country so as to prevent Afghanistan from ever again becoming a safe haven for terrorists that threaten Afghanistan, the region, and the world.

(3) An assessment of any capability gaps in the Afghan National Security Forces that are likely to persist after 2014 and that will require continued support from the United States and its allies.
(4) An assessment whether current proposals for
the resourcing of the Afghan National Security Forces
after 2014 are adequate to establish and maintain
long-term security for the Afghanistan people, and
implications of the under-resourcing of the Afghan
National Security Forces for United States national
security interests.

(d) REPORT.—Not later than one year after the date
of the enactment of this Act, the entity selected for the con-
duct of the assessment required by subsection (a) shall pro-
vide to the Secretary and the congressional defense commit-
tees a report containing its findings as a result of the assess-
ment. The report shall be submitted in unclassified form,
but may include a classified annex.

(e) FUNDING.—Of the amounts authorized to be appro-
priated for fiscal year 2013 by section 301 and available
for operation and maintenance for Defense-wide activities
as specified in the funding table in section 4301, up to
$1,000,000 shall be made available for the assessment re-
quired by subsection (a).

(f) AFGHAN NATIONAL SECURITY FORCES.—For pur-
poses of this section, the Afghan National Security Forces
shall include all forces under the authority of the Afghan
Ministry of Defense and Afghan Ministry of Interior, in-
cluding the Afghan National Army, the Afghan National
Police, the Afghan Border Police, the Afghan National Civil Order Police, and the Afghan Local Police.

SEC. 1220. REPORT ON AFGHANISTAN PEACE AND RE-INTEGRATION PROGRAM.

(a) Report Required.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State, submit to the appropriate committees of Congress a report on the Afghanistan Peace and Reintegration Program (APRP).

(b) Elements.—The report required by subsection (a) shall include the following:

(1) A description of the goals and objectives of the Afghanistan Peace and Reintegration Program.

(2) A description of the structure of the Program at the national and sub-national levels in Afghanistan, including the number and types of vocational training and other education programs.

(3) A description of the activities of the Program as of the date of the report.

(4) A description and assessment of the procedures for vetting individuals seeking to participate in the Program, including an assessment of the extent to which biometric identification systems are used and
the role of provincial peace councils in such procedures.

(5) The amount of funding provided by the United States, and by the international community, to support the Program, and the amount of funds so provided that have been distributed as of the date of the report.

(6) An assessment of the individuals who have been reintegrated into the Program, set forth in terms as follows:

(A) By geographic distribution by province.

(B) By number of each of low-level insurgent fighters, mid-level commanders, and senior commanders.

(C) By number confirmed to have been part of the insurgency.

(D) By number who are currently members of the Afghan Local Police.

(E) By number who are participating in or have completed vocational training or other educational programs as part of the Program.

(7) A description and assessment of the procedures for monitoring the individuals participating in the Program.
(8) A description and assessment of the role of women and minority populations in the implementation of the Program.

(9) An assessment of the effectiveness of the activities of the Program described under paragraph (3) in achieving the goals and objectives of the Program.

(10) Such recommendations as the Secretary of Defense considers appropriate for improving the implementation, oversight, and effectiveness of the Program.

(c) Appropriate Committees of Congress Defined.—In this section, the term “appropriate committees of Congress” means—

   (1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

   (2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

SEC. 1221. COMPLETION OF ACCELERATED TRANSITION OF UNITED STATES COMBAT AND MILITARY AND SECURITY OPERATIONS TO THE GOVERNMENT OF AFGHANISTAN.

(a) Sense of Congress.—It is the sense of Congress that the President should, in coordination with the Govern-
ment of Afghanistan, North Atlantic Treaty Organization (NATO) member countries, and other allies in Afghanistan, seek to—

(1) undertake all appropriate activities to accomplish the President’s stated goal of transitioning the lead responsibility for security to the Government of Afghanistan by mid-summer 2013;

(2) as part of accomplishing this transition of the lead responsibility for security to the Government of Afghanistan, draw down United States troops to a level sufficient to meet this goal;

(3) as previously announced by the President, continue to draw down United States troop levels at a steady pace through the end of 2014; and

(4) end all regular combat operations by United States troops by not later than December 31, 2014, and take all possible steps to end such operations at the earliest date consistent with a safe and orderly draw down of United States troops in Afghanistan.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to recommend or support any limitation or prohibition on any authority of the President—

(1) to modify the military strategy, tactics, and operations of United States Armed Forces as such Armed Forces redeploy from Afghanistan;
(2) to authorize United States forces in Afghanistan to defend themselves whenever they may be threatened;

(3) to attack Al Qaeda forces wherever such forces are located;

(4) to provide financial support and equipment to the Government of Afghanistan for the training and supply of Afghanistan military and security forces; or

(5) to gather, provide, and share intelligence with United States allies operating in Afghanistan and Pakistan.

SEC. 1222. SENSE OF CONGRESS COMMENDING THE ENDURING STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE UNITED STATES AND AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States and Afghanistan have been allies in the conflict against al Qaeda and its affiliates for over a decade, with the shared goal of ensuring that Afghanistan is never again a sanctuary for al Qaeda.

(2) The United States and Afghanistan are committed to the framework agreed to at the North Atlantic Treaty Organization (NATO) Summit in Lisbon
in 2010, and reaffirmed at the NATO Summit in Chicago in 2012, for the transition from coalition forces to the Afghan National Security Forces of lead responsibility for security throughout Afghanistan by the end of 2014.

(3) In June 2011, President Barack Obama said, “What we can do, and will do, is build a partnership with the Afghan people that endures—one that ensures that we will be able to continue targeting terrorists and supporting a sovereign Afghan government.”

(4) In November 2011, a traditional loya jirga in Kabul declared that “strategic cooperation with the United States of America, which is a strategic ally of the people and government of Afghanistan, is considered important in order to ensure political, economic, and military security” and also stated, “Signing a strategic cooperation document with the United States conforms with the national interest of Afghanistan and is of significant importance.”

At the signing of the Enduring Strategic Partnership Agreement, President Obama said, “Today we’re agreeing to be long-term partners in combating terrorism, and training Afghan security forces, strengthening democratic institutions and supporting development, and protecting human rights of all Afghans. With this agreement, the Afghan people, and the world, should know that Afghanistan has a friend and a partner in the United States.”

At a May 20, 2012, bilateral meeting with President Karzai at the NATO Summit in Chicago, President Obama said that the Enduring Strategic Partnership Agreement “reflects a future in which two sovereign nations—the United States and Afghanistan—are operating as partners, to the benefit of our countries’ citizens, but also for the benefit of peace and security and stability in the region and around the world”.

President Karzai said at the May 20, 2012, bilateral meeting with President Obama, “Mr. President, the partnership that we signed a few weeks ago in Kabul has turned a new page in our relations. And the new page is a page of two sovereign countries working together for the mutual interests—peace and security and in all other areas.”
On May 26, 2012, the Wolesi Jirga, the lower house of the Afghan parliament, approved the Agreement by a vote of 191–7 with 2 abstentions.

On June 3, 2012, the Meshrano Jirga, the upper house of the Afghan parliament, approved the Agreement by a vote of 67–13.

On July 8, 2012, at the Tokyo Conference on Afghanistan, the international community and the Government of Afghanistan reaffirmed their partnership in the economic growth and development of Afghanistan through a process of mutual commitments and accountability.

On July 4, 2012, the Enduring Strategic Partnership Agreement entered into force.

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

(1) the members of the United States Armed Forces, intelligence community, and diplomatic and development community of the United States are to be commended for their dedicated efforts and sacrifices in support of military and stability operations in Afghanistan that have helped strengthen security in Afghanistan, laid the foundation for transition to a long-term partnership between the United States and a sovereign Afghanistan, and supported the Govern-
ment and people of Afghanistan as they continue to build their capacity to effectively and justly govern;

(2) the United States negotiating team for the Enduring Strategic Partnership Agreement, including the United States Embassy personnel in Kabul under the leadership of Ambassador Ryan Crocker, is to be commended for its committed diplomatic efforts;

(3) the Governments of the United States and Afghanistan are to be commended for concluding the Enduring Strategic Partnership Agreement;

(4) Congress supports the objectives and principles of the Enduring Strategic Partnership Agreement, including protecting and promoting shared democratic values, advancing long-term security, reinforcing regional security and cooperation, fostering social and economic development, upholding the rights of women and minorities, and strengthening institutions and governance in Afghanistan;

(5) it is essential that the Government and people of Afghanistan fulfill Afghanistan’s international commitments as agreed at the Tokyo Conference of July 2012, the Bonn Conference of December 2011, the Kabul Conference of July 2011, and other venues to combat corruption, protect the equal rights of all citizens of Afghanistan and enforce the rule of law,
hold free and fair elections in 2014, and build inclusive and effective institutions of democratic governance;

(6) a key national security interest of the United States is to maintain a long-term political, economic, and military relationship with Afghanistan, including a limited presence of United States Armed Forces for the purpose of training, advising, and supporting Afghan National Security Forces and cooperating on shared counterterrorism objectives;

(7) the negotiation and conclusion of a Bilateral Security Agreement, as called for in the Enduring Strategic Partnership Agreement, will provide a fundamental framework for the long-term security relationship between the United States and Afghanistan; and

(8) Congress has a critical role in continuing to provide the support and assistance necessary to achieve the goals of the Enduring Strategic Partnership Agreement.

SEC. 1223. CONGRESSIONAL REVIEW OF BILATERAL SECURITY AGREEMENT WITH AFGHANISTAN.

(a) FINDINGS.—Congress makes the following findings:

the President to use all necessary and appropriate
time force against those nations, organizations, or persons
the President determines planned, authorized, com-
mited, or aided the terrorist attacks that occurred on
September 11, 2001, or harbored such organizations
or persons, in order to prevent any future acts of
international terrorism against the United States by
such nations, organizations, or persons.

(2) President Barack Obama and Secretary of
Defense Leon Panetta have stated that the United
States continues to fight in Afghanistan to defeat the
al Qaeda threat and the Taliban, which harbored al
Qaeda in Afghanistan, where the attacks of September
11, 2001, were planned and where the attackers re-
ceived training.

(3) On May 1, 2012, the United States entered
into the “Enduring Strategic Partnership Agreement
Between the United States of America and the Is-
lamic Republic of Afghanistan”, which establishes an
enduring strategic partnership between the United
States and the Islamic Republic of Afghanistan.

(4) The Agreement reaffirms the presence and
operations of United States Armed Forces in Afghani-
stan, and establishes long-term commitments between
the two countries, including the continued commit-
ment of United States forces and political and financial support to the Government of Afghanistan.

(5) The Agreement also commits the United States to establishing a long-term Bilateral Security Agreement, with the goal of concluding a Bilateral Security Agreement within one year to supersede the present Status of Forces agreements with the Islamic Republic of Afghanistan.

(6) Congress was not consulted regarding the framework or substance of the Agreement.

(7) In the past, Congress has been consulted, and, in some cases, has provided its advice and consent to ratification of such agreements, including those where the use of force was not authorized nor required in the country.

(b) NOTIFICATION REQUIREMENT.—Not later than 30 days before entering into any Bilateral Security Agreement or other agreement with the Islamic Republic of Afghanistan that will affect the Status of Forces agreements and long-term commitments between the United States and the Islamic Republic of Afghanistan, the President shall submit the agreement to the appropriate congressional committees for review. If the President fails to comply with such requirement, 50 percent of the unobligated balance of the
amounts appropriated or otherwise made available for the
Executive Office of the President shall be withheld.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEF-
FINED.—In this section, the term “appropriate congres-
sional 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 Rep-
resentatives.

SEC. 1224. AUTHORITY TO TRANSFER DEFENSE ARTICLES
AND PROVIDE DEFENSE SERVICES TO THE
MILITARY AND SECURITY FORCES OF AF-
GHANISTAN AND CERTAIN OTHER COUN-
TRIES.

(a) NONEXCESS ARTICLES AND RELATED SERVICES.—
The Secretary of Defense may, with the concurrence of the
Secretary of State, transfer nonexcess defense articles from
the stocks of the Department of Defense, without reimburse-
ment from the government of the recipient country, and
provide defense services in connection with the transfer of
such defense articles, as follows:

(1) To the military and security forces of Af-
ghanistan to support the efforts of those forces to re-
store and maintain peace and security in that country.

(2) To the military and security forces of Yemen to support the efforts of those forces to conduct counterterrorism operations and counter al Qaeda in the Arabian Peninsula.

(3) To the military and security forces of Somalia and other countries in the East Africa region to support the efforts of those forces to conduct counterterrorism and postconflict stability operations in Somalia.

(b) LIMITATIONS.—

(1) VALUE.—The aggregate replacement value of all defense articles transferred and defense services provided in connection with such defense articles under subsection (a) in any fiscal year may not exceed $250,000,000.

(2) SOURCE OF TRANSFERRED ARTICLES.—The authority under subsection (a) may only be used for defense articles that—

(A) were present in Afghanistan as of the date of the enactment of this Act;

(B) immediately before transfer were in use to support operations in Afghanistan; and
(C) are no longer required by United States forces in Afghanistan.

(c) APPLICABLE LAW.—Any defense articles transferred or defense services provided under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) REPORT REQUIRED BEFORE EXERCISE OF AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense may not exercise the authority under subsection (a) until 15 days after the Secretary submits to the appropriate committees of Congress a report on the equipment and other property of the Department of Defense in Afghanistan.

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

(A) A description of the process for inventorying equipment and property, including defense articles, in Afghanistan owned by the Department of Defense, including equipment and property owned by the Department and under the control of contractors in Afghanistan.
(B) An estimate of the types and quantities of equipment and property of the Department of Defense, including defense articles, anticipated to be withdrawn from Afghanistan in connection with the drawdown of United States military forces from Afghanistan between the date of the enactment of this Act and December 31, 2014, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(e) NOTICE ON EXERCISE OF AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate committees of Congress notice of the proposed transfer of defense articles and provision of defense services.

(2) ELEMENTS.—A notice under paragraph (1) shall include the following:

(A) A description of the amount and types of defense articles to be transferred and defense services to be provided.
(B) A statement describing the current value of the defense articles to be transferred and the estimated replacement value of such articles.

(C) An identification of the element of the military or security force that is the proposed recipient of the defense articles to be transferred and defense service to be provided.

(D) An identification of the military department from which the defense articles to be transferred are to be drawn.

(E) An assessment of the impact, if any, of the transfer of defense articles on the readiness of units from which the defense articles are to be transferred, and the plan, if any, for mitigating such impact or reimbursing the military department of such units for such defense articles.

(F) An assessment of the ability of the recipient government to sustain the costs associated with receiving, possessing, and using the defense articles to be transferred.

(G) A determination and certification by the Secretary of Defense that—

(i) the proposed transfer of the defense articles to be transferred and the provision of defense services to be provided in connec-
tion with such transfer is in the national interest of the United States;

(ii) for the transfer of defense articles under the authority in subsection (a)(1), such defense articles are required by the military and security forces of Afghanistan to build their capacity to restore and maintain peace and security in that country;

(iii) for the transfer of defense articles and provision of defense services under the authority in subsection (a)(2), the transfer of such defense articles and provision of such defense services will contribute significantly to building key capacities of the military and security forces of Yemen required to conduct counterterrorism operations and counter al Qaeda in the Arabian Peninsula; and

(iv) for the transfer of defense articles and provision of defense services under the authority in subsection (a)(3), the transfer of such defense articles and provision of such defense services will contribute significantly to building key capabilities of the military and security forces of the recipient
country to conduct counterterrorism and postconflict stability operations in Somalia.

(f) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the first transfer of defense articles and provision of defense services under the authority in subsection (a), and at the end of each calendar quarter, if any, thereafter through March 31, 2015, in which the authority in subsection (a) is exercised, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the implementation of the authority in subsection (a). Each report shall include the replacement value of the defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and defense services provided to recipient countries, during the 90-day period ending on the date of such report.

(2) INCLUSION IN OTHER REPORT.—A report required under paragraph (1) may be included in the report required under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110–252; 122 Stat. 2410) or any follow on report to such other report.

(g) DEFINITIONS.—In this section:
(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—
(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and
(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) DEFENSE ARTICLES.—The term “defense articles” has the meaning given the term in section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) DEFENSE SERVICES.—The term “defense services” has the meaning given the term in section 644(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(f)).

(4) MILITARY AND SECURITY FORCES.—The term “military and security forces” means national armies, national air forces, national navies, national guard forces, police forces, and border security forces, but does not include nongovernmental or irregular forces (such as private militias).
(5) **EAST AFRICA REGION.**—The term “East Africa region” means Burundi, Djibouti, Ethiopia, Kenya, Somalia, and Uganda.

(h) **EXPIRATION.**—The authority provided in subsection (a) may not be exercised after December 31, 2014.

(i) **EXCESS DEFENSE ARTICLES.**—

(1) **ADDITIONAL AUTHORITY.**—The authority provided by subsection (a) is in addition to the authority provided by section 516 of the Foreign Assistance Act of 1961.

(2) **EXCEPTIONS.**—(A) During fiscal years 2013 and 2014, the value of excess defense articles transferred from the stocks of the Department of Defense in Afghanistan to Afghanistan, Yemen, Somalia, or other countries in the East Africa region pursuant to section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such section.

(B) During fiscal years 2013 and 2014, any excess defense articles specified in subparagraph (A) shall not be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 contained in subsections (b)(1)(B) and (e) of such section.
(3) **Construction Equipment.**—Notwithstanding section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)) and section 2562 of title 10, United States Code, construction equipment from the stocks of the Department of Defense in Afghanistan may be transferred as excess defense articles under section 516 of the Foreign Assistance Act of 1961 and subject to the provisions of this subsection.

**Subtitle C—Reports**

**Sec. 1231. Review and Reports on Department of Defense Efforts to Build the Capacity of and Partner with Foreign Security Forces.**

(a) Review.—

(1) **In General.**—Not later than 180 days after the date of the enactment of this Act, the Defense Policy Board shall conduct a review of the efforts of the Department of Defense to build the capacity of, or partner with, foreign security forces in support of national defense and security strategies.

(2) **Elements.**—The review required by this subsection shall include the following:

(A) An examination of the ways in which the efforts of the Department to build the capacity of, or partner with, foreign security forces di-
rectly support implementation of current na-
tional defense and security strategies.

(B) An assessment of the range of effects
that efforts of the Department to build the capac-
ity of, or partner with, foreign security forces are
designed to achieve in support of current na-
tional defense and security strategies.

(C) An assessment of the criteria used for
prioritizing such efforts in support of national
defense and security strategies.

(D) An identification of the authorities the
Departament currently uses to implement such ef-
forts, together with an assessment of the ade-
quacy of such authorities.

(E) An assessment of the capabilities re-
quired by the Department to implement such ef-
forts.

(F) An assessment of the most effective dis-
tribution of the roles and responsibilities for such
efforts within the Department, together with an
assessment whether the Department military and
civilian workforce is appropriately sized and
shaped to meet the requirements of such efforts.

(G) An evaluation of current measures of
the Department for assessing activities of the De-
partment designed to build the capacity of, or partner with, foreign security forces, including an assessment whether such measures address the extent to which such activities directly support the priorities of national defense and security strategies.

(H) An identification of recommendations for clarifying or improving the guidance and assessment measures of the Department relating to its efforts to build the capacity of, or partner with, foreign security forces in support of national defense and security strategies.

(3) REPORT.—Not later than 90 days after the completion of the review required by this subsection, the Secretary of Defense shall submit to the congressional defense committees a report containing the result of the review.

(b) STRATEGIC GUIDANCE ON DEPARTMENT OF DEFENSE EFFORTS TO BUILD PARTNER CAPACITY AND OTHER PARTNERSHIP INITIATIVES.—Not later than 120 days after the completion of the review required by subsection (a), the Secretary of Defense shall, in coordination with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report setting forth the following:
An assessment, taking into account the recommendations of the Defense Policy Board in the review required by subsection (a), of the efforts of the Department of Defense to build the capacity of, and partner with, foreign military forces in support of national defense and security strategies.

(2) Strategic guidance for the Department for its efforts to build the capacity of, and partner with, foreign military forces in support of national defense and security strategies, which guidance shall address—

(A) the ways such efforts directly support the goals and objectives of national defense and security strategies;

(B) the criteria to be used for prioritizing activities to implement such efforts in support of national defense and security strategies;

(C) the measures to be used to assess the effects achieved by such efforts and the extent to which such effects support the objectives of national defense and security strategies;

(D) the appropriate roles and responsibilities of the Armed Forces, the Defense Agencies, and other components of the Department in conducting such efforts; and
(E) the relationship of Department workforce planning with the requirements for such efforts.

SEC. 1232. ADDITIONAL ELEMENTS IN ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE’S REPUBLIC OF CHINA.

Section 1202 of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 113 note) is amended—

(1) in subsection (b)—

(A) by amending paragraph (9) to read as follows:

“(9) Developments in China’s asymmetric capabilities, including efforts to develop and deploy cyberwarfare and electronic warfare capabilities, and associated activities originating or suspected of originating from China. This discussion of these developments shall include—

“(A) the nature of China’s cyber activities directed against the Department of Defense and an assessment of the damage inflicted on the Department of Defense by reason thereof, and the potential harms;

“(B) a description of China’s strategy for use and potential targets of offensive cyberwarfare and electronic warfare capabilities;
“(C) details on the number of malicious cyber incidents emanating from Internet Protocol addresses in China, including a comparison of the number of incidents during the reporting period to previous years; and

“(D) details regarding the specific People’s Liberation Army; state security; research and academic; state-owned, associated, or other commercial enterprises; and other relevant actors involved in supporting or conducting cyberwarfare and electronic warfare activities and capabilities.”;

(B) by redesignating paragraphs (10), (11), and (12) as paragraphs (15), (16), and (17) respectively;

(C) by inserting after paragraph (9) the following new paragraphs:

“(10) The strategy 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) Developments in China’s nuclear capabilities, which shall include the following:

“(A) The size and state of China’s nuclear stockpile.

“(B) A description of China’s nuclear strategy and associated doctrines.

“(C) A description of the quantity, range, payload features, and location of China’s nuclear missiles and the quantity and operational status of their associated launchers or platforms.

“(D) An analysis of China’s efforts to use electromagnetic pulse.

“(E) Projections of possible future Chinese nuclear arsenals, their capabilities, and associated doctrines.

“(F) A description of China’s fissile material stockpile and civil and military production capabilities and capacities.

“(G) A discussion of any significant uncertainties or knowledge gaps surrounding China’s nuclear weapons program and the potential implications of any such knowledge gaps for the security of the United States and its allies.

“(12) A description of China’s anti-access and area denial capabilities.
“(13) A description of China’s command, control, communications, computers, intelligence, surveillance, and reconnaissance modernization program and its applications for China’s precision guided weapons.

“(14) A description of China’s maritime activities, including—

“(A) China’s response to Freedom of Navigation activities conducted by the Department of Defense;

“(B) an account of each time People’s Liberation Army Navy vessels have transited outside the First Island Chain, including the type of vessels that were involved; and

“(C) the role of China’s maritime law enforcement vessels in maritime incidents, including details regarding any collaboration between China’s law enforcement vessels and the People’s Liberation Army Navy.”; and

(D) by adding after paragraph (17), as redesignated by subparagraph (B), the following new paragraphs:

“(18) A description of Chinese military-to-military relationships with other countries, including the size and activity of military attaché offices around
the world and military education programs conducted
in China for other countries or in other countries for
the Chinese.

“(19) A description of any significant sale or
transfer of military hardware, expertise, and tech-
nology to or from the People’s Republic of China, in-
cluding a forecast of possible future sales and trans-
fers, and a description of the implications of those
sales and transfers for the security of the United
States and its friends and allies in Asia. The infor-
mation under this paragraph shall include—

“(A) the extent of the People’s Republic of
China’s knowledge, cooperation, or condoning of
sales or transfers of military hardware, expertise,
or technology to receiving states;

“(B) the extent in each selling state of gov-
ernment knowledge, cooperation, or condoning of
sales or transfers of military hardware, expertise,
or technology to the People’s Republic of China;

“(C) an itemization of significant sales and
transfers of military hardware, expertise, or tech-
ology that have taken place during the report-
ing period;

“(D) significant assistance by any selling
state to key research and development programs
in China, including programs for development of weapons of mass destruction and delivery vehicles for such weapons, programs for development of advanced conventional weapons, and programs for development of unconventional weapons;

“(E) significant assistance by the People’s Republic of China to the research and development programs of purchasing or receiving states, including programs for development of weapons of mass destruction and delivery vehicles for such weapons, programs for development of advanced conventional weapons, and programs for development of unconventional weapons;

“(F) the extent to which arms sales to or from the People’s Republic of China are a source of funds for military research and development or procurement programs in China or the selling state;

“(G) a discussion of the ability of the People’s Liberation Army to assimilate such sales or transfers, mass produce new equipment, and develop doctrine for use; and

“(H) a discussion of the potential threat of developments related to such sales on the security
interests of the United States and its friends and
allies in Asia.”; and
(2) by amending subsection (d) to read as fol-
lows:
“(d) COMBATANT COMMANDER ASSESSMENT.—The re-
port required under subsection (a) shall include an annex,
in classified or unclassified form, that includes an assess-
ment of the Commander of the United States Pacific Com-
mand on the following matters:
“(1) Any gaps in intelligence that limit the abil-
ity 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 the 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 IMPLEMENTATION BY GOVERNMENT
OF BAHRAIN OF RECOMMENDATIONS IN RE-
PORT OF THE BAHRAIN INDEPENDENT COM-
MISSION OF INQUIRY.

(a) In General.—Not later than 90 days after the
date of the enactment of this Act, the Secretary of State
shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the implementation by the Government of Bahrain of the recommendations contained in the Report of the Bahrain Independent Commission of Inquiry.

(b) CONTENT.—The report required under subsection (a) shall include the following elements:

(1) A description of the specific steps taken by the Government of Bahrain to implement each of the 26 recommendations contained in the Report of the Bahrain Independent Commission of Inquiry.

(2) An assessment of whether each recommendation has been fully complied with by the Government of Bahrain.

(3) An assessment of the impact of the findings of the Report of the Bahrain Independent Commission of Inquiry on progress toward democracy and respect for human rights in Bahrain.

SEC. 1234. REPORTS ON SYRIA.

(a) REPORT ON OPPOSITION GROUPS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and Secretary of State shall submit to Congress a report describing in detail all
the known opposition groups, both independent and state-sponsored, inside and outside of Syria, operating directly or indirectly to oppose the Government of Syria.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the current military capacity of opposition forces.

(B) An assessment of the ability of opposition forces inside and outside of Syria to establish military and political activities impacting Syria, together with a practicable timetable for accomplishing these objectives.

(C) An assessment of the ability of any of the opposition groups to establish effective military and political control in Syria.

(D) A description of the composition and political agenda of each of the known opposition groups inside and outside of Syria, and an assessment of the degree to which such groups represent the views of the people of Syria as a whole.

(E) A description of the financial resources currently available to opposition groups and known potential sources of continued financing.
(F) An assessment of the relationship between each of the Syrian opposition groups and the Muslim Brotherhood, al Qaeda, Hezbollah, Hamas, and any other groups that have promoted an agenda that would negatively impact United States national interests.

(G) An assessment of the impact of support from the United States and challenges to providing such additional support to opposition forces on the factors discussed in subparagraphs (A) through (F).

(b) REPORT ON WEAPONS STOCKPILES.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and Secretary of Defense shall submit to Congress an assessment of the size and security of conventional and non-conventional weapons stockpiles in Syria.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of who has or may have access to the stockpiles.

(B) A description of the sources and types of weapons flowing from outside Syria to both government and opposition forces.
(C) A description of U.S. and international efforts to prevent the proliferation of conventional, biological, chemical, and other types of weapons in Syria.

(c) Report on Current Activities and Future Plans to Provide Assistance to Syria’s Political Opposition.—

(1) In general.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report on all the support provided to opposition political forces in Syria.

(2) Content.—The report required under paragraph (1) shall include the following elements:

(A) A full description of the current technical assistance democracy programs conducted by the Department of State and United States Agency for International Development to support the political opposition in Syria.

(B) A full summary of the communications equipment that is currently being provided to the political opposition in Syria, including a description of the entities that have received and that will continue to receive such equipment.
(C) A description of any additional activities the United States plans to undertake in support of the political opposition in Syria.

(D) A description of the funding levels currently dedicated to support the political opposition in Syria.

(E) A description of obstacles and challenges to providing additional support to Syria’s political opposition.

(d) Form.—The reports required by this section may be submitted in a classified form.

SEC. 1235. REPORT ON MILITARY ACTIVITIES TO DENY OR SIGNIFICANTLY DEGRADE THE USE OF AIR POWER AGAINST CIVILIAN AND OPPOSITION GROUPS IN SYRIA.

(a) Report Required.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report identifying the limited military activities that could deny or significantly degrade the ability of President Bashar al-Assad of Syria, and forces loyal to him, to use air power against civilians and opposition groups in Syria.

(b) Nature of Military Activities.—
(1) **Principal Purpose.**—The principal purpose of the military activities identified for purposes of the report required by subsection (a) shall be to advance the goals of President Obama of stopping the killing of civilians in Syria and creating conditions for a transition to a democratic, pluralistic political system in Syria.

(2) **Additional Goals.**—The military activities identified for purposes of the report shall also meet the goals as follows:

(A) That the United States Armed Forces conduct such activities with foreign allies or partners.

(B) That United States ground troops not be deployed onto Syrian territory.

(C) That the risk to civilians on the ground in Syria be limited.

(D) That the risks to United States military personnel be limited.

(E) That the financial costs to the United States be limited.

(c) **Elements on Potential Military Activities.**—The report required by subsection (a) shall include a comprehensive description, evaluation, and assessment of
the potential effectiveness of the following military activities, as required by subsection (a):

(1) The deployment of air defense systems, such as Patriot missile batteries, to neighboring countries for the purpose of denying or significantly degrading the operational capability of Syria aircraft.

(2) The establishment of one or more no-fly zones over key population centers in Syria.

(3) Limited air strikes to destroy or significantly degrade Syria aircraft.

(4) Such other military activities as the Secretary considers appropriate to achieve the goals stated in subsection (b).

(d) Elements in Description of Potential Military Activities.—For each military activity that the Secretary identifies in subsection (c), the comprehensive description of such activities under that subsection shall include, but not be limited to, the type and the number of United States military personnel and assets to be involved in such activities, the anticipated duration of such activities, and the anticipated cost of such activities. The report shall also identify what elements would be required to maximize the effectiveness of such military activities.
(e) **No Authorization for Use of Military Force.**—Nothing in this section shall be construed as a declaration of war or an authorization for the use of force.

(f) The report required in subsection (a) shall be delivered in classified form.

Subtitle D—Other Matters

SEC. 1241. IMPROVED ADMINISTRATION OF THE AMERICAN, BRITISH, CANADIAN, AND AUSTRALIAN ARMIES’ PROGRAM.

(a) Authority.—

(1) In general.—Chapter 6 of title 10, United States Code, is amended by adding at the end the following new section:

“§ 168a. American, British, Canadian, and Australian Armies’ Program: administration; agreements with other participating countries

“(a) Authority.—As part of the participation by the United States in the land-force program known as the American, British, Canadian, and Australian Armies’ Program (in this section referred to as the ‘Program’), the Secretary of Defense may, with the concurrence of the Secretary of State, enter into agreements with the other participating countries in accordance with this section, and the Program shall be managed pursuant to a joint agreement among the participating countries.
“(b) Participating Countries.—In addition to the United States, the countries participating in the Program are the following:

“(1) Australia.

“(2) Canada.

“(3) New Zealand.

“(4) The United Kingdom.

“(c) Contributions by Participants.—(1) An agreement under subsection (a) shall provide that each participating country shall contribute to the Program—

“(A) its equitable share of the full cost for the Program, including the full cost of overhead and administrative costs related to the Program; and

“(B) any amount allocated to it in accordance with the agreement for the cost for monetary claims asserted against any participating country as a result of participation in the Program.

“(2) Such an agreement shall also provide that each participating country (including the United States) may provide its contribution for its equitable share under the agreement in funds, in personal property, or in services required for the Program (or in any combination thereof).

“(3) Any contribution by the United States to the Program that is provided in funds shall be made from funds
available to the Department of Defense for operation and maintenance.

“(4) Any contribution received by the United States from another participating country to meet that country’s share of the costs of the Program shall be credited to appropriations available to the Department of Defense, as determined by the Secretary of Defense. The amount of a contribution credited to an appropriation account in connection with the Program shall be available only for payment of the share of the Program expenses allocated to the participating country making the contribution. Amounts so credited shall be available for the following purposes:

“(A) Payments to contractors and other suppliers (including the Department of Defense and participating countries acting as suppliers) for necessary goods and services of the Program.

“(B) Payments for any damages and costs resulting from the performance or cancellation of any contract or other obligation in support of the Program.

“(C) Payments for any monetary claim against a participating country as a result of the participation of that country in the Program.

“(D) Payments or reimbursements of other Program expenses, including overhead and administra-
tive costs for any administrative office for the Pro-
gram.

“(E) Refunds to other participating countries.

“(5) Costs for the operation of any office established
to carry out the Program shall be borne jointly by the par-
ticipating countries as provided for in an agreement re-
ferred to in subsection (a).

“(d) AUTHORITY TO CONTRACT FOR PROGRAM ACTIVI-
ties.—As part of the participation by the United States
in the Program, the Secretary of Defense may enter into
contracts or incur other obligations on behalf of the other
participating countries for activities under the Program.
Any payment for such a contract or other obligation under
this subsection may be paid only from contributions cred-
ited to an appropriation under subsection (c)(4).

“(e) DISPOSAL OF PROPERTY.—As part of the partici-
pation by the United States in the Program, the Secretary
of Defense may, with respect to any property that is jointly
acquired by the countries participating in the Program,
agree to the disposal of the property without regard to any
law of the United States that is otherwise applicable to the
disposal of property owned by the United States. Such dis-
posal may include the transfer of the interest of the United
States in the property to one or more of the other partici-
pating countries or the sale of the property. Reimbursement
for the value of the property disposed of (including the value of the interest of the United States in the property) shall be made in accordance with an agreement under subsection (a).

“(f) SUNSET.—Any agreement entered into by the United States with another country under subsection (a), and United States participation in the joint agreement described in that subsection, shall expire not later than five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 6 of such title is amended by adding at the end the following new item:

“168a. American, British, Canadian, and Australian Armies’ Program: administration; agreements with other participating countries.”.

(b) REPORT.—Not later than 60 days before the expiration date for agreements under subsection (a) of section 168a of title 10, United States Code (as added by subsection (a) of this section), pursuant to subsection (f) of such section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the activities, costs, and accomplishments of the American, British, Canadian, and Australian Armies’ Program during the five-year period ending on the date of such report.
SEC. 1242. UNITED STATES PARTICIPATION IN HEADQUARTERS EUROCORPS.

(a) Participation Authorized.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the Armed Forces as members of the staff of Headquarters Eurocorps for the purpose of supporting the North Atlantic Treaty Organization (NATO) activities of the NATO Rapid Deployable Corps Eurocorps.

(b) Memorandum of Understanding.—

(1) Requirement.—The participation of members of the Armed Forces as members of the staff of Headquarters Eurocorps shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and Headquarters Eurocorps.

(2) Cost-Sharing Arrangements.—If Department of Defense facilities, equipment, or funds are used to support Headquarters Eurocorps, the memoranda of understanding under paragraph (1) shall provide details of any cost-sharing arrangement or other funding arrangement.

(c) Limitation on Number of Members Participating as Staff.—Not more than two members of the Armed Forces may participate as members of the staff of
Headquarters Eurocorps, until the Secretary of Defense submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) A certification by the Secretary of Defense that the participation of more than two members of the Armed Forces in Headquarters Eurocorps is in the national interests of the United States.

(2) A description of the benefits of the participation of the additional members proposed by the Secretary.

(3) A description of the plans for the participation of the additional members proposed by the Secretary, including the grades and posts to be filled.

(4) A description of the costs associated with the participation of the additional members proposed by the Secretary.

(d) AVAILABILITY OF APPROPRIATED FUNDS.—

(1) AVAILABILITY.—Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

(A) To pay the United States’ share of the operating expenses of Headquarters Eurocorps.

(B) To pay the costs of the participation of members of the Armed Forces participating as
members of the staff of Headquarters Eurocorps, including the costs of expenses of such participants.

(2) LIMITATION.—No funds may be used under this section to fund the pay or salaries of members of the Armed Forces who participate as members of the staff of the Headquarters, North Atlantic Treaty Organization (NATO) Rapid Deployable Corps under this section.

(e) HEADQUARTERS EUROCORPS DEFINED.—In this section, the term “Headquarters Eurocorps” refers to the multinational military headquarters, established on October 1, 1993, which is one of the High Readiness Forces (Land) associated with the Allied Rapid Reaction Corps of NATO.

SEC. 1243. DEPARTMENT OF DEFENSE PARTICIPATION IN
EUROPEAN PROGRAM ON MULTILATERAL EX-
CHANGE OF AIR TRANSPORTATION AND AIR
REFUELING SERVICES.

(a) PARTICIPATION AUTHORIZED.—

(1) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of the United States in the Air Transport, Air-to-Air Refueling and other Exchanges of Services program (in this section referred to as the
“ATARES program”) of the Movement Coordination Centre Europe.

(2) SCOPE OF PARTICIPATION.—Participation in the ATARES program under paragraph (1) shall be limited to the reciprocal exchange or transfer of air transportation and air refueling services on a reimbursable basis or by replacement-in-kind or the exchange of air transportation or air refueling services of an equal value.

(3) LIMITATIONS.—The United States’ balance of executed flight hours, whether as credits or debits, in participation in the ATARES program under paragraph (1) may not exceed 500 hours. The United States’ balanced of executed flight hours for air refueling in the ATARES program under paragraph (1) may not exceed 200 hours.

(b) WRITTEN ARRANGEMENT OR AGREEMENT.—

(1) ARRANGEMENT OR AGREEMENT REQUIRED.—The participation of the United States in the ATARES program under subsection (a) shall be in accordance with a written arrangement or agreement entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the Movement Coordination Centre Europe.
(2) **FUNDING ARRANGEMENTS.**—If Department of Defense facilities, equipment, or funds are used to support the ATARES program, the written arrangement or agreement under paragraph (1) shall specify the details of any equitable cost sharing or other funding arrangement.

(3) **OTHER ELEMENTS.**—Any written arrangement or agreement entered into under paragraph (1) shall require that any accrued credits and liabilities resulting from an unequal exchange or transfer of air transportation or air refueling services shall be liquidated, not less than once every five years, through the ATARES program.

(c) **IMPLEMENTATION.**—In carrying out any written arrangement or agreement entered into under subsection (b), the Secretary of Defense may—

(1) pay the United States’ equitable share of the operating expenses of the Movement Coordination Centre Europe and the ATARES consortium from funds available to the Department of Defense for operation and maintenance; and

(2) assign members of the Armed Forces or Department of Defense civilian personnel, from among members and personnel within billets authorized for the United States European Command, to duty at the
Movement Coordination Centre Europe as necessary
to fulfill the United States’ obligations under that ar-
angement or agreement.

(d) CREDITING OF RECEIPTS.—Any amount received
by the United States in carrying out a written arrangement
or agreement entered into under subsection (b) shall be cred-
ited, as elected by the Secretary of Defense, to the following:

(1) The appropriation, fund, or account used in
incurring the obligation for which such amount is re-
ceived.

(2) An appropriation, fund, or account currently
available for the purposes for which such obligation
was made.

(e) ANNUAL SECRETARY OF DEFENSE REPORTS.—Not
later than 30 days after the end of each fiscal year in which
the authority provided by this section is in effect, the Sec-
retary of Defense shall submit to Congress a report on
United States participation in the ATARES program dur-
ing such fiscal year. Each report shall include the following:

(1) The United States balance of executed flight
hours at the end of the fiscal year covered by such re-
port.

(2) The types of services exchanged or transferred
during the fiscal year covered by such report.
(3) A description of any United States costs under the written arrangement or agreement under subsection (b)(1) in connection with the use of Department of Defense facilities, equipment, or funds to support the ATARES program under that subsection as provided by subsection (b)(2).

(4) A description of the United States’ equitable share of the operating expenses of the Movement Coordination Centre Europe and the ATARES consortium paid under subsection (c)(1).

(5) A description of any amounts received by the United States in carrying out a written arrangement or agreement entered into under subsection (b).

(f) Comptroller General of United States Report.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report on the ATARES program. The report shall set forth the assessment of the Comptroller General of the program, including the types of services available under the program, whether the program is achieving its intended purposes, and, on the basis of actual cost data from the performance of the program, the cost-effectiveness of the program.
(g) **Expiration.**—The authority provided by this section to participate in the ATARES program shall expire five years after the date on which the Secretary of Defense first enters into a written arrangement or agreement under subsection (b). The Secretary shall publish notice of such date on a public website of the Department of Defense.

**SEC. 1244. AUTHORITY TO ESTABLISH PROGRAM TO PROVIDE ASSISTANCE TO FOREIGN CIVILIANS FOR HARM INCIDENT TO COMBAT OPERATIONS OF THE ARMED FORCES IN FOREIGN COUNTRIES.**

(a) **Authority To Establish Program.**—The Secretary of Defense may establish a program, under such regulations as the Secretary may prescribe, to enable military commanders at their discretion to provide assistance to foreign civilians for damage, personal injury, or death that is incident to combat operations of the Armed Forces in a foreign country.

(b) **Elements.**—

(1) **Nature of Assistance.**—Any assistance provided under a program under subsection (a) may be provided only ex gratia, and shall not be considered an admission or acknowledgment of any legal obligation to compensate for any damage, personal injury, or death.
(2) **TREATMENT WITH OTHER COMPENSATION.**—

In the event compensation for damage, personal injury, or death covered by this section is received through a separate program operated by the United States Government, receipt of compensation in such amount should be considered by the commander or legal advisor determining appropriate assistance under a program under subsection (a).

(3) **AMOUNT OF ASSISTANCE.**—If the Secretary of Defense determines a program under subsection (a) to be fitting in a particular setting, the amount of assistance, if any, to be provided to civilians determined to have suffered harm incident to combat operations of the Armed Forces under the program should be determined pursuant to regulations prescribed by the Secretary and based on an assessment of cultural appropriateness and prevailing economic conditions.

(c) **RECORDS.**—

(1) **IN GENERAL.**—The regulations prescribed by the Secretary of Defense for purposes of any program under subsection (a) shall include requirements as follows:

(A) That local military commanders maintain a written record of any assistance offered or denied under such program.
(B) That local military commanders submit on a timely basis a report summarizing such written records to the appropriate office in the Department of Defense as specified by the Secretary in such regulations.

SEC. 1245. SUSTAINABILITY REQUIREMENTS FOR CERTAIN CAPITAL PROJECTS IN CONNECTION WITH OVERSEAS CONTINGENCY OPERATIONS.

(a) LIMITATION.—

(1) IN GENERAL.—Commencing 60 days after the date of the enactment of this Act—

(A) amounts authorized to be appropriated for the Department of Defense may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of Defense, in consultation with the United States commander of military operations in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project;

(B) amounts authorized to be appropriated for the Department of State may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of State, in consultation with the Chief of Mission in the
country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project; and

(C) amounts authorized to be appropriated for the United States Agency for International Development may not be obligated or expended for a capital project described in subsection (b) unless the Administrator of the United States Agency for International Development, in consultation with the Mission Director and the Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project.

(2) ELEMENTS.—Each assessment on a capital project under this subsection shall include, but not be limited to, the following:

(A) An estimate of the total cost of the completed project to the United States.

(B) An estimate of the financial and other requirements necessary for the host government to sustain the project on an annual basis after completion of the project.

(C) An assessment whether the host government has the capacity (in both financial and
human resources) to maintain and use the project after completion.

(D) A description of any arrangements for the sustainment of the project following its completion if the host government lacks the capacity (in financial or human resources) to maintain the project.

(E) An assessment whether the host government has requested or expressed its need for the project, and an explanation of the decision to proceed with the project absent such request or need.

(F) An assessment by the Secretary of Defense, where applicable, of the effect of the project on the military mission of the United States in the country concerned

(b) COVERED CAPITAL PROJECTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a capital project described in this subsection is any capital project overseas for an overseas contingency operation for the benefit of a host country and funded by the Department of Defense, the Department of State, or the United States Agency for International Development, as applicable, if the capital project—
(A) in the case of a project that directly supports building the capacity of indigenous security forces in the host country, has an estimated value in excess of $10,000,000;

(B) in the case of any project not covered by subparagraph (A) that is to be funded by the Department of State or the United States Agency for International Development, has an estimated value in excess of $5,000,000; or

(C) in the case of any other project, has an estimated value in excess of $2,000,000.

(2) Exclusion.—A capital project described in this subsection does not include any project for military construction (as that term is defined in section 114(b) of title 10, United States Code) or a military family housing project under section 2821 of such title.

(c) Waiver.—The Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development, as applicable, may waive the limitation in subsection (a) in order to initiate a capital project if such Secretary or the Administrator, as the case may be, determines that the project is in the national security, diplomatic, or humanitarian interests of the United States. In the first report submitted under sub-
section (d) after any waiver under this subsection, such Secretary or the Administrator shall include a detailed justification of such waiver. Not later than 45 days after issuing a waiver under this subsection, such Secretary or the Administrator shall submit to Congress the assessment described in subsection (a) with respect to the capital project concerned.

(d) SEMI-ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal-year half-year the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall each submit to the appropriate committees of Congress a report setting forth each assessment conducted under subsection (a) by such Secretary or the Administrator, as the case may be, during such fiscal-year half-year, including the elements of each capital project assessed specified in subsection (a)(2).

(2) ADDITIONAL ELEMENTS.—In addition to the matters provided for in paragraph (1), each report under that paragraph shall include the following:

(A) For each capital project covered by such report, an evaluation (other than by amount of
funds expended) of the effectiveness of such project, including, at a minimum, the following:

(i) The stated goals of the project.

(ii) The actions taken to assess and verify whether the project has met the stated goals of the project or is on track to meet such goals when completed.

(iii) The current and anticipated levels of involvement of local governments, communities, and individuals in the project.

(B) For each country or region in which a capital project covered by such report is being carried out, an assessment of the following:

(i) The current and anticipated effects of violence in the country or region on all the projects in the country or region covered by such report.

(ii) The current and anticipated levels of corruption or fraud in the country or region in the connection with all the projects in the country or region covered by such report, and the current and anticipated risks of corruption or fraud in connection with such projects.
(3) FORM.—Each report shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “capital project” has the meaning given that term in section 308 of the Aid, Trade, and Competitiveness Act of 1992 (22 U.S.C. 2421e).

(3) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).
SEC. 1246. EFFORTS TO REMOVE JOSEPH KONY FROM
POWER AND END ATROCITIES COMMITTED BY
THE LORD’S RESISTANCE ARMY.

Consistent with the Lord’s Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111–172), it is the sense of the Senate that—

(1) the ongoing United States advise and assist
operation to support the regional governments in Af-
rica in their ongoing efforts to apprehend or remove
Joseph Kony and his top commanders from the battle-
field and end atrocities perpetuated by his Lord’s Re-
sistance Army should continue;

(2) using amounts authorized to be appropriated
by section 301 and specified in the funding table in
section 4301 for Operation and Maintenance, Defense-
wide for “Additional ISR Support to Operation Ob-
servant Compass”, the Secretary of Defense should
provide increased intelligence, surveillance, and re-
connaissance assets to support the ongoing efforts of
United States Special Operations Forces to advise
and assist regional partners as they conduct oper-
ations against the Lord’s Resistance Army in Central
Africa;

(3) United States and regional African forces
should increase their operational coordination; and
(4) the regional governments should recommit themselves to the operations sanctioned by the African Union Peace and Security Council resolution.

SEC. 1247. IMPOSITION OF SANCTIONS WITH RESPECT TO SUPPORT FOR THE REBEL GROUP KNOWN AS M23.

(a) Blocking of Assets.—The Secretary of the Treasury shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or Executive Order 13413 (74 Fed. Reg. 64105; relating to blocking property of certain persons contributing to the conflict in the Democratic Republic of the Congo), block and prohibit all transactions in all property and interests in property of a person described in subsection (c) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) Visa Ban.—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a person described in subsection (c).

(c) Persons Described.—A person described in this subsection is a person that the President determines provides, on or after the date of the enactment of this Act, sig-
significant financial, material, or technological support to M23.

(d) WAIVER.—The President may waive the application of this section with respect to a person if the President determines and reports to the appropriate congressional committees that the waiver is in the national interest of the United States.

(e) TERMINATION OF SANCTIONS.—The President may terminate sanctions imposed under this section with respect to a person on and after the date on which the President determines and reports to the appropriate congressional committees that the person has terminated the provision of significant financial, material, and technological support to M23.

(f) TERMINATION OF SECTION.—This section shall terminate on the date on which the President determines that M23 is no longer a significant threat to peace and security in the Democratic Republic of the Congo.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and
(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(2) M23.—The term “M23” refers to the rebel group known as M23 operating in the Democratic Republic of the Congo that derives its name from the March 23, 2009, agreement between the Government of the Democratic Republic of the Congo and the National Congress for the Defense of the People (or any successor group).

(3) UNITED STATES PERSON.—The term “United States person” means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

SEC. 1248. PROGRAM ON REPAIR, OVERHAUL, AND REFURBISHMENT OF DEFENSE ARTICLES FOR SALE OR TRANSFER TO ELIGIBLE FOREIGN COUNTRIES AND ENTITIES.

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to repair, overhaul, or refurbish in-stock defense articles in anticipation of the sale
or transfer of such defense articles to eligible foreign coun-
tries or international organizations under law.

(b) Fund for Support of Program Authorized.—
The Secretary of Defense may establish and administer a
fund to be known as the “Special Defense Repair Fund”
(in this section referred to as the “Fund”) to support the
program authorized by subsection (a).

(c) Credits to Fund.—

(1) In General.—Subject to paragraphs (2) and
(3), the following shall be credited to the Fund:

(A) Subject to applicable provisions of ap-
propriations Acts, such amounts, not to exceed
$48,400,000 per fiscal year, from amounts au-
thorized to be appropriated for the Department
of Defense for operation and maintenance for the
Army as the Secretary of Defense considers ap-
propriate.

(B) Notwithstanding section 114(c) of title
10, United States Code, any collection from the
sale or transfer of defense articles from Depart-
ment of Defense stocks repaired, overhauled, or
refurbished with amounts from the Fund that
are not intended to be replaced which sale or
transfer is made pursuant to section 21(a)(1)(A)
of the Arms Export Control Act (22 U.S.C.

(C) Notwithstanding section 37(a) of the Arms Export Control Act (22 U.S.C. 2777(a)), any cash payment from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are intended to be replaced.

(2) Limitation on amounts creditable from sale or transfer of articles.—

(A) Credits in connection with articles not to be replaced.—The amount credited to the Fund under paragraph (1)(B) in connection with a collection from the sale or transfer of defense articles may not exceed the cost incurred by the Department of Defense in repairing, overhauling, or refurbishing such defense articles under the program authorized by subsection (a).

(B) Credits in connection with articles to be replaced.—The amount credited to the Fund under paragraph (1)(C) in connection with a sale or transfer of defense articles may
not exceed the amounts from the Fund used to repair, overhaul, or refurbish such defense articles.

(3) **Limitation on size of fund.**—The total amount in the Fund at any time may not exceed $50,000,000.

(4) **Treatment of amounts credited.**—Amounts credited to the Fund under this subsection shall be merged with amounts in the Fund, and shall remain available until expended.

(d) **Nonavailability of amounts in fund for storage, maintenance, and related costs.**—Following the repair, overhaul, or refurbishment of defense articles under the program authorized by subsection (a), amounts in the Fund may not be used to pay costs of storage and maintenance of such defense articles or any other costs associated with the preservation or preparation for sale or transfer of such defense articles.

(e) **Sales or transfers of defense articles.**—

(1) **In general.**—Any sale or transfer of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a) shall be in accordance with—

(A) the Arms Export Control Act (22 U.S.C. 2751 et seq.);
(B) the Foreign Assistance Act of 1961; or

(C) another provision of law authorizing such sale or transfer.

(2) Secretary of State concurrence required for certain sales or transfers to foreign countries.—If the sale or transfer of defense articles occurs in accordance with a provision of law referred to in paragraph (1)(C) that does not otherwise require the concurrence of the Secretary of State for the sale or transfer, the sale or transfer may be made only with the concurrence of the Secretary of State.

(f) Transfers of amounts.—

(1) Transfer to other department of defense accounts.—Amounts in the Fund may be transferred to any Department of Defense account used to carry out the program authorized by subsection (a). Any amount so transferred shall be merged with amounts in the account to which transferred, and shall be available for the same purposes and the same time period as amounts in the account to which transferred.

(2) Transfer from other department of defense accounts.—Upon a determination by the Secretary of Defense with respect to an amount trans-
ferred under paragraph (1) that all or part of such transfer is not necessary for the purposes transferred, such amount may be transferred back to the Fund. Any amount so transferred shall be merged with amounts in the Fund, and shall remain available until expended.

(g) Certain Excess Proceeds To Be Credited To Special Defense Acquisition Fund.—Any collection from the sale or transfer of defense articles that are not intended to be replaced in excess of the amount creditable to the Fund under subsection (c)(2)(A) shall be credited to the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.).

(h) Reports.—

(1) Annual Report.—Not later than 45 days after the end of each fiscal year through the date of expiration specified in subsection (j), the Secretary of Defense shall submit to the congressional defense committees a report on the authorities under this section during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(A) The types and quantities of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a).
(B) The value of the repair, overhaul, or refurbishment performed under the program.

(C) The amount of operation and maintenance funds credited to the Fund under subsection (c)(1)(A).

(D) The amount of any collections from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(B).

(E) The amount of any cash payments from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(C).

(2) ASSESSMENT REPORT.—Not later than February 1, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the operation of the authorities in this section. The report shall include an assessment of the effectiveness of the authorities in meeting the objectives of the program authorized by subsection (a).

(i) DEFENSE ARTICLE DEFINED.—In this section, the term “defense article” has the meaning given that term in
section 47(3) of the Arms Export Control Act (22 U.S.C. 2794(3)).

(j) Expiration of Authority.—The authority to carry out the program authorized by subsection (a), and to use amounts in the Fund in support of the program, shall expire on September 30, 2015.

(k) Funding for Fiscal Year 2013.—Of the amounts authorized to be appropriated for fiscal year 2013 by section 1504 for Overseas Contingency Operations and available for operation and maintenance for the Army as specified in funding table in section 4302, $48,400,000 shall be available for deposit in the Fund pursuant to subsection (c)(1)(A), with the amount of the deposit to be attributable to amounts otherwise so available for the YMQ–18A unmanned aerial vehicle, which has been cancelled.

SEC. 1249. PLAN FOR PROMOTING THE SECURITY OF AFGHAN WOMEN AND GIRLS DURING THE SECURITY TRANSITION PROCESS.

(a) Findings.—Congress makes the following findings:

(1) According to the Department of Defense’s April 2012 Report on Progress Toward Security and Stability in Afghanistan:

(A) “U.S. and coalition forces will continue to degrade the Taliban-led insurgency in order to provide time and space to increase the capacity
of the Afghan National Security Forces and the Afghan Government so they can assume full responsibility for Afghanistan’s security by the end of 2014.”

(B) “Transition to Afghan security lead began in July 2011 and transition to full Afghan security responsibility will be complete country-wide by the end of 2014.”

(C) “The security of the Afghan people and the stability of the government are used to judge provincial readiness to move to each successive stage of transition implementation.”

(D) For each area designated for transition, a transition implementation plan is developed by the Government of Afghanistan, NATO, and ISAF and approved by the Joint Afghan-NATO Inteqal Board (JANIB). JANIB is also responsible for recommending areas to enter and exit the transition process.

(2) According to a 2002 study on Women, Peace and Security submitted by the Secretary-General of the United Nations pursuant to Security Council resolution 1325 (2000), “the suspension of or restriction on women’s enjoyment of their human rights” can act as an early-warning indicator of impending or re-
newed conflict. In Afghanistan, restrictions on women’s mobility and rights can signal the presence of extremist or insurgent elements in a community.

(3) The security of Afghan women and girls in areas undergoing security transitions will be an important gauge of the transition strategy’s success. Indicators by which to measure women’s security include the mobility of women and girls, the participation of women in local government bodies, the rate of school attendance for girls, women’s access to government services, and the prevalence of violence against women.

(4) Maintaining and improving physical security for Afghan women and girls throughout the country is critical in order for women and girls to take advantage of opportunities in education, commerce, politics, and other areas of public life, which in turn is essential for the future stability and prosperity of Afghanistan.

(5) Women who serve as public officials at all levels of the Government of Afghanistan face serious threats to their personal security and that of their families. Many female officials have been the victims of violent crimes, but they are generally not afforded
official protection by the Government of Afghanistan or security forces.

(6) Protecting the security and human rights of Afghan women and girls requires the involvement of Afghan men and boys through education about the important benefits of women’s full participation in social, economic, and political life. Male officials and security personnel can play a particularly important role in supporting and protecting women and girls.

(7) The Chicago Summit Declaration issued by NATO in May 2012 states: “As the Afghan National Police further develop and professionalize, they will evolve towards a sustainable, credible, and accountable civilian law enforcement force that will shoulder the main responsibility for domestic security. This force should be capable of providing policing services to the Afghan population as part of the broader Afghan rule of law system.”

(8) Women face significant barriers to full participation in the ANA and ANP, including a discriminatory or hostile work environment and the lack of separate facilities designed for female personnel.

(9) As of September 2012, female recruitment and retention rates for the Afghan National Security Forces are far below published targets, as follows:
(A) Approximately 1,700 women serve in the Afghan National Security Forces, or less than half of one percent of the total force.

(B) In 2010, President Hamid Karzai announced plans to recruit and train 5,000 women in the Afghan National Police, or approximately 3 percent of the force, by 2014. Currently, there are approximately 1,370 women in the ANP, or 0.87 percent of the police force.

(C) Approximately 350 women currently serve in the Afghan National Army, representing only 0.17 percent of the force. The Government of Afghanistan has said that its goal is to achieve a force that is 10 percent female. As of May 2012, approximately 3 percent of new ANA recruits were women.

(10) Male security personnel often do not respond to threats or incidences of violence against women, particularly at the local level. They largely lack the training and understanding needed to respond appropriately and effectively to situations involving women. According to the Department of Defense’s April 2012 Report on Progress Toward Security and Stability in Afghanistan:
(A) The Afghan Ministry of Defense “lacks the combination of policies, procedures, and execution to promote opportunity and fair and respectful treatment of women in the force”.

(B) The Afghan Ministry of Interior “faces significant challenges in fully integrating and protecting women in the ANP workforce, especially among operational units at the provincial and district levels”.

(C) In the Afghan National Police, “Many Provincial Headquarters Commanders do not accept policewomen, as they prefer male candidates and lack adequate facilities to support females.”

(D) “While women are greatly needed to support police operations, a combination of cultural impediments, weak recruitment, and uneven application of policies hinder significant progress.”

(E) “Although stronger documentation, implementation, and enforcement of policies, procedures, and guidance to better integrate women will help, time will be needed to change the cultural mores that form the basis of many of the current impediments.”
The United States, the North American Treaty Organization, and United States coalition partners have made firm commitments to support the human rights of the women and girls of Afghanistan, as evidenced by the following actions:


(B) The National Action Plan also states that “the engagement and protection of women as agents of peace and stability will be central to United States efforts to promote security, prevent, respond to, and resolve conflict, and rebuild societies.” This policy applies to United States Government efforts in Afghanistan, where addressing the security vulnerabilities of Afghan women and girls during the period of security transition is an essential step toward long-term stability.

(C) The Chicago Summit Declaration issued by NATO in May 2012 states: “We em-
phasisize the importance of full participation of all Afghan women in the reconstruction, political, peace and reconciliation processes in Afghanistan and the need to respect the institutional arrangements protecting their rights. We remain committed to the implementation of United Nations Security Council Resolution (UNSCR) 1325 on women, peace and security. We recognize also the need for the protection of children from the damaging effects of armed conflict as required in relevant UNSCRs.”

(12) The Strategic Partnership Agreement signed between the United States and Afghanistan by President Obama and President Karzai in June 2012 states, “Consistent with its Constitution and international obligations, Afghanistan shall ensure and advance the essential role of women in society, so that they may fully enjoy their economic, social, political, civil and cultural rights.”

(b) PLAN TO PROMOTE SECURITY OF AFGHAN WOMEN.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in concurrence with the Secretary of State, shall submit to the appropriate congressional commit-
tees a plan to promote the security of Afghan women
during the security transition process.

(2) ELEMENTS.—The plan required under para-
graph (1) shall include the following elements:

(A) A plan to monitor and respond to
changes in women’s security conditions in areas
undergoing transition, including the following
actions:

(i) Seeking to designate a Civilian Im-
pact Advisor on the Joint Afghan-NATO
Inteqal Board (JANIB) to assess the impact
of transition on male and female civilians
and ensure that efforts to protect women’s
rights and security are included in each
area’s transition implementation plan.

(ii) Reviewing existing indicators
against which sex-disaggregated data is col-
lected and, if necessary, developing addi-
tional indicators, to ensure the availability
of data that can be used to measure wom-
en’s security, such as—

(I) the mobility of women and
girls;

(II) the participation of women
in local government bodies;
(III) the rate of school attendance for girls;

(IV) women’s access to government services; and

(V) the prevalence of violence against women; and incorporating those indicators into ongoing efforts to assess overall security conditions during the transition period.

(iii) Integrating assessments of women’s security into current procedures used to determine an area’s readiness to proceed through the transition process.

(iv) Working with Afghan partners, coalition partners, and relevant United States Government departments and agencies to take concrete action to support women’s rights and security in cases of deterioration in women’s security conditions during the transition period.

(B) A plan to increase gender awareness and responsiveness among Afghan National Army and Afghan National Police personnel, including the following actions:
(i) Working with Afghan and coalition partners to utilize training curricula and programming that addresses the human rights of women and girls, appropriate responses to threats against women and girls, and appropriate behavior toward female colleagues and members of the community; assessing the quality and consistency of this training across regional commands; and assessing the impact of this training on trainee behavior.

(ii) Working with national and local ANA and ANP leaders to develop and utilize enforcement and accountability mechanisms for ANA and ANP personnel who violate codes of conduct related to the human rights of women and girls.

(iii) Working with Afghan and coalition partners to implement the above tools and develop uniform methods and standards for training and enforcement among coalition partners and across regions.

(C) A plan to increase the number of female members of the ANA and ANP, including the following actions:
(i) Providing, through consultation with Afghan partners, realistic and achievable objectives for the recruitment and retention of women to the ANA and ANP by the end of the security transition period in 2014.

(ii) Working with national and local ANA and ANP leaders and coalition partners to address physical and cultural challenges to the recruitment and retention of female ANA and ANP personnel, including through targeted recruitment campaigns, expanded training and mentorship opportunities, parity in pay and promotion rates with male counterparts, and availability of facilities for female personnel.

(iii) Working with national and local ANA and ANP leaders to increase understanding about the unique ways in which women members of the security forces improve the force’s overall effectiveness.

(iv) Working with national and local ANA and ANP leaders to develop a plan for maintaining and increasing the recruitment and retention of women in the ANA and
ANP following the completion of the security transition.

(3) REPORT.—The Secretary of Defense shall include in each report on progress toward security and stability in Afghanistan that is submitted to Congress under sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 122 Stat. 385, 390) a section describing actions taken to implement the plan required under this subsection.

(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 Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

SEC. 1250. SENSE OF CONGRESS ON THE ISRAELI IRON DOME DEFENSIVE WEAPON SYSTEM.

(a) FINDINGS.—Congress makes the following findings:

(1) The citizens of Israel have suffered under a continual barrage of missiles, rockets, and mortar shells from the Hamas-controlled Gaza Strip.
(2) Hamas has been designated by the Secretary of State as a Foreign Terrorist Organization.

(3) Hamas and other terrorist groups in Gaza have routinely used human shields and launched rockets from civilian areas.

(4) Israel has gone to extraordinary lengths to avoid Palestinian civilian casualties, including aborting attacks on military targets because of the presence of civilians, alerting civilians to leave areas of potential conflict, and allowing the importation of medical and other supplies into Gaza.

(5) Israel faces additional rocket and missile threats from Lebanon and Syria.

(6) The Government of Iran has supplied Hamas with advanced longer range missiles such as the Fajar-5.

(7) Hamas has deployed these weapons to be fired from within their own civilian population.

(8) The Government of Israel, taking seriously the threat of short range rockets and mortars, designed, developed, and produced the Iron Dome system to address those threats.

(9) The Iron Dome system has successfully intercepted hundreds of rockets targeting population centers in Israel.
(10) The Iron Dome system has maintained a success rate of close to 90 percent.

(11) The Government of Israel currently maintains 5 Iron Dome batteries, a number insufficient to protect all of Israel.

(12) It appears that approximately 10 additional Iron Dome batteries are needed to protect all of Israel.

(13) The United States Government, recognizing the threat to Israeli citizens and desirous of promoting peace, approved funding to assist the Government of Israel in procuring Iron Dome batteries.

(14) Israel maintains a significant inventory of Iron Dome interceptors which has been reduced due to attacks from Gaza.

(15) Israel used a significant number of precision-guided munitions in order to destroy military targets while minimizing civilian casualties in its recent defensive effort in Gaza.

(16) President Barack Obama has expressed his intention to seek additional funding for Iron Dome and other United States-Israel missile defense systems.

(b) SENSE OF CONGRESS.—Congress—
(1) reaffirms its commitment to the security of our ally and strategic partner, Israel;

(2) fully supports Israel’s right to defend itself against acts of terrorism;

(3) sympathizes with the families of Israelis who have come under the indiscriminate rocket fire from Hamas-controlled Gaza;

(4) recognizes the exceptional success of the Iron Dome Missile Defense system in defending the population of Israel;

(5) desires to help ensure that Israel has the means to defend itself against terrorist attacks, including through the acquisition of additional Iron Dome batteries and interceptors; and

(6) urges the Departments of Defense and State to explore with their Israeli counterparts and alert Congress of any needs the Israeli Defense Force may have for additional Iron Dome batteries, interceptors, or other equipment depleted during the current conflict.

SEC. 1251. SENSE OF THE SENATE ON THE SITUATION IN THE SENKAKU ISLANDS.

It is the sense of the Senate that—

(1) the East China Sea is a vital part of the maritime commons of Asia, including critical sea
lanes of communication and commerce that benefit all nations of the Asia-Pacific region;

(2) the peaceful settlement of territorial and jurisdictional disputes in the East China Sea requires the exercise of self-restraint by all parties in the conduct of activities that would complicate or escalate disputes and destabilize the region, and differences should be handled in a constructive manner consistent with universally recognized principles of customary international law;

(3) while the United States takes no position on the ultimate sovereignty of the Senkaku islands, the United States acknowledges the administration of Japan over the Senkaku Islands;

(4) The unilateral action of a third party will not affect the United States’ acknowledgment of the administration of Japan over the Senkaku Islands;

(5) the United States has national interests in freedom of navigation, the maintenance of peace and stability, respect for international law, and unimpeded lawful commerce;

(6) the United States supports a collaborative diplomatic process by claimants to resolve territorial disputes without coercion, and opposes efforts at coercion, the threat of use of force, or use of force by any
claimant in seeking to resolve sovereignty and territorial issues in the East China Sea; and

(7) the United States reaffirms its commitment to the Government of Japan under Article V of the Treaty of Mutual Cooperation and Security that “[e]ach Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes”.

SEC. 1252. BILATERAL DEFENSE TRADE RELATIONSHIP WITH INDIA.

(a) Report.—

(1) In general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that articulates the vision of the Department of Defense for defense trade relations between the United States and India within the context of the overall bilateral defense relationship.

(2) Content.—The report required under paragraph (1) shall include the following elements:

(A) A description of the Department’s approach for normalizing defense trade.
(B) An assessment of the defense capabilities that could enhance cooperation and coordination between the Governments of the United States and India on matters of shared security interests.

(b) **Comprehensive Policy Review.**—

(1) **In General.**—The Secretary of Defense shall lead a comprehensive policy review to examine the feasibility of engaging in co-production and co-development defense projects with India.

(2) **Scope.**—The policy review should—

   (A) examine the parameters and requirements for United States-India cooperation as well as the terms and conditions India must fulfill to broach such cooperation; and

   (B) consider potential areas of cooperation, including the possibility of co-producing a training aircraft and co-developing counter-IED technology or individual soldier capabilities.

(c) **Sense of Congress on International Initiatives.**—It is the sense of Congress that the Department of Defense, in coordination with the Department State, should—

   (1) conduct a review of all United States-India bilateral working groups dealing with high technology
transfers, including technology security and licensing for dual-use and munitions licenses, and determine the feasibility of establishing a single United States Government working group dedicated to strategic technology trade;

(2) engage counterparts in the Government of India in an intensified dialogue on the current challenges related to the compatibility of the Foreign Military Sales and direct commercial sales programs with the Indian Defense Procurement Procedure (DPP), and steps to improve compatibility;

(3) engage counterparts in the Government of India in a dialogue about the elements of an effective defense industrial base, including personnel training, quality assurance, and manufacturing procedures;

(4) consider the establishment of orientation programs for new defense officials in the Government of India about the procedures for United States defense sales, including licensing processes; and

(5) continue and deepen ongoing efforts to assist the Government of India in developing its defense acquisition expertise by assisting with the development of training institutions and human capital.
Subtitle E—Iran Sanctions

SEC. 1261. SHORT TITLE.

This subtitle may be cited as the “Iran Freedom and Counter-Proliferation Act of 2012”.

SEC. 1262. DEFINITIONS.

(a) IN GENERAL.—In this subtitle:

(1) AGRICULTURAL COMMODITY.—The term “agricultural commodity” has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note).

(3) COAL.—The term “coal” means metallurgical coal, coking coal, or fuel coke.

(4) CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms “correspondent account” and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(5) FOREIGN FINANCIAL INSTITUTION.—The term “foreign financial institution” has the meaning of that term as determined by the Secretary of the
Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(6) **IRANIAN FINANCIAL INSTITUTION.**—The term “Iranian financial institution” has the meaning given that term in section 104A(d) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513b(d)).

(7) **IRANIAN PERSON.**—The term “Iranian person” means—

(A) an individual who is a citizen or national of Iran; and

(B) an entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran.

(8) **KNOWINGLY.**—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(9) **MEDICAL DEVICE.**—The term “medical device” has the meaning given the term “device” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(10) **MEDICINE.**—The term “medicine” has the meaning given the term “drug” in section 201 of the

(11) Shipping.—The term “shipping” refers to the transportation of goods by a vessel and related activities.

(12) United States person.—The term “United States person” has the meaning given that term in section 101 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511).

(13) Vessel.—The term “vessel” has the meaning given that term in section 3 of title 1, United States Code.

(b) Determinations of Significance.—For purposes of this subtitle, in determining if financial transactions or financial services are significant, the President may consider the totality of the facts and circumstances, including factors similar to the factors set forth in section 561.404 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

SEC. 1263. DECLARATION OF POLICY ON HUMAN RIGHTS.

(a) Finding.—Congress finds that the interests of the United States and international peace are threatened by the ongoing and destabilizing actions of the Government of
Iran, including its massive, systematic, and extraordinary violations of the human rights of its own citizens.

(b) DECLARATION OF POLICY.—It shall be the policy of the United States—

(1) to deny the Government of Iran the ability to continue to oppress the people of Iran and to use violence and executions against pro-democracy protestors and regime opponents;

(2) to fully and publicly support efforts made by the people of Iran to promote the establishment of basic freedoms that build the foundation for the emergence of a freely elected, open, and democratic political system;

(3) to help the people of Iran produce, access, and share information freely and safely via the Internet and through other media; and

(4) to defeat all attempts by the Government of Iran to jam or otherwise obstruct international satellite broadcast signals.

SEC. 1264. IMPOSITION OF SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.

(a) FINDINGS.—Congress makes the following findings:

(1) Iran’s energy, shipping, and shipbuilding sectors and Iran’s ports are facilitating the Govern-
ment of Iran’s nuclear proliferation activities by pro-
viding revenue to support proliferation activities.

(2) The United Nations Security Council and the
United States Government have expressed concern
about the proliferation risks presented by the Iranian
nuclear program.

(3) The Director General of the International
Atomic Energy Agency (in this section referred to as
the “IAEA”) has in successive reports (GOV/2012/37
and GOV/2011/65) identified possible military dimen-
sions of Iran’s nuclear program.

(4) The Government of Iran continues to defy the
requirements and obligations contained in relevant
IAEA Board of Governors and United Nations Secu-
ritry Council resolutions, including by continuing and
expanding uranium enrichment activities in Iran, as
reported in IAEA Report GOV/2012/37.

(5) United Nations Security Council Resolution
1929 (2010) recognizes the “potential connection be-
tween Iran’s revenues derived from its energy sector
and the funding of Iran’s proliferation sensitive nu-
clear activities”.

(6) The National Iranian Tanker Company is
the main carrier for the Iranian Revolutionary
Guard Corps-designated National Iranian Oil Com-
pany and a key element in the petroleum supply chain responsible for generating energy revenues that support the illicit nuclear proliferation activities of the Government of Iran.

(b) Designation of Ports and Entities in the Energy, Shipping, and Shipbuilding Sectors of Iran as Entities of Proliferation Concern.—Entities that operate ports in Iran and entities in the energy, shipping, and shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, the Islamic Republic of Iran Shipping Lines, and their affiliates, play an important role in Iran’s nuclear proliferation efforts and all such entities are hereby designated as entities of proliferation concern.

(c) Blocking of Property of Entities in Energy, Shipping, and Shipbuilding Sectors.—

(1) In general.—On and after the date that is 90 days after the date of the enactment of this Act, the President shall block and prohibit all transactions in all property and interests in property of any person described in paragraph (2) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.
(2) PERSONS DESCRIBED.—A person is described in this paragraph if the President determines that the person, on or after the date that is 90 days after the date of the enactment of this Act—

(A) is part of the energy, shipping, or shipbuilding sectors of Iran;

(B) operates a port in Iran; or

(C) knowingly provides significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of—

(i) a person determined under subparagraph (A) to be a part of the energy, shipping, or shipbuilding sectors of Iran;

(ii) a person determined under subparagraph (B) to operate a port in Iran; or

(iii) an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in paragraph (3)).

(3) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this paragraph is an Iranian financial institution
that has not been designated for the imposition of
sanctions in connection with—

(A) Iran’s proliferation of weapons of mass
destruction or delivery systems for weapons of
mass destruction;

(B) Iran’s support for international ter-
rorism; or

(C) Iran’s abuses of human rights.

(d) ADDITIONAL SANCTIONS WITH RESPECT TO THE
ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF
IRAN.—

(1) SALE, SUPPLY, OR TRANSFER OF CERTAIN
GOODS AND SERVICES.—Except as provided in this
section, the President shall impose 5 or more of the
sanctions described in section 6(a) of the Iran San-
tions Act of 1996 (Public Law 104–172; 50 U.S.C.
1701 note) with respect to a person if the President
determines that the person knowingly, on or after the
date that is 90 days after the date of the enactment
of this Act, sells, supplies, or transfers to or from Iran
significant goods or services described in paragraph
(3).

(2) FACILITATION OF CERTAIN TRANSACTIONS.—
Except as provided in this section, the President shall
prohibit the opening, and prohibit or impose strict
conditions on the maintaining, in the United States
of a correspondent account or a payable-through ac-
count by a foreign financial institution that the
President determines knowingly, on or after the date
that is 90 days after the date of the enactment of this
Act, conducts or facilitates a significant financial
transaction for the sale, supply, or transfer to or from
Iran of goods or services described in paragraph (3).

(3) GOODS AND SERVICES DESCRIBED.—Goods
or services described in this paragraph are goods or
services used in connection with the energy, shipping,
or shipbuilding sectors of Iran, including the Na-
tional Iranian Oil Company, the National Iranian
Tanker Company, and the Islamic Republic of Iran
Shipping Lines.

(4) APPLICATION OF CERTAIN PROVISIONS OF
IRAN SANCTIONS ACT OF 1996.—The following provi-
sions of the Iran Sanctions Act of 1996 (Public Law
104–172; 50 U.S.C. 1701 note) shall apply with re-
spect to the imposition of sanctions under paragraph
(1) to the same extent that such provisions apply with
respect to the imposition of sanctions under section
5(a) of that Act:
(A) Subsections (c), (d), and (f) of section 5 (except for paragraphs (3) and (4)(C) of such subsection (f)).

(B) Sections 8, 11, and 12.

(e) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(f) APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.—

(1) In general.—Except as provided in paragraph (2), this section shall apply with respect to the purchase of petroleum or petroleum products from Iran only if, at the time of the purchase, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) Exception for certain countries.—
(A) **EXPORTATION.**—This section shall not apply with respect to the exportation of petroleum or petroleum products from Iran to a country to which the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies at the time of the exportation of the petroleum or petroleum products.

(B) **FINANCIAL TRANSACTIONS.**—

(i) **IN GENERAL.**—This section shall not apply with respect to a financial transaction described in clause (ii) conducted or facilitated by a foreign financial institution if, at the time of the transaction, the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(ii) **FINANCIAL TRANSACTIONS DESCRIBED.**—A financial transaction conducted or facilitated by a foreign financial institution is described in this clause if—
(I) the financial transaction is for the purchase of petroleum or petroleum products from Iran;
(II) the financial transaction is only for trade in goods or services—
(aa) not otherwise subject to sanctions under the law of the United States; and
(bb) between the country with primary jurisdiction over the foreign financial institution and Iran; and
(III) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(g) APPLICABILITY OF SANCTIONS TO NATURAL GAS.—

(1) SALE, SUPPLY, OR TRANSFER.—Except as provided in paragraph (2), this section shall not apply to the sale, supply, or transfer to or from Iran of natural gas.

(2) FINANCIAL TRANSACTIONS.—This section shall apply to a foreign financial institution that
conducts or facilitates a financial transaction for the 
sale, supply, or transfer to or from Iran of natural 
gas unless—
(A) the financial transaction is only for 
trade in goods or services—
(i) not otherwise subject to sanctions 
under the law of the United States; and 
(ii) between the country with primary 
jurisdiction over the foreign financial insti-
tution and Iran; and 
(B) any funds owed to Iran as a result of 
such trade are credited to an account located in 
the country with primary jurisdiction over the 
foreign financial institution.
(h) WAIVER.—
(1) IN GENERAL.—The President may waive the 
imposition of sanctions under this section for a period 
of not more than 120 days, and may renew that 
waiver for additional periods of not more than 120 
days, if the President—
(A) determines that such a waiver is vital 
to the national security of the United States; and 
(B) submits to the appropriate congres-
sional committees a report providing a justifica-
tion for the waiver.
(2) Form of report.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1265. IMPOSITION OF SANCTIONS WITH RESPECT TO THE SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS TO OR FROM IRAN.

(a) Sale, supply, or transfer of certain materials.—The President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, sells, supplies, or transfers, directly or indirectly, to or from Iran—

(1) a precious metal;

(2) a material described in subsection (c) determined pursuant to subsection (d)(1) to be used by Iran as described in that subsection;

(3) any other material described in subsection (c) if—

(A) the material is—

(i) to be used in connection with the energy, shipping, or shipbuilding sectors of Iran or any sector of the economy of Iran
controlled directly or indirectly by Iran’s

Revolutionary Guard Corps;

(ii) sold, supplied, or transferred to or

from an Iranian person included on the list

of specially designated nationals and

blocked persons maintained by the Office of

Foreign Assets Control of the Department of

the Treasury; or

(iii) relevant to the nuclear, military,

or ballistic missile programs of Iran; or

(B) the material is resold, retransferred, or

otherwise supplied—

(i) to an end-user in a sector described

in clause (i) of subparagraph (A);

(ii) to a person described in clause (ii)

of that subparagraph; or

(iii) for a program described in clause

(iii) of that subparagraph.

(b) Facilitation of Certain Transactions.—The

President shall prohibit the opening, and prohibit or impose

strict conditions on the maintaining, in the United States

of a correspondent account or a payable-through account

by a foreign financial institution that the President deter-

mines knowingly, on or after the date that is 90 days after

the date of the enactment of this Act, conducts or facilitates
a significant financial transaction for the sale, supply, or
transfer to or from Iran of materials the sale, supply, or
transfer of which would subject a person to sanctions under
subsection (a).

(c) MATERIALS DESCRIBED.—Materials described in
this subsection are graphite, raw or semi-finished metals
such as aluminum and steel, coal, and software for inte-
grating industrial processes.

(d) DETERMINATION WITH RESPECT TO USE OF MA-
TERIALS.—Not later than 90 days after the date of the en-
actment of this Act, and every 90 days thereafter, the Presi-
dent shall submit to the appropriate congressional commit-
tees and publish in the Federal Register a report that con-
tains the determination of the President with respect to—

(1) whether Iran is—

(A) using any of the materials described in
subsection (c) as a medium for barter, swap, or
any other exchange or transaction; or

(B) listing any of such materials as assets
of the Government of Iran for purposes of the na-
tional balance sheet of Iran;

(2) which sectors of the economy of Iran are con-
trolled directly or indirectly by Iran’s Revolutionary
Guard Corps; and

† HR 4310 PP
(3) which of the materials described in subsection (c) are relevant to the nuclear, military, or ballistic missile programs of Iran.

(e) Exception for Persons Exercising Due Diligence.—The President may not impose sanctions under subsection (a) or (b) with respect to a person if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not sell, supply, or transfer to or from Iran materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a) or conduct or facilitate a financial transaction for such a sale, supply, or transfer.

(f) Waiver.—

(1) In General.—The President may waive the imposition of sanctions under this section for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.
(2) Form of report.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(g) National balance sheet of Iran defined.—For purposes of this section, the term “national balance sheet of Iran” refers to the ratio of the assets of the Government of Iran to the liabilities of that Government.

SEC. 1266. Imposition of sanctions with respect to the provision of underwriting services or insurance or reinsurance for activities or persons with respect to which sanctions have been imposed.

(a) In general.—Except as provided in subsection (b), the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, provides underwriting services or insurance or reinsurance—

(1) for any activity with respect to Iran for which sanctions have been imposed under this subtitle, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Iran Sanctions Act of 1996, the Comprehensive Iran Sanctions, Account-
ability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8701 et seq.), the Iran, North Korea, and Syria Nonproliferation Act (Public Law 106–178; 50 U.S.C. 1701 note), or any other provision of law relating to the imposition of sanctions with respect to Iran;

(2) to or for any person—

(A) with respect to, or for the benefit of any activity in the energy, shipping, or shipbuilding sectors of Iran for which sanctions are imposed under this subtitle;

(B) for the sale, supply, or transfer to or from Iran of materials described in section 1255(c); or

(C) designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) in connection with—

(i) Iran’s proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

(ii) Iran’s support for international terrorism; or
(3) to or for any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(b) **IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.**—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran’s proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran’s support for international terrorism; or

(3) Iran’s abuses of human rights.

(c) **HUMANITARIAN EXCEPTION.**—The President may not impose sanctions under subsection (a) for the provision of underwriting services or insurance or reinsurance for a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) **EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.**—The President may not impose sanctions under paragraph (1) or (3) or
paragraph (A) or (B) of paragraph (2) of subsection (a) with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for an activity described in paragraph (1) of that subsection or to or for any person described in paragraph (3) or subparagraph (A) or (B) of paragraph (2) of that subsection.

(e) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.
(f) **APPLICATION OF CERTAIN PROVISIONS OF IRAN SANCTIONS ACT OF 1996.**—The following provisions of the Iran Sanctions Act of 1996 (Public Law 104–172; 50 U.S.C. 1701 note) shall apply with respect to the imposition of sanctions under subsection (a) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of that Act:

1. Subsections (c), (d), and (f) of section 5 (except for paragraphs (3) and (4)(C) of such subsection (f)).
2. Sections 8, 11, and 12.

**SEC. 1267. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT FACILITATE FINANCIAL TRANSACTIONS ON BEHALF OF SPECIALLY DESIGNATED NATIONALS.**

(a) **IN GENERAL.**—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has, on or after the date that is 90 days after the date of the enactment of this Act, knowingly facilitated a significant financial transaction on behalf of any Iranian person included on the list of specially designated nationals.
and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(b) **Iranian Financial Institutions Described.**—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran’s proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran’s support for international terrorism; or

(3) Iran’s abuses of human rights.

(c) **Humanitarian Exception.**—The President may not impose sanctions under subsection (a) with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) **Applicability of Sanctions to Petroleum and Petroleum Products.**—

(1) In general.—Except as provided in paragraph (2), subsection (a) shall apply with respect to a financial transaction for the purchase of petroleum
or petroleum products from Iran only if, at the time
of the transaction, a determination of the President
under section 1245(d)(4)(B) of the National Defense
Authorization Act for Fiscal Year 2012 (22 U.S.C.
8513a(d)(4)(B)) that the price and supply of petro-
leum and petroleum products produced in countries
other than Iran is sufficient to permit purchasers of
petroleum and petroleum products from Iran to re-
duce significantly their purchases from Iran is in ef-
fact.

(2) EXCEPTION FOR CERTAIN COUNTRIES.—

(A) IN GENERAL.—Subsection (a) shall not
apply with respect to a financial transaction de-
scribed in subparagraph (B) conducted or facili-
tated by a foreign financial institution for if, at
the time of the transaction, the exception under
section 1245(d)(4)(D)(i) of the National Defense
Authorization Act for Fiscal Year 2012 (22
U.S.C. 8513a(d)(4)(D)(i)) applies to the country
with primary jurisdiction over the foreign finan-
cial institution.

(B) FINANCIAL TRANSACTIONS DES-
cribed.—A financial transaction conducted or
facilitated by a foreign financial institution is
described in this subparagraph if—
(i) the financial transaction is for the purchase of petroleum or petroleum products from Iran;

(ii) the financial transaction is only for trade in goods or services—

(I) not otherwise subject to sanctions under the law of the United States; and

(II) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(iii) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(e) APPLICABILITY OF SANCTIONS TO NATURAL GAS.—Subsection (a) shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(1) the financial transaction is only for trade in goods or services—

(A) not otherwise subject to sanctions under the law of the United States; and
(B) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(2) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(f) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1268. INCLUSION OF THE ISLAMIC REPUBLIC OF IRAN BROADCASTING ON THE LIST OF HUMAN RIGHTS ABUSERS.

(a) FINDINGS.—Congress makes the following findings:
(1) The Islamic Republic of Iran Broadcasting has contributed to the infringement of individuals’ human rights by broadcasting forced televised confession and show trials.

(2) In March 2012, the European Council imposed sanctions on the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, for broadcasting forced confessions of detainees and a series of “show trials” in August 2009 and December 2011 that constituted a clear violation of international law with respect to the right to a fair trial and due process.

(b) INCLUSION OF THE ISLAMIC REPUBLIC OF IRAN BROADCASTING ON THE LIST OF HUMAN RIGHTS ABUSERS.—The President shall include the Islamic Republic of Iran Broadcasting and the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, in the first update to the list of persons complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members submitted under section 105 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8514) after the date of the enactment of this Act.
SEC. 1269. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.

(a) In General.—Title I of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511 et seq.) is amended by inserting after section 105B the following:

“SEC. 105C. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.

“(a) In General.—The President shall impose sanctions described in section 105(c) with respect to each person on the list required by subsection (b).

“(b) List of Persons Who Engage in Diversion.—

“(1) In General.—As relevant information becomes available, the President shall submit to the appropriate congressional committees a list of persons that the President determines have, on or after such date of enactment, engaged in corruption or other activities relating to—

“(A) the diversion of goods, including agricultural commodities, food, medicine, and medical devices, intended for the people of Iran; or

“(B) the misappropriation of proceeds from the sale or resale of such goods.
“(2) **Form of Report; Public Availability.**—

“(A) **Form.**—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

“(B) **Public Availability.**—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State.”.

(b) **Waiver.**—Section 401(b)(1) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(b)(1)) is amended—

(1) by striking “or 105B(a)” and inserting “105B(a), or 105C(a)”; and

(2) by striking “or 105B(b)” and inserting “105B(b), or 105C(b)”.

(c) **Clerical Amendment.**—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 is amended by inserting after the item relating to section 105B the following:

“Sec. 105C. Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran.”.
SEC. 1270. WAIVER REQUIREMENT RELATED TO EXCEPTIONAL CIRCUMSTANCES PREVENTING SIGNIFICANT REDUCTIONS IN CRUDE OIL PURCHASES.

Section 1245(d)(5)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(5)(B)) is amended—

(1) in clause (i), by striking “; and” and inserting a semicolon;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following new clause:

“(ii) certifying that the country with primary jurisdiction over the foreign financial institution otherwise subject to the sanctions faced exceptional circumstances that prevented the country from being able to significantly reduce its volume of crude oil purchases; and”.

SEC. 1271. STATUTE OF LIMITATIONS FOR CIVIL ACTIONS REGARDING TERRORIST ACTS.

(a) IN GENERAL.—Section 2335 of title 18, United States Code, is amended—

(1) in subsection (a), by striking “4 years” and inserting “10 years”; and
(2) in subsection (b), by striking “4-year period” and inserting “10-year period”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to—

(1) proceedings under section 2333 of title 18, United States Code, pending in any form on the date of the enactment of this Act;

(2) proceedings under such section commenced on or after the date of the enactment of this Act; and

(3) any civil action brought for recovery of damages under such section resulting from acts of international terrorism that occurred more than 10 years before the date of the enactment of this Act, provided that the action is filed not later than 6 years after the date of the enactment of this Act.

SEC. 1272. REPORT ON USE OF CERTAIN IRANIAN SEAPORTS BY FOREIGN VESSELS AND USE OF FOREIGN AIRPORTS BY SANCTIONED IRANIAN AIR CARRIERS.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report that contains—

(1) a list of vessels that have entered seaports in Iran controlled by the Tidewater Middle East Com-
pany during the period specified in subsection (b) and the owners and operators of those vessels; and

(2) a list of all airports at which aircraft owned or controlled by an Iranian air carrier on which sanctions have been imposed by the United States have landed during the period specified in subsection (b).

(b) Period Specified.—The period specified in this subsection is—

(1) in the case of the first report submitted under subsection (a), the 180-day period preceding the submission of the report; and

(2) in the case of any subsequent report submitted under that subsection, the year preceding the submission of the report.

(c) Form of Report.—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1273. IMPLEMENTATION; PENALTIES.

(a) Implementation.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subtitle.

(b) Penalties.—The penalties provided for in subsections (b) and (c) of section 206 of the International
Emergency Economic Powers Act (50 U.S. C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this subtitle or regulations prescribed under this subtitle to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

SEC. 1274. APPLICABILITY TO CERTAIN NATURAL GAS PROJECTS.

Nothing in this subtitle or the amendments made by this subtitle shall apply with respect to any activity relating to a project described in subsection (a) of section 603 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8783) to which the exception under that section applies at the time of the activity.

SEC. 1275. RULE OF CONSTRUCTION.

Nothing in this subtitle or the amendments made by this subtitle shall be construed to limit sanctions imposed with respect to Iran under any other provision of law or to limit the authority of the President to impose additional sanctions with respect to Iran.
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. 2632 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 $519,100,000 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, $68,300,000.

(2) For chemical weapons destruction, $14,600,000.

(3) For global nuclear security, $99,800,000.

(4) For cooperative biological engagement, $276,400,000.

(5) For proliferation prevention, $32,400,000.

(6) For threat reduction engagement, $2,400,000.

(7) For other assessments/administrative support, $25,200,000.

(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.
pended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2013 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.

(c) LIMITED AUTHORITY TO VARY INDIVIDUAL AMOUNTS.—

(1) IN GENERAL.—Subject to paragraph (2), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2013 for a purpose listed in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for that purpose.

(2) NOTICE-AND-WAIT REQUIRED.—An obligation of funds for a purpose stated in paragraphs (1) through (7) of subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—

(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and
(B) 15 days have elapsed following the date of the notification.

**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 fiscal year 2013 for the National Defense Sealift Fund, as specified in the funding table in section 4501.

**SEC. 1403. 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 4501.

**SEC. 1404. 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. 1405. 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. 1406. 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.
Subtitle B—National Defense
Stockpile

SEC. 1411. RELEASE OF MATERIALS NEEDED FOR NATIONAL
DEFENSE PURPOSES FROM THE STRATEGIC
AND CRITICAL MATERIALS STOCKPILE.

(a) Authority for President to Delegate Special Disposal Authority of President for Release
for National Defense Purposes.—Section 7(a) of the
Strategic and Critical Materials Stock Piling Act (50
U.S.C. 98ff(a)) is amended—

(1) in paragraph (1), by striking “and” at the
end;

(2) in paragraph (2), by striking the period at
the end and inserting “; and”; and

(3) by adding at the end the following new para-
graph:

“(3) on the order of the Under Secretary of De-
fense for Acquisition, Technology, and Logistics, if the
President has designated the Under Secretary to have
authority to issue release orders under this subsection
and, in the case of any such order, if the Under Sec-
retary determines that the release of such materials is
required for use, manufacture, or production for pur-
poses of national defense.”.
(b) Exclusion From Delegation Limitation.—Section 16 of such Act (50 U.S.C. 98h–7) is amended by striking “sections 7 and 13” each place it appears and inserting “sections 7(a)(1) and 13”.

Subtitle C—Chemical Demilitarization Matters

Sec. 1421. Supplemental Chemical Agent and Munitions Destruction Technologies at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky.

(a) Supplemental Destruction Technologies.—Section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521) is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following new subsection (o):

“(o) Supplemental Destruction Technologies.—In determining the technologies to supplement the neutralization destruction of the stockpile of lethal chemical agents and munitions at Pueblo Chemical Depot, Colorado, and Blue Grass Army Depot, Kentucky, the Secretary of Defense may consider the following:

“(1) Explosive Destruction Technologies.
“(2) Any technologies developed for treatment and disposal of agent or energetic hydrolysates, if problems with the current on-site treatment of hydrolysates are encountered.”.

(b) Repeal of Superseded Provision.—Section 151 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1645A–30) is repealed.

Subtitle D—Other Matters


There is hereby authorized to be appropriated for fiscal year 2013 from the Armed Forces Retirement Home Trust Fund the sum of $67,590,000 for the operation of the Armed Forces Retirement Home.

Sec. 1432. Additional Weapons of Mass Destruction Civil Support Teams.


(1) by striking subsection (b);

(2) by redesignating subsection (c) as subsection (d); and
(3) by inserting after subsection (a) the following new subsections (b) and (c):

“(b) ESTABLISHMENT OF FURTHER ADDITIONAL TEAMS.—The Secretary of Defense is authorized to have established two additional teams designated as Weapons of Mass Destruction Civil Support teams, beyond the 55 teams required in subsection (a), if—

“(1) the Secretary of Defense has made the certification provided for in section 12310(c)(5) of title 10, United States Code, with respect to each of such additional teams before December 31, 2011; and

“(2) the establishment of such additional teams does not require an increase in authorized personnel levels above the numbers authorized as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.

“(c) LIMITATION OF ESTABLISHMENT OF FURTHER TEAMS.—No Weapons of Mass Destruction Civil Support Team may be established beyond the number authorized by subsections (a) and (b) unless—

“(1) the Secretary submits to Congress a request for authority to establish such team, including a detailed justification for their establishment; and

“(2) the establishment of such team is specifically authorized by a law enacted after the date of the
enactment of the National Defense Authorization Act
for Fiscal Year 2013.”.

(b) REPORT.—Not later than 180 days after the date
of the enactment of this Act, the Secretary of Defense shall
submit to the congressional defense committees a report on
the Weapons of Mass Destruction Civil Support Teams. The
report shall include the following:

(1) A detailed description of risk management
criteria and considerations to be used in determining
the optimal number and location of Weapons of Mass
Destruction Civil Support Teams.

(2) A description of the operational and training
activities conducted by the Weapons of Mass Destru-
tion Civil Support Teams during each of fiscal years

(3) An assessment of the optimal number and lo-
cation of Weapons of Mass Destruction Civil Support
Teams in light of the information under paragraphs
(1) and (2).

(4) A comparative analysis of the cost of estab-
lishing Weapons of Mass Destruction Civil Support
Teams in the reserve components of the Armed Forces
(other than the National Guard) with the cost of es-
tablishing Weapons of Mass Destruction Civil Sup-
port Teams in the National Guard.
(5) A description of the portion of the costs of Weapons of Mass Destruction Civil Support Teams that is currently borne by the States.

SEC. 1433. POLICY OF THE UNITED STATES WITH RESPECT TO A DOMESTIC SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.

(a) POLICY OF THE UNITED STATES.—It is the policy of the United States to promote the development of an adequate, reliable, and stable supply of critical and essential minerals in the United States in order to strengthen and sustain the military readiness, national security, and critical infrastructure of the United States.

(b) COORDINATION OF DEVELOPMENT OF SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.—To implement the policy described in subsection (a), the President shall, acting through the Executive Office of the President, coordinate the actions of the appropriate federal agencies to identify opportunities for and to facilitate the development of resources in the United States to meet the critical and essential mineral needs of the United States.
TITLE XV—AUTHORIZATION OF APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS

Subtitle A—Authorization of 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 $4,000,000,000.

(b) TERMS AND CONDITIONS.—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) ADDITIONAL AUTHORITY.—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

Subtitle C—Limitations and Other Matters

SEC. 1531. AFGHANISTAN SECURITY FORCES FUND.

(a) CONTINUATION OF EXISTING LIMITATIONS.—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

(b) AVAILABILITY FOR SUPPORT OF TRAINING OF AFGHAN PUBLIC PROTECTION FORCE.—Assistance provided during fiscal year 2013 utilizing funds in the Afghanistan Security Forces Fund may be used to increase the capacity of the Government of Afghanistan to recruit, vet, train, and manage the Afghan Public Protection Force within the Afghanistan Ministry of Interior, including activities in connection with the following:

(1) Expanding the capacity of the Force to train and qualify recruits for static security, convoy security, and personal detail security.

(2) Improving the infrastructure of the Afghan Public Protection Force Training Center or other facilities for training Force personnel.

(3) Increasing the capacity of the Afghanistan Ministry of Interior to manage the Force.

(4) Improving procedures for recruiting and vetting Force personnel.

(5) Establishing or implementing requirements for qualifications, training, and accountability consistent with the purposes of section 862 of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note), to the extent feasible.
(c) **Plan for Use of Afghanistan Security Forces Fund Through 2017.**—No later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan for using funds available to the Department of Defense to provide assistance to the security forces of Afghanistan through the Afghanistan Security Forces Fund through September 30, 2017.

**SEC. 1532. Joint Improvised Explosive Device Defeat Fund.**

(a) **Use and Transfer of Funds.**—Subsections (b) and (c) of section 1514 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2439), as in effect before the amendments made by section 1503 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417; 122 Stat. 4649), shall apply to the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2013.

(b) **Availability of Certain Fiscal Year 2013 Funds.**—

(1) **In General.**—Of the funds made available to the Department of Defense for the Joint Improvised Explosive Device Defeat Fund for fiscal year 2013,
$15,000,000 may be available to the Secretary of Defense to provide training, equipment, supplies, and services to ministries and other entities of the Government of Pakistan that the Secretary has identified as critical for countering the flow of improvised explosive device precursor chemicals from Pakistan to locations in Afghanistan.

(2) Provision through other US Agencies.—If jointly agreed upon by the Secretary of Defense and the head of another department or agency of the United States Government, the Secretary of Defense may transfer funds available under paragraph (1) to such department or agency for the provision of training, equipment, supplies, and services to ministries and other entities of the Government of Pakistan as described in that paragraph by such department or agency.

(3) Notice to Congress.—Funds may not be used under the authority in paragraph (1) until 15 days after the date on which the Secretary of Defense submits to the congressional defense committees a notice on the training, equipment, supplies, and services to be provided using such funds.

(c) Expiration.—This section shall cease to be effective on December 31, 2013.
SEC. 1533. PLAN FOR TRANSITION IN FUNDING OF UNITED STATES SPECIAL OPERATIONS COMMAND FROM SUPPLEMENTAL FUNDING FOR OVERSEAS CONTINGENCY OPERATIONS TO RECURRING FUNDING UNDER THE FUTURE-YEARS DEFENSE PROGRAM.

The Secretary of Defense shall submit to the congressional defense committees, at the same time as the budget of the President for fiscal year 2014 is submitted to Congress pursuant to section 1105(a) of title 31, United States Code, a plan for the transition of funding of the United States Special Operations Command from funds authorized to be appropriated for overseas contingency operations (commonly referred to as the “overseas contingency operations budget”) to funds authorized to be appropriated for recurring operations of the Department of Defense in accordance with applicable future-years defense programs under section 221 of title 10, United States Code (commonly referred to as the “base budget”).

SEC. 1534. EXTENSION OF AUTHORITY ON TASK FORCE FOR BUSINESS AND STABILITY OPERATIONS IN AFGHANISTAN.

Section 1535(a) 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 the second sentence of paragraph (4)—

(A) by striking “The amount of funds used” and inserting “The amount of fund obligated”;

(B) by inserting “and $93,000,000 for fiscal year 2013” after “fiscal year 2012”; and

(C) by inserting “for fiscal year 2012” after “except that”;

(2) in paragraph (6), by striking “October 31, 2011, and October 31, 2012” and inserting “October 31 of each of 2011, 2012, and 2013”; and

(3) in paragraph (7)—

(A) by striking “provided in” and inserting “to obligate funds for projects under”; and

(B) by striking “September 30, 2012” and inserting “September 30, 2013”.

SEC. 1535. ASSESSMENTS OF TRAINING ACTIVITIES AND INTELLIGENCE ACTIVITIES OF THE JOINT IMPROVED EXPLOSIVE DEVICE DEFEAT ORGANIZATION.

(a) Training Activities.—

(1) in general.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Chairman of
Joint Chiefs of Staff and the other chiefs of staff of
the Armed Forces, submit to the congressional defense
committees a report setting forth an assessment of the
training-related activities of the Joint Improvised Ex-

(2) ELEMENTS.—The assessment required by
paragraph (1) shall—

(A) include all training programs and func-
tions executed by the Joint Improvised Explosive
Device Defeat Organization in support of the
United States Armed Forces or coalition part-
ners;

(B) identify any program or function which
is duplicated elsewhere within the Department of
Defense; and

(C) assess the value of maintaining such
duplication.

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

(4) LIMITATION.—No training-related program
may be initiated by the Joint Improvised Explosive
Device Defeat Organization between the date of the
enactment of this Act and the date of the submittal
of the report required by paragraph (1).
(b) **Intelligence Activities.**—

(1) **In General.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of National Intelligence, submit to the congressional defense committees a report setting forth an assessment of the activities of the Counter-Improvised-Explosive-Device Operations Integration Center of the Joint Improvised Explosive Device Defeat Organization.

(2) **Elements.**—The assessment required by paragraph (1) shall—

(A) include all intelligence analysis programs and functions executed by the Counter-Improvised-Explosive-Device Operations Integration Center in support of the United States Government or coalition partners;

(B) identify any program or function which is duplicated elsewhere within the Department of Defense, including the intelligence components of the Department, or the intelligence community of the United States; and

(C) assess the value of maintaining such duplication.
FORM.—The report required by paragraph (2) shall be submitted in unclassified form, but may include a classified annex.

SEC. 1536. SUBMITTAL TO CONGRESS OF RISK ASSESSMENTS ON CHANGES IN UNITED STATES TROOP LEVELS IN AFGHANISTAN.

(a) SUBMITTAL REQUIRED.—Not later than 30 days after a decision by the President to change the levels of United States Armed Forces deployed in Afghanistan, the Chairman of the Joint Chiefs of Staff shall, through the Secretary of Defense, submit to the congressional defense committees a detailed assessment of the risk to the United States mission and interests in Afghanistan as the change in levels is implemented.

(b) ELEMENTS.—The risk assessment under subsection (a) on a change in levels of United States Armed Forces in Afghanistan shall include the following:

(1) A description of the current security situation in Afghanistan.

(2) A description of any anticipated changes to United States military operations and objectives in Afghanistan associated with such change in levels.

(3) An identification and assessment of any changes in United States military capabilities, including manpower, logistics, intelligence, and mobil-
ity support, in Afghanistan associated with such change in levels.

(4) An identification and assessment of the risk associated with any changes in United States mission, military capabilities, operations, and objectives in Afghanistan associated with such change in levels.

(5) An identification and assessment of any capability gaps within the Afghanistan security forces that will impact their ability to conduct operations following such change in levels.

(6) An identification and assessment of the risk associated with the transition of combat responsibilities to the Afghanistan security forces following such change in levels.

(7) An assessment of the impact of such change in levels on coalition military contributions to the mission in Afghanistan.

(8) A description of the assumptions to be in force regarding the security situation in Afghanistan following such change in levels.

(9) Such other matters regarding such change in levels as the Chairman considers appropriate.
SEC. 1537. REPORT ON INSIDER ATTACKS IN AFGHANISTAN
AND THEIR EFFECT ON THE UNITED STATES
TRANSITION STRATEGY FOR AFGHANISTAN.

(a) Report.—Not later than 180 days after the date
of the enactment of this Act, the Secretary of Defense shall,
in consultation with the Secretary of State and the Com-
mmander of North Atlantic Treaty Organization/Inter-
national Security Assistance Force forces in Afghanistan,
submit to Congress a report on the attacks and associated
threats by Afghanistan National Security Forces personnel,
Afghanistan National Security Forces impersonators, and
private security contractors against United States, Afghan-
istan, and coalition military and civilian personnel (“in-
sider attacks”) in Afghanistan, and the effect of these at-
tacks on the overall transition strategy in Afghanistan.

(b) Elements.—The report required by subsection (a)
shall include the following:

(1) A description of the nature and proximate
causes of the attacks described in subsection (a), in-
cluding the following:

(A) An estimate of the number of such at-
tacks on United States, Afghanistan, and coali-
tion military personnel since January 1, 2007.

(B) An estimate of the number of United
States, Afghanistan, and coalition personnel
killed or wounded in such attacks.
(C) The circumstances or conditions that
may have influenced such attacks.

(D) An assessment of the threat posed by in-
filtration, and a best assessment of the extent of
infiltration by insurgents into the Afghanistan
National Security Forces.

(E) A description of trends in the preva-
ience of such attacks, including where such at-
tacks occur, the political and ethnic affiliation of
attackers, and the targets of attackers.

(2) A description of the restrictions and other ac-
tions taken by the United States and North Atlantic
Treaty Organization/International Security Assist-
ance Force forces to protect military and civilian per-
sonnel from future insider attacks, including meas-
ures in predeployment training.

(3) A description of the actions taken by the
Government of Afghanistan to prevent and respond to
insider attacks, including improved vetting practices.

(4) A description of the insider threat-related
factors that will influence the size and scope of the
post-2014 training mission for the Afghanistan Na-
tional Security Forces.

(5) An assessment of the impact of the insider
attacks in Afghanistan in 2012 on the overall transi-
tion strategy in Afghanistan and its prospects for success, including an assessment how such insider attacks impact—

(A) partner operations between North Atlantic Treaty Organization/International Security Assistance Force forces and Afghanistan National Security Forces;

(B) training programs for the Afghanistan National Security Forces, including proposed training plans to be executed during the post-2014 training mission for the Afghanistan National Security Forces;

(C) United States Special Forces training of the Afghan Local Police and its integration into the Afghanistan National Security Forces; and

(D) the willingness of North Atlantic Treaty Organization/International Security Assistance Force allies to maintain forces in Afghanistan or commit to the post-2014 training mission for the Afghanistan National Security Forces.

(6) An assessment of the impact that a reduction in training and partnering would have on the independent capabilities of the Afghanistan National Security Forces, and whether the training of the Af-
ghanistan National Security Forces should remain a key component of the United States and North Atlantic Treaty Organization strategy in Afghanistan.

(c) UNCLASSIFIED EXECUTIVE SUMMARY.—The report submitted under subsection (b) shall include an executive summary of the contents of the report in unclassified form.

TITLE XVI—MILITARY COMPENSATION AND RETIREMENT MODERNIZATION COMMISSION

SEC. 1601. SHORT TITLE.

This title may be cited as the “Military Compensation and Retirement Modernization Commission Act of 2012”.

SEC. 1602. PURPOSE.

The purpose of this title is to establish a Commission to review and make recommendations to modernize the military compensation and retirement systems in order to—

(1) ensure the long-term viability of the All-Volunteer Force;

(2) enable the quality of life for members of the Armed Forces and the other uniformed services and their families in a manner that fosters successful recruitment, retention, and careers for members of the Armed Forces and the other uniformed services; and
(3) modernize and achieve fiscal sustainability
for the compensation and retirements systems for the
Armed Forces and the other uniformed services for the
21st century.

SEC. 1603. DEFINITIONS.

In this title:

(1) The term “military compensation and retire-
ment systems” means the military compensation sys-
tem and the military retirement system.

(2) The term “military compensation system”
means provisions of law providing eligibility for and
the computation of military compensation, including
regular military compensation, special and incentive
pays and allowances, medical and dental care, edu-
cational assistance and related benefits, and com-
missary and exchange benefits and related benefits
and activities.

(3) The term “military retirement system”
means retirement benefits, including retired pay
based upon service in the uniformed services and sur-
vivor annuities based upon such service.

(4) The term “Armed Forces” has the meaning
given the term “armed forces” in section 101(a)(4) of
title 10, United States Code.
(5) The term “uniformed services” has the meaning given that term in section 101(a)(5) of title 10, United States Code.

(6) The term “Secretary” means the Secretary of Defense.

(7) The term “Commission” means the commission established under section 1604.

(8) The term “Commission establishment date” means the first day of the first month beginning on or after the date of the enactment of this Act.

(9) The terms “veterans service organization” and “military-related advocacy group or association” mean an organization the primary purpose of which is to advocate for veterans, military personnel, military retirees, or military families.

SEC. 1604. MILITARY COMPENSATION AND RETIREMENT MODERNIZATION COMMISSION.

(a) Establishment.—There is established in the executive branch an independent commission to be known as the Military Compensation and Retirement Modernization Commission. The Commission shall be considered an independent establishment of the Federal Government as defined by section 104 of title 5, United States Code, and a temporary organization under section 3161 of such title.

(b) Appointment.—
(1) IN GENERAL.—

(A) MEMBERS.—The Commission shall be composed of nine members appointed by the President, in consultation with—

(i) the Chairman and Ranking Member of the Committee on Armed Services of the Senate; and

(ii) the Chairman and Ranking Member of the Committee on Armed Services of the House of Representatives.

(B) DEADLINE FOR APPOINTMENT.—The President shall make appointments to the Commission not later than six months after the Commission establishment date.

(C) TERMINATION FOR LACK OF APPOINTMENT.—If the President does not make all appointments to the Commission on or before the date specified in subparagraph (B), the Commission shall be terminated.

(2) QUALIFICATIONS OF INDIVIDUALS APPOINTED.—In appointing individuals to the Commission, the President shall—

(A) ensure that—

(i) there are members with significant expertise in Federal compensation and re-
tirement systems, including the military compensation and retirement systems, private sector compensation, retirement, or human resource systems, and actuarial science;

(ii) at least five members have active-duty military experience, including—

(I) at least one of whom has active-duty experience as an enlisted member; and

(II) at least one of whom has experience as a member of a reserve component; and

(iii) at least one member was the spouse of a member of the Armed Forces, or, in the sole determination of the President, has significant experience in military family matters; and

(B) select individuals who are knowledgeable and experienced with the uniformed services and military compensation and retirement issues.

(3) LIMITATION.—The President may not appoint to the Commission an individual who within the preceding year has been employed by a veterans
service organization or military-related advocacy group or association.

(4) CHAIR.—At the time the President appoints the members of the Commission, the President shall designate one of the members to be Chair of the Commission. The individual designated as Chair of the Commission shall be a person who has expertise in the military compensation and retirement systems. The Chair, or the designee of the Chair, shall preside over meetings of the Commission and be responsible for establishing the agenda of Commission meetings and hearings.

(c) TERMS.—Members shall be appointed for the life of the Commission (subject to subsection (b)(3)). A vacancy in the Commission shall not affect its powers, and shall be filled in the same manner as the original appointment was made.

(d) STATUS AS FEDERAL EMPLOYEES.—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the Commission shall be deemed Federal employees.

SEC. 1605. COMMISSION HEARINGS AND MEETINGS.

(a) IN GENERAL.—The Commission shall conduct hearings on the recommendations it is taking under consid-
eration. Any such hearing, except a hearing in which classified information is to be considered, shall be open to the public. Any hearing open to the public shall be announced on a Federal website at least 14 days in advance. For all hearings open to the public, the Commission shall release an agenda and a listing of materials relevant to the topics to be discussed.

(b) **Meetings.**—

(1) **Initial Meeting.**—The Commission shall hold its initial meeting not later than 30 days after the date as of which all members have been appointed.

(2) **Subsequent Meetings.**—After its initial meeting, the Commission shall meet upon the call of the Chair or a majority of its members.

(3) **Public Meetings.**—Each meeting of the Commission shall be held in public unless any member objects.

(c) **Quorum.**—Five members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(d) **Public Comments.**—

(1) **In General.**—The Commission shall seek written comments from the general public and interested parties on measures to modernize the military compensation and retirement systems. Comments
shall be requested through a solicitation in the Federal Register and announcement on the Internet website of the Commission.

(2) Period for submittal.—The period for the submittal of comments pursuant to the solicitation under paragraph (1) shall end not earlier than 30 days after the date of the solicitation and shall end on or before the date on which the Secretary transmits the recommendations of the Secretary to the Commission under section 1606(b).

(3) Use by Commission.—The Commission shall consider the comments submitted under this subsection when developing its recommendations.

SEC. 1606. PRINCIPLES AND PROCEDURE FOR COMMISSION RECOMMENDATIONS.

(a) Principles.—

(1) Context of Commission review.—The Commission shall conduct a review of the military compensation and retirement systems in the context of all elements of the current military compensation and retirement systems, force management objectives, and changes in life expectancy and the labor force.

(2) Development of Commission recommendations.—
(A) **Consistency with Presidential Principles.**—The Commission shall develop recommendations for modernizing the military compensation and retirement systems that are consistent with principles established by the President under paragraph (3).

(B) **Grandfathering.**—The recommendations of the Commission may not apply to any person who first becomes a member of a uniformed service before the date of the enactment of a military compensation and retirement modernization Act pursuant to this title (except that such recommendations may include provisions allowing for such a member to make a voluntary election to be covered by some or all of the provisions of such recommendations).

(3) **Presidential Principles.**—Not later than five months after the Commission establishment date, the President shall establish and transmit to the Commission and Congress principles for modernizing the military compensation and retirement systems. The principles established by the President shall address the following:

   (A) Maintaining recruitment and retention of the best military personnel.
(B) Modernizing the active and reserve military compensation and retirement systems.

(C) Differentiating between active and reserve military service.

(D) Differentiating between service in the Armed Forces and service in the other uniformed services.

(E) Assisting with force management.

(F) Ensuring the fiscal sustainability of the military compensation and retirement systems.

(b) SECRETARY OF DEFENSE RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than nine months after the Commission establishment date, the Secretary shall transmit to the Commission the recommendations of the Secretary for military compensation and retirement modernization. The Secretary shall concurrently transmit the recommendations to Congress.

(2) DEVELOPMENT OF RECOMMENDATIONS.—The Secretary shall develop the recommendations of the Secretary under paragraph (1)—

(A) on the basis of the principles established by the President pursuant to subsection (a)(3);

(B) in consultation with the Secretary of Homeland Security, with respect to rec-
ommendations concerning members of the Coast Guard;

(C) in consultation with the Secretary of Health and Human Services, with respect to recommendations concerning members of the Public Health Service;

(D) in consultation with the Secretary of Commerce, with respect to recommendations concerning members of the National Oceanic and Atmospheric Administration; and

(E) in consultation with the Director of the Office of Management and Budget.

(3) JUSTIFICATION.—The Secretary shall include with the recommendations under paragraph (1) the justification of the Secretary for each recommendation.

(4) AVAILABILITY OF INFORMATION.—The Secretary shall make available to the Commission and to Congress the information used by the Secretary to prepare the recommendations of the Secretary under paragraph (1).

(c) COMMISSION HEARINGS ON RECOMMENDATIONS OF SECRETARY.—After receiving from the Secretary the recommendations of the Secretary for military compensation and retirement modernization pursuant to subsection (b),
the Commission shall conduct public hearings on the recommendations.

(d) COMMISSION REPORT AND RECOMMENDATIONS.—

(1) REPORT.—Not later than 15 months after the Commission establishment date, the Commission shall transmit to the President a report containing the findings and conclusions of the Commission, together with the recommendations of the Commission for the modernization of the military compensation and retirement systems. The Commission shall include in the report legislative language to implement the recommendations of the Commission. The findings and conclusions in the report shall be based on the review and analysis by the Commission of the recommendations of the Secretary.

(2) REQUIREMENT FOR APPROVAL.—The recommendations of the Commission must be approved by at least five members of the Commission before the recommendations may be transmitted to the President under paragraph (1).

(3) PROCEDURES FOR CHANGING RECOMMENDATIONS OF SECRETARY.—The Commission may make a change described in paragraph (4) in the recommendations made by the Secretary only if the Commission—
(A) determines that the change is consistent with the principles established by the President under subsection (a)(3); (B) publishes a notice of the proposed change not less than 45 days before transmitting its recommendations to the President pursuant to paragraph (1); and (C) conducts a public hearing on the proposed change.

(4) COVERED CHANGES.—Paragraph (3) applies to a change by the Commission in the recommendations of the Secretary that would—

(A) add a new recommendation; (B) delete a recommendation; or (C) substantially change a recommendation.

(5) EXPLANATION AND JUSTIFICATION FOR CHANGES.—The Commission shall explain and justify in its report submitted to the President under paragraph (1) any recommendation made by the Commission that is different from the recommendations made by the Secretary pursuant to subsection (b).

(6) TRANSMITTAL TO CONGRESS.—The Commission shall transmit a copy of its report to Congress on the same date on which it transmits its report to the President under paragraph (1).
SEC. 1607. CONSIDERATION OF COMMISSION RECOMMENDATIONS BY THE PRESIDENT AND CONGRESS.

(a) REVIEW BY THE PRESIDENT.—

(1) REPORT OF PRESIDENTIAL APPROVAL OR DISAPPROVAL.—Not later than 60 days after the date on which the Commission transmits its report to the President under section 1606(d), the President shall transmit to the Commission and to Congress a report containing the approval or disapproval by the President of the recommendations of the Commission in the report.

(2) PRESIDENTIAL APPROVAL.—If in the report under paragraph (1) the President approves all the recommendations of the Commission, the President shall include with the report the following:

(A) A copy of the recommendations of the Commission.

(B) The certification by the President of the approval of the President of each recommendation.

(C) The legislative language transmitted by the Commission to the President as part of the report of the Commission under section 1606(d)(1).

(3) PRESIDENTIAL DISAPPROVAL.—
(A) Reasons for disapproval.—If in the report under paragraph (1) the President disapproves the recommendations of the Commission, in whole or in part, the President shall include in the report the reasons for that disapproval.

(B) Revised recommendations from commission.—The Commission shall then transmit to the President, not later one month after the date of the report of the President under paragraph (1), revised recommendations for the modernization of the military compensation and retirement systems, together with revised legislative language to implement the revised recommendations of the Commission.

(4) Action on revised recommendations.—If the President approves all of the revised recommendations of the Commission transmitted pursuant to paragraph (3)(B), the President shall transmit to Congress, not later than one month after receiving the revised recommendations, the following:

(A) A copy of the revised recommendations.

(B) The certification by the President of the approval of the President of each recommendation as so revised.
(C) The revised legislative language transmitted to the President under paragraph (3)(B).

(5) TERMINATION OF COMMISSION.—If the President does not transmit to Congress an approval and certification described in paragraph (2) or (4) in accordance with the applicable deadline under such paragraph, the Commission shall be terminated not later than one month after the expiration of the period for transmittal of a report under paragraph (4).

(b) CONSIDERATION BY CONGRESS.—

(1) RULEMAKING.—The provisions of this subsection are enacted by Congress—

(A) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of each House, respectively, or of that House to which they specifically apply, and such rules supersede other rules only to the extent that they are inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change such rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.
(2) MILITARY COMPENSATION AND RETIREMENT MODERNIZATION BILL.—For the purpose of this subsection, the term “military compensation and retirement modernization bill” means only a bill consisting of the proposed legislative language recommended by the Commission and submitted to Congress by the President pursuant to subsection (a).

(3) INTRODUCTION OF LEGISLATIVE PROPOSAL IN HOUSE AND SENATE.—If the President transmits to Congress under subsection (a) a copy of the recommendations of the Commission (including the legislative language recommended by the Commission), together with a certification of the approval of the President of the recommendations, the proposed legislative language recommended by the Commission and submitted to Congress by the President pursuant to that subsection—

(A) shall be introduced in the Senate (by request) on the next day on which the Senate is in session by the chairman of the Committee on Armed Services of the Senate; and

(B) shall be introduced in the House of Representatives (by request) on the next legislative day by the chair of the Committee on Armed Services of the House of Representatives.
(4) Consideration in the House of Representatives.—

(A) Referral and reporting.—Any committee of the House of Representatives to which the military compensation and retirement modernization bill is referred shall report it to the House without amendment not later than the end of the 60-day period beginning on the date on which the bill is introduced. If a committee fails to report the bill to the House within that period, it shall be in order to move that the House discharge the committee from further consideration of the bill. Such a motion shall not be in order after the last committee authorized to consider the bill reports it to the House or after the House has disposed of a motion to discharge the bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion except 20 minutes of debate equally divided and controlled by the proponent and an opponent. If such a motion is adopted, the House shall proceed immediately to consider the Commission bill in accordance with subparagraphs (B) and (C). A motion to reconsider the
vote by which the motion is disposed of shall not be in order.

(B) PROCEEDING TO CONSIDERATION.—
After the last committee authorized to consider a military compensation and retirement modernization bill reports it to the House or has been discharged (other than by motion) from its consideration, it shall be in order to move to proceed to consider the military compensation and retirement modernization bill in the House. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to the military compensation and retirement modernization bill. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(C) CONSIDERATION.—The military compensation and retirement modernization bill shall be considered as read. All points of order against the bill and against its consideration are waived. The previous question shall be considered as ordered on the bill to its passage without intervening motion except 2 hours of debate equally
divided and controlled by the proponent and an opponent and one motion to limit debate on the bill. A motion to reconsider the vote on passage of the bill shall not be in order.

(D) VOTE ON PASSAGE.—The vote on passage of the military compensation and retirement modernization bill shall occur not later than the end of the 90-day period beginning on the date on which the bill is introduced.

(5) EXPEDITED PROCEDURE IN THE SENATE.—

(A) COMMITTEE CONSIDERATION.—A military compensation and retirement modernization bill introduced in the Senate under subsection (a) shall be jointly referred to the committee or committees of jurisdiction, which committees shall report the bill without any revision and with a favorable recommendation, an unfavorable recommendation, or without recommendation, not later than the end of the 60-day period beginning on the date on which the bill is introduced. If any committee fails to report the bill within that period, that committee shall be automatically discharged from consideration of the bill, and the bill shall be placed on the appropriate calendar.
(B) MOTION TO PROCEED.—Notwithstanding Rule XXII of the Standing Rules of the Senate, it is in order, not later than 2 days of session after the date on which a military compensation and retirement modernization bill is reported or discharged from all committees to which it was referred, for the majority leader of the Senate or the majority leader’s designee to move to proceed to the consideration of the military compensation and retirement modernization bill. It shall also be in order for any Member of the Senate to move to proceed to the consideration of the military compensation and retirement modernization bill at any time after the conclusion of such 2-day period. A motion to proceed is in order even though a previous motion to the same effect has been disagreed to. All points of order against the motion to proceed to the military compensation and retirement modernization bill are waived. The motion to proceed is not debatable. The motion is not subject to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the military com-
pensation and retirement modernization bill is agreed to, the military compensation and retire-
ment modernization bill shall remain the unfinished business until disposed of.

(C) CONSIDERATION.—All points of order, other than budget points of order, against the military compensation and retirement modernization bill and against consideration of the bill are waived. Consideration of the bill and of all debatable motions and appeals in connection therewith shall not exceed a total of 10 hours which shall be divided equally between the majority and minority leaders or their designees. A motion further to limit debate on the bill is in order, shall require an affirmative vote of three-fifths of the Members duly chosen and sworn, and is not debatable. Any debatable motion or appeal is debatable for not to exceed 1 hour, to be divided equally between those favoring and those opposing the motion or appeal. All time used for consideration of the bill, including time used for quorum calls and voting, shall be counted against the total 10 hours of consideration.

(D) NO AMENDMENTS.—An amendment to the Commission bill, or a motion to postpone, or
a motion to proceed to the consideration of other
business, or a motion to recommit the Commis-
sion bill, is not in order.

(E) VOTE ON PASSAGE.—If the Senate has
voted to proceed to the military compensation
and retirement modernization bill, the vote on
passage of the bill shall occur immediately fol-
lowing the conclusion of the debate on a military
compensation and retirement modernization bill,
and a single quorum call at the conclusion of the
debate if requested. The vote on passage of the
bill shall occur not later the end of the 90-day
period beginning on the date on which the bill
is introduced.

(F) RULINGS OF THE CHAIR ON PROCE-
DURE.—Appeals from the decisions of the Chair
relating to the application of the rules of the
Senate, as the case may be, to the procedure re-
lat ing to a military compensation and retire-
ment modernization bill shall be decided without
debate.

(6) AMENDMENT.—The military compensation
and retirement modernization bill shall not be subject
to amendment in either the House of Representatives
or the Senate.
(7) CONSIDERATION BY THE OTHER HOUSE.—If, before passing the military compensation and retirement modernization bill, one House receives from the other a military compensation and retirement modernization bill—
(A) the military compensation and retirement modernization bill of the other House shall not be referred to a committee; and
(B) the procedure in the receiving House shall be the same as if no military compensation and retirement modernization bill had been received from the other House until the vote on passage, when the military compensation and retirement modernization bill received from the other House shall supplant the military compensation and retirement modernization bill of the receiving House.

SEC. 1608. PAY FOR MEMBERS OF THE COMMISSION.

(a) In General.—Each member, other than the Chair, of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.
(b) CHAIR.—The Chair of the Commission shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

SEC. 1609. EXECUTIVE DIRECTOR.

(a) APPOINTMENT.—The Commission shall appoint and fix the rate of basic pay for an Executive Director in accordance with section 3161 of title 5, United States Code.

(b) LIMITATIONS.—The Executive Director may not have served on active duty in the Armed Forces or as a civilian employee of the Department of Defense during the one-year period preceding the date of such appointment and may not have been employed by a veterans service organization or a military-related advocacy group or association during that one-year period.

SEC. 1610. STAFF.

(a) IN GENERAL.—Subject to subsections (b) and (c), the Executive Director, with the approval of the Commission, may appoint and fix the rate of basic pay for additional personnel as staff of the Commission in accordance with section 3161 of title 5, United States Code.

(b) LIMITATIONS ON STAFF.—
(1) Number of detailees from Department of Defense.—Not more than one-third of the personnel employed by or detailed to the Commission may be on detail from the Department of Defense.

(2) Prior duties within Department of Defense.—A person may not be detailed from the Department of Defense to the Commission if, in the year before the detail is to begin, that person participated personally and substantially in any matter within the Department concerning the preparation of recommendations for military compensation and retirement modernization.

(3) Number of detailees eligible for military retired pay.—Not more than one-fourth of the personnel employed by or detailed to the Commission may be persons eligible for or receiving military retired pay.

(4) Prior employment with certain organizations.—A person may not be employed by or detailed to the Commission if, in the year before the employment or detail is to begin, that person was employed by a veterans service organization or a military-related advocacy group or association.
(c) LIMITATIONS ON PERFORMANCE REVIEWS.—No member of the Armed Forces, and no officer or employee of the Department of Defense, may—

(1) prepare any report concerning the effectiveness, fitness, or efficiency of the performance of the staff of the Commission or any person detailed from the Department to that staff;

(2) review the preparation of such a report; or

(3) approve or disapprove such a report.

SEC. 1611. CONTRACTING AUTHORITY.

The Commission may lease space and acquire personal property to the extent funds are available.

SEC. 1612. JUDICIAL REVIEW PRECLUDED.

The following shall not be subject to judicial review:

(1) Actions of the President, the Secretary, and the Commission under section 1606.

(2) Actions of the President under section 1607(a).

SEC. 1613. TERMINATION.

Except as otherwise provided in this title, the Commission shall terminate not later than 26 months after the Commission establishment date.

SEC. 1614. FUNDING.

Of the amounts authorized to be appropriated by this division for the Department of Defense for fiscal year 2013,
up to $10,000,000 shall be available to the Commission to carry out its duties under this title. Funds available to the Commission under the preceding sentence shall remain available until expended.

**TITLE XVII—NATIONAL COMMISSION ON THE STRUCTURE OF THE AIR FORCE**

**SEC. 1701. SHORT TITLE.**

This title may be cited as the “National Commission on the Structure of the Air Force Act of 2012”.

**SEC. 1702. ESTABLISHMENT OF COMMISSION.**

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

(b) MEMBERSHIP.—

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

(A) four shall be appointed by the President, of whom one shall be the Chairman of the Reserve Forces Policy Board;

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

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

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

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

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

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

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

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

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

(g) Chair and Vice Chairman.—The Commission shall select a Chair and Vice Chair from among its members.

SEC. 1703. DUTIES OF THE COMMISSION.

(a) Study.—

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

(2) CONSIDERATIONS.—In considering an alternative structure for the Air Force, the Commission shall give particular consideration to identifying a structure that—

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

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

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

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

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

(F) maximizes achievable costs savings.

(b) REPORT.—Not later than March 31, 2014, the
Commission shall submit to the President and the congres-
sional defense committees a report which shall contain a
detailed statement of the findings and conclusions of the
Commission as a result of the study required by subsection
(a), together with its recommendations for such legislation
and administrative actions as it considers appropriate in
light of the results of the study.

SEC. 1704. POWERS OF THE COMMISSION.

(a) HEARINGS.—The Commission may hold such hear-
ings, sit and act at such times and places, take such testi-
mony, and receive such evidence as the Commission con-
siders advisable to carry out this title.

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

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

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

SEC. 1705. COMMISSION PERSONNEL MATTERS.

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

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

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

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

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

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

SEC. 1706. TERMINATION OF THE COMMISSION.
The Commission shall terminate 90 days after the date
on which the Commission submits its report under section
1703.

SEC. 1707. FUNDING.
Amounts authorized to be appropriated for fiscal year
2013 and available for operation and maintenance for the
Air Force as specified in the funding table in section 4301
may be available for the activities of the Commission under
this title.

SEC. 1708. LIMITATION ON AVAILABILITY OF FUNDS FOR
REDUCTIONS TO THE AIR NATIONAL GUARD
AND THE AIR FORCE RESERVE.
(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 divest,
retire, or transfer, or prepare to divest, retire, or transfer,
any aircraft of the Air Force assigned to units of the Air
National Guard or Air Force Reserve as of May 31, 2012.
(b) Exception.—The Secretary of the Air Force may
divest or retire, or prepare to divest or retire, C–5A aircraft
if the Secretary replaces such aircraft through a transfer
of C–5B, C–5M, or C–17 mobility aircraft so as to main-
tain all Air National Guard and Air Force Reserve units impacted by such divestment or retirement at current or higher assigned manpower levels to operate the aircraft so transferred.

SEC. 1709. FUNDING FOR MAINTENANCE OF FORCE STRUCTURE OF THE AIR FORCE PENDING COMMISSION RECOMMENDATIONS.

There is hereby authorized to be appropriated to the Department of Defense for fiscal year 2013, $1,400,000,000 for the force structure of the Air Force. The amount authorized to be appropriated by this section is in addition to any other amounts authorized to be appropriated by this Act.

SEC. 1710. RETENTION OF CORE FUNCTIONS OF THE ELECTRONIC SYSTEMS CENTER AT HANSCOM AIR FORCE BASE PENDING FUTURE STRUCTURE STUDY.

The Secretary of the Air Force shall retain the current leadership rank and core functions of the Electronic Systems Center at Hanscom Air Force Base with the same integrated mission elements, responsibilities, and capabilities as existed as of November 1, 2011, until 180 days after the National Commission on the Structure of the Air Force submits to the congressional defense committees the report required under section 1703.
SEC. 1711. AIR FORCE ASSESSMENTS OF THE EFFECTS OF PROPOSED MOVEMENTS OF AIRFRAMES ON JOINT READINESS TRAINING.

The Secretary of the Air Force shall—

(1) undertake an assessment of the effects of currently-proposed movements of Air Force airframes on Green Flag East and Green Flag West joint readiness training; and

(2) if the Secretary determines it appropriate, submit to the congressional defense committees a report setting forth a proposal to make future replacements of capabilities for purposes of augmenting training at the joint readiness training center (JRTC) or for such other purposes as the Secretary considers appropriate.

TITLE XVIII—FEDERAL ASSISTANCE TO FIRE DEPARTMENTS
Subtitle A—Fire Grants Reauthorization

SEC. 1801. SHORT TITLE.

This subtitle may be cited as the “Fire Grants Reauthorization Act of 2012”.

SEC. 1802. AMENDMENTS TO DEFINITIONS.

(a) In General.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—
(1) in paragraph (3), by inserting “; except as otherwise provided,” after “means”;

(2) in paragraph (4), by striking “‘Director’ means” and all that follows through “Agency;” and inserting “‘Administrator of FEMA’ means the Administrator of the Federal Emergency Management Agency;”;

(3) in paragraph (5)—

(A) by inserting “Indian tribe,” after “county,”; and

(B) by striking “and ‘firecontrol’” and inserting “and ‘fire control’”;

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

“(6) ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and ‘tribal’ means of or pertaining to an Indian tribe;”;

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:
“(9) ‘Secretary’ means, except as otherwise pro-
vided, the Secretary of Homeland Security;”; and

(8) by amending paragraph (10), as redesig-
nated by paragraph (6), to read as follows:

“(10) ‘State’ has the meaning given the term in
section 2 of the Homeland Security Act of 2002 (6
U.S.C. 101).”.

(b) CONFORMING AMENDMENTS.—

(1) ADMINISTRATOR OF FEMA.—The Federal
2201 et seq.) is amended by striking “Director” each
place it appears and inserting “Administrator of
FEMA”.

(2) ADMINISTRATOR OF FEMA’S AWARD.—Section
15 of such Act (15 U.S.C. 2214) is amended by strik-
ing “Director’s Award” each place it appears and in-
serting “Administrator’s Award”.

SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.

Section 33 of the Federal Fire Prevention and Control
Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

“SEC. 33. FIREFIGHTER ASSISTANCE.

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR OF FEMA.—The term ‘Ad-
ministrator of FEMA’ means the Administrator of
FEMA, acting through the Administrator.
“(2) AVAILABLE GRANT FUNDS.—The term ‘available grant funds’, with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

“(3) CAREER FIRE DEPARTMENT.—The term ‘career fire department’ means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

“(4) COMBINATION FIRE DEPARTMENT.—The term ‘combination fire department’ means a fire department that has—

“(A) paid firefighting personnel; and

“(B) volunteer firefighting personnel.

“(5) FIREFIGHTING PERSONNEL.—The term ‘firefighting personnel’ means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

“(6) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).
“(7) Nonaffiliated EMS organization.—The term ‘nonaffiliated EMS organization’ means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

“(8) Paid-on-call.—The term ‘paid-on-call’ with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

“(9) Volunteer fire department.—The term ‘volunteer fire department’ means a fire department that has an all-volunteer force of firefighting personnel.

“(b) Assistance Program.—

“(1) Authority.—In accordance with this section, the Administrator of FEMA may award—

“(A) assistance to firefighters grants under subsection (c); and

“(B) fire prevention and safety grants and other assistance under subsection (d).

“(2) Administrative assistance.—The Administrator of FEMA shall—
“(A) establish specific criteria for the selection of grant recipients under this section; and

“(B) provide assistance with application preparation to applicants for such grants.

“(c) Assistance to Firefighters Grants.—

“(1) In general.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

“(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

“(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

“(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

“(2) Maximum Grant Amounts.—

“(A) Population.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:
“(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed $1,000,000 in any fiscal year.

“(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed $2,000,000 in any fiscal year.

“(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed $3,000,000 in any fiscal year.

“(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $6,000,000 for any fiscal year.

“(v) In the case of a recipient that serves a jurisdiction with more than
2,500,000 people, the amount of the grant awarded to such recipient shall not exceed $9,000,000 in any fiscal year.

“(B) AGGREGATE.—

“(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

“(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

“(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To train firefighting personnel in—

“(i) firefighting;
“(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

“(iii) arson prevention and detection;

“(iv) maritime firefighting; or

“(v) the handling of hazardous materials.

“(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

“(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

“(D) To certify—

“(i) fire inspectors; and

“(ii) building inspectors—

“(I) whose responsibilities include fire safety inspections; and

“(II) who are employed by or serving as volunteers with a fire department.

“(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out
their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

“(F) To fund emergency medical services provided by fire departments and nonaffiliated EMS organizations.

“(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

“(H) To acquire additional firefighting equipment, including equipment for—

“(i) fighting fires with foam in remote areas without access to water; and

“(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

“(I) To acquire personal protective equipment, including personal protective equipment—

“(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

“(ii) for responding to a natural disaster or act of terrorism or other man-made
disaster, including the use of a weapon of mass destruction.

“(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

“(K) To educate the public about arson prevention and detection.

“(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

“(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(d) FIRE PREVENTION AND SAFETY GRANTS.—

“(1) In general.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

“(A) award grants to fire departments;

“(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations
that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

“(i) fire prevention programs; and

“(ii) research to improve firefighter health and life safety; and

“(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.

“(2) Maximum Grant Amount.—A grant awarded under this subsection may not exceed $1,500,000 for a fiscal year.

“(3) Use of Grant Funds.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To enforce fire codes and promote compliance with fire safety standards.

“(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.
“(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

“(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

“(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(4) LIMITATION.—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

“(e) APPLICATIONS FOR GRANTS.—

“(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and
in such manner as the Administrator of FEMA determines appropriate.

“(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

“(A) A description of the financial need of the applicant for the grant.

“(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

“(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

“(D) A list of other sources of funding received by the applicant—

“(i) for the same purpose for which the application for a grant under this section was submitted; or

“(ii) from the Federal Government for other fire-related purposes.

“(E) Such other information as the Administrator of FEMA determines appropriate.

“(3) JOINT OR REGIONAL APPLICATIONS.—

“(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint
program or initiative, including acquisition of
shared equipment or vehicles.

“(B) NONEXCLUSIVITY.—Applications
under this paragraph may be submitted instead
of or in addition to any other application sub-
mitted under paragraph (1).

“(C) GUIDANCE.—The Administrator of
FEMA shall—

“(i) publish guidance on applying for
and administering grants awarded for joint
programs and initiatives described in sub-
paragraph (A); and

“(ii) encourage applicants to apply for
grants for joint programs and initiatives
described in subparagraph (A) as the Ad-
ministrator of FEMA determines appro-
priate to achieve greater cost effectiveness
and regional efficiency.

“(f) PEER REVIEW OF GRANT APPLICATIONS.—

“(1) IN GENERAL.—The Administrator of FEMA
shall, after consultation with national fire service and
emergency medical services organizations, appoint
fire service personnel to conduct peer reviews of appli-
cations received under subsection (e)(1).
“(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

“(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall consider the following:

“(1) The findings and recommendations of the peer reviews carried out under subsection (f).

“(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

“(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

“(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

“(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

“(1) not less than 25 percent are awarded under subsection (c) to career fire departments;
“(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

“(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

“(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

“(5) not less than 10 percent are awarded under subsection (d); and

“(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

“(i) Additional Requirements and Limitations.—

“(1) Funding for Emergency Medical Services.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

“(2) State Fire Training Academies.—
“(A) **Maximum Share.**—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

“(B) **Maximum Grant Amount.**—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds $1,000,000 in any fiscal year.

“(3) **Amounts for Purchasing Firefighting Vehicles.**—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

“(j) **Further Considerations.**—

“(1) **Assistance to Firefighters Grants to Fire Departments.**—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

“(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

“(B) a broad range of factors important to the applicant’s ability to respond to fires and related hazards, such as the following:
“(i) Population served.
“(ii) Geographic response area.
“(iii) Hazards vulnerability.
“(iv) Call volume.
“(v) Financial situation, including unemployment rate of the area being served.
“(vi) Need for training or equipment.

“(2) Applications from nonaffiliated EMS organizations.—In the case of an application submitted under subsection (c)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

“(3) Awarding fire prevention and safety grants to certain organizations that are not fire departments.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

“(A) prevention of injuries to high risk groups from fire; and

“(B) research programs that demonstrate a potential to improve firefighter safety.
“(4) AWARDING GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

“(i) select each grant recipient on—

“(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

“(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

“(III) the recipient’s ability to disseminate the results of fire safety research; and

“(IV) the strategic plan the recipient proposes to carry out under the grant;

“(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—
“(I) a national fire service organization or a national fire safety organization; and

“(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

“(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

“(B) RESEARCH NEEDS.—

“(i) In general.—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

“(ii) Publication.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.
“(C) Limitations on Grants for Fire Safety Research Centers.—

“(i) In General.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

“(ii) Recipients.—An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

“(5) Avoiding Duplication.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

“(k) Matching and Maintenance of Expenditure Requirements.—

“(1) Matching Requirement for Assistance to Firefighters Grants.—

“(A) In General.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c)
shall agree to make available non-Federal funds
to carry out such activity in an amount equal
to not less than 15 percent of the grant awarded
to such applicant under such subsection.

“(B) Exception for Entities Serving Small Communities.—In the case that an ap-
plicant seeking a grant to carry out an activity
under subsection (c) serves a jurisdiction of—

“(i) more than 20,000 residents but not
more than 1,000,000 residents, the applica-
tion shall agree to make available non-Fed-
eral funds in an amount equal to not less
than 10 percent of the grant awarded to
such applicant under such subsection; and

“(ii) 20,000 residents or fewer, the ap-
plicant shall agree to make available non-
Federal funds in an amount equal to not
less than 5 percent of the grant awarded to
such applicant under such subsection.

“(2) Matching Requirement for Fire Pre-
vention and Safety Grants.—

“(A) In General.—An applicant seeking a
grant to carry out an activity under subsection
(d) shall agree to make available non-Federal
funds to carry out such activity in an amount
equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

“(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant’s aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

“(4) WAIVER.—

“(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

“(B) GUIDELINES.—
“(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

“(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

“(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(I) Changes in rates of unemployment from previous years.
“(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(IV) Such other factors as the Administrator of FEMA considers appropriate.

“(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

“(i) is described in subsection (d)(1)(B); and

“(ii) is not a fire department or emergency medical services organization.

“(l) GRANT GUIDELINES.—

“(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

“(A) guidelines that describe—
“(i) the process for applying for grants under this section; and

“(ii) the criteria that will be used for selecting grant recipients; and

“(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

“(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

“(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

“(i) Criteria for the awarding of grants under this section.

“(ii) Administrative changes to the assistance program established under subsection (b).

“(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—
“(i) is recognized for expertise in firefighting or emergency medical services;
“(ii) is not an employee of the Federal
Government; and
“(iii) in the case of a member of an
emergency medical service organization, is
a member of an organization that rep-
resents—
“(I) providers of emergency med-
ical services that are affiliated with
fire departments; or
“(II) nonaffiliated EMS pro-
viders.
“(3) APPLICABILITY OF FEDERAL ADVISORY COM-
MITTEE ACT.—The Federal Advisory Committee Act
(5 U.S.C. App.) shall not apply to activities carried
out under this subsection.
“(m) ACCOUNTING DETERMINATION.—Notwith-
standing any other provision of law, for purposes of this
section, equipment costs shall include all costs attributable
to any design, purchase of components, assembly, manufac-
ture, and transportation of equipment not otherwise com-
mercially available.
“(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NA-
TIVE VILLAGES.—The Alaska Village Initiatives, a non-
profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

“(o) Training Standards.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

“(p) Ensuring Effective Use of Grants.—

“(1) Audits.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

“(A) the grant amounts are expended for the intended purposes; and

“(B) the grant recipient complies with the requirements of subsection (k).

“(2) Performance Assessment.—

“(A) In general.—The Administrator of FEMA shall develop and implement a perform-
ance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

“(B) Consultation.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

“(3) Annual reports to Administrator of FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

“(4) Annual reports to Congress.—

“(A) In general.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the
House of Representatives a report that provides—

“(i) information on the performance assessment system developed under paragraph (2); and

“(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

“(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

“(q) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

“(A) $750,000,000 for fiscal year 2013; and

“(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds
“(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

“(2) Administrative expenses.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

“(3) Congressionally directed spending.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

“(r) Sunset of authorities.—The authority to award assistance and grants under this section shall expire on the date that is 5 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”.
SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

“(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.”.

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

“(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

“(i) 75 percent in the first year of the grant;

“(ii) 75 percent in the second year of the grant; and

“(iii) 35 percent in the third year of the grant.”.

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking “organizations on a
local or statewide basis” and inserting “national, State, local, or tribal organizations”.

(c) **Maximum Amount for Hiring a Firefighter.**—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

“(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

“(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

“(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

“(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.”.

(d) **Wivers.**—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and
(2) by inserting after subsection (c) the following:

“(d) WAIVERS.—

“(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

“(A) waive the requirements of subsection (c)(1); or

“(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

“(2) GUIDELINES.—

“(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

“(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

“(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(ii) members of national fire service organizations or national organizations
representing the interests of State and local governments.

“(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(i) Changes in rates of unemployment from previous years.

“(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(iv) Such other factors as the Administrator of FEMA considers appropriate.”.

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

“(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, in-
including quantifiable performance metrics, to evaluate
the extent to which grants awarded under this section
are furthering the purposes of this section.

“(2) SUBMITTAL OF INFORMATION.—”.

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of section 34 of
such Act (15 U.S.C. 2229a), as redesignated by sub-
section (d)(1) of this section, is amended by striking
“The authority” and all that follows through “Con-
gress concerning” and inserting the following: “Not
later than September 30, 2014, the Administrator of
FEMA shall submit to the Committee on Homeland
Security and Governmental Affairs of the Senate and
the Committee on Science and Technology of the
House of Representatives a report on”.

(2) CONFORMING AMENDMENT.—The heading for
subsection (f) of section 34 of such Act (15 U.S.C.
2229a), as redesignated by subsection (d)(1) of this
section, is amended by striking “SUNSET AND RE-
PORTS” and inserting “REPORT”.

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of section 34 of
such Act (15 U.S.C. 2229a), as redesignated by sub-
section (d)(1) of this section, is amended—
(A) in the matter before paragraph (1), by striking “In this section, the term—” and inserting “In this section:”; 

(B) in paragraph (1)—

(i) by inserting “The term” before “firefighter’ has”; and 

(ii) by striking “; and” and inserting a period; 

(C) by striking paragraph (2); and 

(D) by inserting at the end the following: 

“(2) The terms ‘Administrator of FEMA’, ‘career fire department’, ‘combination fire department’, and ‘volunteer fire department’ have the meanings given such terms in section 33(a).”.

(2) Conforming Amendment.—Section 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A)) is amended by striking “career, volunteer, and combination fire departments” and inserting “career fire departments, combination fire departments, and volunteer fire departments”.

(h) Authorization of Appropriations.—

(1) In General.—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—
(A) in paragraph (6), by striking “and” at
the end;

(B) in paragraph (7), by striking the period
at the end and inserting “; and”; and

(C) by adding at the end the following:
“(8) $750,000,000 for fiscal year 2013; and
“(9) for each of fiscal years 2014 through 2017,
an amount equal to the amount authorized for the
previous fiscal year increased by the percentage by
which—

“(A) the Consumer Price Index (all items,
United States city average) for the previous fis-
cal year, exceeds

“(B) the Consumer Price Index for the fiscal
year preceding the fiscal year described in sub-
paragraph (A).”.

(2) ADMINISTRATIVE EXPENSES.—Such sub-
section (j) is further amended—

(A) in paragraph (9), as added by para-
graph (1) of this subsection, by redesignating
subparagraphs (A) and (B) as clauses (i) and
(ii), respectively, and moving the left margin of
such clauses, as so redesignated, 2 ems to the
right;
(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking “There are” and inserting the following:

“(1) IN GENERAL.—There are”; and

(D) by adding at the end the following:

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.”.

(3) CONGRESSIONALLY DIRECTED SPENDING.— Such subsection (j) is further amended by adding at the end the following:

“(3) CONGRESSIONALLY DIRECTED SPENDING.— Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct
spending item (as defined under the rules of the Senate and the House of Representatives).”.

(i) TECHNICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking “Administrator” each place it appears and inserting “Administrator of FEMA”.

(j) CLERICAL AMENDMENT.—Such section is further amended in the heading by striking “EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM” and inserting the following: “STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE”.

(k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Such section is further amended by adding at the end the following:

“(k) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 5 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”.

SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and
Control Act of 1974 (15 U.S.C. 2229 and 2229a) have
proven equally valuable in protecting the health and
safety of the public and firefighting personnel
throughout the United States against fire and fire-re-
lated hazards; and

(2) providing parity in funding for the award-
ing of grants and assistance under both such sections
will ensure that the grant and assistance programs
under such sections can continue to serve their com-
plementary purposes.

SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO
FIREFIGHTERS AND STAFFING FOR ADE-
QUATE FIRE AND EMERGENCY RESPONSE
PROGRAMS.

(a) In General.—Not later than September 30, 2016,
the Comptroller General of the United States shall submit
to the Committee on Homeland Security and Governmental
Affairs of the Senate and the Committee on Science and
Technology of the House of Representatives a report on the
effect of the amendments made by this title.

(b) Contents.—The report required by subsection (a)
shall include the following:

(1) An assessment of the effect of the amendments
made by sections 1803 and 1804 on the effectiveness,
relative allocation, accountability, and administra-
tion of the grants and assistance awarded under sec-
tions 33 and 34 of the Federal Fire Prevention and
the date of the enactment of this Act.

(2) An evaluation of the extent to which the
amendments made by sections 1803 and 1804 have
enabled recipients of grants and assistance awarded
under such sections 33 and 34 after the date of the
enactment of this Act to mitigate fire and fire-related
and other hazards more effectively.

SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE
SERVICES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Adminis-
trator” means the Administrator of the United States
Fire Administration.

(2) CAREER FIRE DEPARTMENT, COMBINATION
FIRE DEPARTMENT, VOLUNTEER FIRE DEPART-
MENT.—The terms “career fire department”, “com-
bination fire department”, and “volunteer fire depart-
ment” have the meanings given such terms in section
33(a) of the Federal Fire Prevention and Control Act
of 1974 (15 U.S.C. 2229(a)), as amended by section
1803.
(3) **FIRE SERVICE.**—The term “fire service” has the meaning given such term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(b) **STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.**—

(1) **STUDY.**—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

(2) **SURVEY.**—

(A) **IN GENERAL.**—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) **ELEMENTS.**—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;
(ii) employ methods to ensure that the
survey accurately reflects the actual rate of
compliance with the standards described in
paragraph (1) among fire services; and

(iii) determine the extent of barriers
and challenges to achieving compliance with
the standards described in paragraph (1)
among fire services.

(C) AUTHORITY TO CARRY OUT SURVEY
WITH NONPROFIT.—If the Administrator deter-
mines that it will reduce the costs incurred by
the United States Fire Administration in car-
rying out the survey required by subparagraph
(A), the Administrator may carry out such sur-
vey in conjunction with a nonprofit organization
that has substantial expertise and experience in
the following areas:

(i) The fire services.

(ii) National voluntary consensus
standards.

(iii) Contemporary survey methods.

(3) REPORT ON FINDINGS OF STUDY.—

(A) IN GENERAL.—Not later than 2 years
after the date of the enactment of this Act, the
Administrator shall submit to Congress a report
on the findings of the Administrator with respect to the study required by paragraph (1).

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) An accurate description, based on the results of the survey required by paragraph (2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

(c) TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Sec-
Secretary of Homeland Security shall establish a task force to be known as the “Task Force to Enhance Firefighter Safety” (in this subsection referred to as the “Task Force”).

(2) Membership.—

(A) In general.—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) Representatives of other departments and agencies.—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.
(C) **NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.**—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) **RESPONSIBILITIES.**—The Task Force shall—

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) **REPORT.**—
(A) In general.—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) Contents.—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

(d) Study and Report on the Needs of Fire Services.—

(1) Study.—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess
and what they require to meet the equipment,
staffing, and training needs identified under
subparagraph (B) on a national and State-by-
State basis; and

(D) to measure the impact of the grant and
assistance program under section 33 of the Fed-
eral Fire Prevention and Control Act of 1974 (15
U.S.C. 2229) in meeting the needs of fire services
and filling the gaps identified under subpara-
graph (C).

(2) REPORT.—Not later than 2 years after the
date of the enactment of this title, the Administrator
shall submit to Congress a report on the findings of
the Administrator with respect to the study conducted
under paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are
authorized to be appropriated to the Administrator to carry
out this section—

(1) $600,000 for fiscal year 2013; and

(2) $600,000 for fiscal year 2014.

Subtitle B—Reauthorization of
United States Fire Administration

SEC. 1811. SHORT TITLE.

This subtitle may be cited as the “United States Fire
Administration Reauthorization Act of 2012”.
SEC. 1812. CLARIFICATION OF RELATIONSHIP BETWEEN UNITED STATES FIRE ADMINISTRATION AND FEDERAL EMERGENCY MANAGEMENT AGENCY.

Section 5(c) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204) is amended to read as follows:

“(c) DEPUTY ADMINISTRATOR.—The Administrator may appoint a Deputy Administrator, who shall—

“(1) perform such functions as the Administrator shall from time to time assign or delegate; and

“(2) act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.”.

SEC. 1813. MODIFICATION OF AUTHORITY OF ADMINISTRATOR TO EDUCATE PUBLIC ABOUT FIRE AND FIRE PREVENTION.

Section 6 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2205) is amended by striking “to take all steps” and all that follows through “fire and fire prevention.” and inserting “to take such steps as the Administrator considers appropriate to educate the public and overcome public indifference as to fire, fire prevention, and individual preparedness.”.
SEC. 1814. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (G), by striking “and” at the end;

(2) in subparagraph (H), by striking the period at the end and inserting a semicolon;

(3) by adding after subparagraph (H) the following:

“(I) $76,490,890 for fiscal year 2013, of which $2,753,672 shall be used to carry out section 8(f);

“(J) $76,490,890 for fiscal year 2014, of which $2,753,672 shall be used to carry out section 8(f);

“(K) $76,490,890 for fiscal year 2015, of which $2,753,672 shall be used to carry out section 8(f);

“(L) $76,490,890 for fiscal year 2016, of which $2,753,672 shall be used to carry out section 8(f); and

“(M) $76,490,890 for fiscal year 2017, of which $2,753,672 shall be used to carry out section 8(f).”;

and

(4) in subparagraphs (E) through (H), by moving each margin 2 ems to the left.

SEC. 1815. REMOVAL OF LIMITATION.

Section 9(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208(d)) is amended—
(1) by striking “UPDATE.—” and all that follows through “The Administrator” and inserting “UPDATE.—The Administrator”; and

(2) by striking paragraph (2).

TITLE XIX—MEMORIAL TO SLAVES AND FREE BLACK PERSONS WHO SERVED IN THE AMERICAN REVOLUTION

SEC. 1901. FINDING.

Congress finds that the contributions of free persons and slaves who fought during the American Revolution were of preeminent historical and lasting significance to the United States, as required by section 8908(b)(1) of title 40, United States Code.

SEC. 1902. DEFINITIONS.

In this title:

(1) FEDERAL LAND.—

(A) IN GENERAL.—The term “Federal land” means the parcel of land—

(i) identified as “Area I”; and


(B) EXCLUSION.—The term “Federal land” does not include the Reserve (as defined in section 8902(a) of title 40, United States Code).
(2) MEMORIAL.—The term “memorial” means the memorial authorized to be established under section 3(a).

SEC. 1903. MEMORIAL AUTHORIZATION.

(a) AUTHORIZATION.—In accordance with subsections (b) and (c), National Mall Liberty Fund D.C. may establish a memorial on Federal land in the District of Columbia to honor the more than 5,000 courageous slaves and free Black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution.

(b) PROHIBITION ON USE OF FEDERAL FUNDS.—National Mall Liberty Fund D.C. may not use Federal funds to establish the memorial.

(c) APPLICABLE LAW.—National Mall Liberty Fund D.C. shall establish the memorial in accordance with chapter 89 of title 40, United States Code.

SEC. 1904. REPEAL OF JOINT RESOLUTIONS.

Public Law 99–558 (110 Stat. 3144) and Public Law 100–265 (102 Stat. 39) are repealed.

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 for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2015; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2016.

(b) Exception.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2015; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2016 for military construction projects, land acquisition, family housing
projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

**TITLE XXI—ARMY MILITARY CONSTRUCTION**

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(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 construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

*Army: Inside the United States*

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<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
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<td>$10,400,000</td>
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<td>Joint Base Elmendorf-Richardson</td>
<td>$7,900,000</td>
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<tr>
<td>Hawaii</td>
<td>Pohakuloa Training Area</td>
<td>$29,000,000</td>
</tr>
<tr>
<td></td>
<td>Schofield Barracks</td>
<td>$96,000,000</td>
</tr>
<tr>
<td></td>
<td>Wheeler Army Air Field</td>
<td>$85,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Fort Riley</td>
<td>$12,200,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Campbell</td>
<td>$81,800,000</td>
</tr>
<tr>
<td></td>
<td>Fort Knox</td>
<td>$6,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$133,000,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Joint Base McGuire-Dix-Lakehurst</td>
<td>$47,000,000</td>
</tr>
<tr>
<td></td>
<td>Picatinny Arsenal</td>
<td>$10,200,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Drum</td>
<td>$95,000,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Fort Bragg</td>
<td>$68,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Fort Sill</td>
<td>$4,900,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Fort Jackson</td>
<td>$24,000,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Corpus Christi</td>
<td>$37,200,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bliss</td>
<td>$7,200,000</td>
</tr>
<tr>
<td></td>
<td>Fort Hood</td>
<td>$57,200,000</td>
</tr>
</tbody>
</table>
Army: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia</td>
<td>Joint Base San Antonio</td>
<td>$21,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Belvoir</td>
<td>$94,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Lee</td>
<td>$81,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Joint Base Lewis McChord</td>
<td>$164,000,000</td>
</tr>
<tr>
<td></td>
<td>Yakima</td>
<td>$5,100,000</td>
</tr>
</tbody>
</table>

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2103 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Army: Outside the United States

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy</td>
<td>Camp Ederle</td>
<td>$36,000,000</td>
</tr>
<tr>
<td></td>
<td>Vicenza</td>
<td>$32,000,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Okinawa</td>
<td>$78,000,000</td>
</tr>
<tr>
<td></td>
<td>Sagami</td>
<td>$18,000,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Camp Humphreys</td>
<td>$45,000,000</td>
</tr>
</tbody>
</table>

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 Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2628) for Fort Belvoir, Virginia, for construction of a Road and Access Control Point at the installation, the Secretary of the Army may construct a standard design Access Control Point consistent with the Army’s construction guidelines for Access Control Points.

SEC. 2105. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 2009 PROJECTS.

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**

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama ......</td>
<td>Anniston Army Depot ............</td>
<td>Lake Yard Interchange ............</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>New Jersey ....</td>
<td>Picatinny Arsenal ..............</td>
<td>Ballistic evaluation Facility, Phase I</td>
<td>$9,900,000</td>
</tr>
</tbody>
</table>

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**

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Louisiana ....</td>
<td>Fort Polk ...............</td>
<td>Land Purchases and Condemnation.</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>New Jersey ....</td>
<td>Picatinny Arsenal .......</td>
<td>Ballistic Evaluation Facility, Ph2.</td>
<td>$10,200,000</td>
</tr>
<tr>
<td>Virginia ......</td>
<td>Fort Belvoir .............</td>
<td>Road and Access Control Point</td>
<td>$9,500,000</td>
</tr>
</tbody>
</table>
SEC. 2107. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2013 PROJECT.

(a) Project Authorization.—The Secretary of the Army may carry out a military construction project to construct a cadet barracks at the U.S. Military Academy, New York, in the amount of $192,000,000.

(b) Use of Unobligated Prior-Year Military Construction Funds.—The Secretary of the Army shall use available, unobligated military construction funds appropriated for a fiscal year before fiscal year 2013 for the project described in subsection (a).

(c) Congressional Notification.—The Secretary of the Army shall provide information in accordance with section 2851(c) of title 10, United States Code, regarding the project described in subsection (a). If it becomes necessary to exceed the estimated project cost, the Secretary shall utilize the authority provided by section 2853 of such title regarding authorized cost and scope of work variations.

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>Fort Lewis-McCord AFB Joint Access.</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Kuwait</td>
<td>Kuwait</td>
<td>APS Warehouses</td>
<td>$82,000,000</td>
</tr>
</tbody>
</table>
TITLE XXII—NAVY MILITARY
CONSTRUCTION

SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND
ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts ap-
propriated pursuant to the authorization of appropriations
in section 2204 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 ac-
quire 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:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Yuma</td>
<td>$29,285,000</td>
</tr>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>$88,110,000</td>
</tr>
<tr>
<td></td>
<td>Coronado</td>
<td>$78,541,000</td>
</tr>
<tr>
<td></td>
<td>Miramar</td>
<td>$27,897,000</td>
</tr>
<tr>
<td></td>
<td>San Diego</td>
<td>$71,188,000</td>
</tr>
<tr>
<td></td>
<td>Seal Beach</td>
<td>$30,594,000</td>
</tr>
<tr>
<td></td>
<td>Twentynine Palms</td>
<td>$47,270,000</td>
</tr>
<tr>
<td></td>
<td>Ventura County</td>
<td>$12,790,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Jacksonville</td>
<td>$21,980,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Kaneohe Bay</td>
<td>$97,310,000</td>
</tr>
<tr>
<td>Mississippi</td>
<td>Meridian</td>
<td>$10,926,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Earle</td>
<td>$33,498,000</td>
</tr>
<tr>
<td>North Carolina</td>
<td>Camp Lejeune</td>
<td>$69,890,000</td>
</tr>
<tr>
<td></td>
<td>Cherry Point Marine Corps Air Station</td>
<td>$45,891,000</td>
</tr>
<tr>
<td></td>
<td>New River</td>
<td>$8,525,000</td>
</tr>
<tr>
<td>South Carolina</td>
<td>Beaufort</td>
<td>$81,780,000</td>
</tr>
<tr>
<td></td>
<td>Parvis Island</td>
<td>$10,135,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Dahlgren</td>
<td>$28,228,000</td>
</tr>
<tr>
<td></td>
<td>Oceana Naval Air Station</td>
<td>$39,086,000</td>
</tr>
<tr>
<td></td>
<td>Portsmouth</td>
<td>$32,706,000</td>
</tr>
<tr>
<td></td>
<td>Quantico</td>
<td>$58,714,000</td>
</tr>
<tr>
<td></td>
<td>Yorktown</td>
<td>$48,823,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Whidbey Island</td>
<td>$6,372,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts
tions in section 2204 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

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bahrain Island</td>
<td>SW Asia</td>
<td>$54,348,000</td>
</tr>
<tr>
<td>Diego Garcia</td>
<td>Diego Garcia</td>
<td>$1,691,000</td>
</tr>
<tr>
<td>Djibouti</td>
<td>Camp Lemonier</td>
<td>$99,420,000</td>
</tr>
<tr>
<td>Greece</td>
<td>Souda Bay</td>
<td>$25,123,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Jisakuri</td>
<td>$12,138,000</td>
</tr>
<tr>
<td>Romania</td>
<td>Deveselu</td>
<td>$45,205,000</td>
</tr>
<tr>
<td>Spain</td>
<td>Rota</td>
<td>$17,215,000</td>
</tr>
<tr>
<td>Worldwide Unspecified</td>
<td>Unspecified Worldwide Locations</td>
<td>$34,048,000</td>
</tr>
</tbody>
</table>

**SEC. 2202. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2204 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 author-
SECT. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

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 4601, including incremental funding for the construction of increment 2 of explosives handling wharf 2 at Kitsap, Washington, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1666), $254,241,000.

SECT. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT.

In the case of the authorization contained in the table in section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1666), for Kitsap (Bangor) Washington, for construction of Explosives Handling Wharf #2 at that location, the Secretary of the Navy may acquire fee or lesser real property interests to accomplish required environ-
mental 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:

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California ..........</td>
<td>Marine Corps Base, Camp Pendleton</td>
<td>Operations Access Points, Red Beach</td>
<td>$11,970,000</td>
</tr>
<tr>
<td></td>
<td>Marine Corps Air Station, Miramar</td>
<td>Emergency Response Station</td>
<td>$6,530,000</td>
</tr>
<tr>
<td>District of Columbia</td>
<td>Washington Navy Yard</td>
<td>Child Development Center</td>
<td>$9,340,000</td>
</tr>
</tbody>
</table>
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

<table>
<thead>
<tr>
<th>State/Country</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Mountain Warfare Training Center, Bridgeport</td>
<td>Mountain Warfare Training, Commissary</td>
<td>$6,830,000</td>
</tr>
<tr>
<td>Maine</td>
<td>Portsmouth Naval Shipyard</td>
<td>Gate 2 Security Improvements</td>
<td>$7,090,000</td>
</tr>
<tr>
<td>Djibouti</td>
<td>Camp Lemonier</td>
<td>Security Fencing</td>
<td>$8,109,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ammo Supply Point</td>
<td>$21,689,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Interior Paved Roads</td>
<td>$7,275,000</td>
</tr>
</tbody>
</table>

SEC. 2208. REALIGNMENT OF MARINES IN THE ASIA-PACIFIC REGION.

(a) Restriction on Use of Funds.—Except as provided in subsection (c), none of the funds authorized to be appropriated under this Act, and none of the amounts provided by the Government of Japan for construction activities on land under the jurisdiction of the Department of
Defense, may be obligated or expended to implement the re-
alignment of Marine Corps forces from Okinawa to other
locations until—

(1) the Commander of the United States Pacific
Command provides to the congressional defense com-
mittees an assessment of the strategic and logistical
resources needed to ensure the distributed lay-down of
members of the United States Marine Corps in the
United States Pacific Command Area of Responsi-
bility meets the contingency operations plans;

(2) the Secretary of Defense submits to the con-
gressional defense committees master plans for the
construction of facilities and infrastructure to execute
the Marine Corps distributed lay-down on Guam,
Australia, and Hawaii, including a detailed descrip-
tion of costs and the schedule for such construction;

(3) the Secretary of the Navy submits a plan to
the congressional defense committees detailing the pro-
posed investments and schedules required to restore
facilities and infrastructure at Marine Corps Air Sta-
tion Futenma; and

(4) a plan coordinated by all pertinent Federal
agencies is provided to the congressional defense com-
mittees detailing descriptions of work, costs, and a
schedule for completion of construction, improve-
ments, and repairs to the non-military utilities, fa-
cilities, and infrastructure, if any, on Guam affected
by the realignment of forces.

(b) DEVELOPMENT OF PUBLIC INFRASTRUCTURE.—

(1) AUTHORIZATION REQUIRED.—If the Sec-
retary of Defense determines that any grant, coopera-
tive agreement, transfer of funds to another Federal
agency, or supplement of funds available in fiscal
year 2012 or fiscal year 2013 under Federal pro-
grams administered by agencies other than the De-
partment of Defense will result in the development
(including repair, replacement, renovation, conver-
sion, improvement, expansion, acquisition, or con-
struction) of public infrastructure on Guam, the Sec-
retary of Defense may not carry out such grant, 
transfer cooperative agreement, or supplemental fund-
ing unless specifically authorized by law.

(2) PUBLIC INFRASTRUCTURE DEFINED.—In this
section, the term “public infrastructure” means any
utility, method of transportation, item of equipment,
or facility under the control of a public entity or
State or local government that is used by, or con-
structed for the benefit of, the general public.

(c) EXCEPTION TO RESTRICTION ON USE OF FUNDS.—
The Secretary of Defense may use funds described in sub-
section (a) to carry out additional analysis or studies re-
quired the National Environmental Policy Act of 1969 (42
U.S.C. 4321 et seq.) for proposed actions on Guam or Ha-
waii.

(d) DISTRIBUTED LAY-DOWN DEFINED.—For purposes
of this section, the term “distributed lay-down” refers to
the planned distribution of Marines in Okinawa, Guam,
Hawaii, Australia, and possibly elsewhere that is con-
templated in support of the joint statement of the U.S. –
Japan Security Consultative Committee dated April 27,
2012.

(e) REPEAL.—Section 2207 of the National Defense
Authorization Act for Fiscal Year 2012 (Public Law 112–
81; 125 Stat. 1668) is repealed.

TITLE XXIII—AIR FORCE
MILITARY CONSTRUCTION

SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND
LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts ap-
propriated pursuant to the authorization of appropriations
in section 2304 and available for military construction
projects inside the United States as specified in the funding
table in section 4601, the Secretary of the Air Force may
acquire real property and carry out military construction
projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

Air Force: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arkansas</td>
<td>Little Rock AFB</td>
<td>$30,178,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Tyndall AFB</td>
<td>$14,750,000</td>
</tr>
<tr>
<td>Georgia</td>
<td>Fort Stewart</td>
<td>$7,250,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Moody AFB</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Holloman AFB</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Minot AFB</td>
<td>$4,600,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Joint Base San Antonio</td>
<td>$18,000,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Hill AFB</td>
<td>$13,530,000</td>
</tr>
</tbody>
</table>

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304 and available for military construction projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

Air Force: Outside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenland</td>
<td>Thule AB</td>
<td>$24,500,000</td>
</tr>
<tr>
<td>Italy</td>
<td>Aviano AB</td>
<td>$9,400,000</td>
</tr>
<tr>
<td>Worldwide Unspecified</td>
<td>Unspecified Worldwide Locations</td>
<td>$34,657,000</td>
</tr>
</tbody>
</table>

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, including incremental funding for the construction of increment 2 of the U.S. Strategic Command Replacement Facility at Offutt Air Force Base, Nebraska, authorized by section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1670), $111,000,000.
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:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Missouri</td>
<td>Whiteman AFB</td>
<td>Land Acquisition</td>
<td>$5,500,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>North &amp; South</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Boundary</td>
<td></td>
</tr>
<tr>
<td>Montana</td>
<td>Malmstrom AFB</td>
<td>Weapons Storage Area</td>
<td>$10,600,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(WSA), Phase 2</td>
<td></td>
</tr>
</tbody>
</table>

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 appropriations
in section 2403 and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

### Defense Agencies: Inside the United States

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Yuma</td>
<td>$1,300,000</td>
</tr>
<tr>
<td>California</td>
<td>Coronado</td>
<td>$55,259,000</td>
</tr>
<tr>
<td></td>
<td>DEF Fuel Support Point - San Diego</td>
<td>$91,563,000</td>
</tr>
<tr>
<td></td>
<td>Edwards Air Force Base</td>
<td>$27,500,000</td>
</tr>
<tr>
<td></td>
<td>Twentynine Palms</td>
<td>$27,400,000</td>
</tr>
<tr>
<td>Colorado</td>
<td>Buckley Air Force Base</td>
<td>$30,000,000</td>
</tr>
<tr>
<td></td>
<td>Fort Carson</td>
<td>$56,673,000</td>
</tr>
<tr>
<td></td>
<td>Pikes Peak</td>
<td>$3,600,000</td>
</tr>
<tr>
<td>CONUS Classified ....</td>
<td>Classified Location</td>
<td>$6,477,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Dover AFB</td>
<td>$2,000,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Egin AFB</td>
<td>$41,655,000</td>
</tr>
<tr>
<td></td>
<td>Hurlburt Field</td>
<td>$16,000,000</td>
</tr>
<tr>
<td></td>
<td>MacDill AFB</td>
<td>$34,409,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$24,289,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Great Lakes</td>
<td>$28,700,000</td>
</tr>
<tr>
<td></td>
<td>Scott AFB</td>
<td>$86,711,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>Grissom ARB</td>
<td>$26,800,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Fort Campbell</td>
<td>$71,639,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Barksdale AFB</td>
<td>$11,700,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Annapolis</td>
<td>$66,500,000</td>
</tr>
<tr>
<td></td>
<td>Bethesda Naval Hospital</td>
<td>$62,300,000</td>
</tr>
<tr>
<td></td>
<td>Fort Meade</td>
<td>$128,600,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$15,100,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Cannon AFB</td>
<td>$99,085,000</td>
</tr>
<tr>
<td>New York</td>
<td>Fort Bragg</td>
<td>$43,200,000</td>
</tr>
<tr>
<td>North Carolina ..........</td>
<td>Camp Lejeune</td>
<td>$80,064,000</td>
</tr>
<tr>
<td></td>
<td>Fort Bragg</td>
<td>$130,422,000</td>
</tr>
<tr>
<td></td>
<td>Seymour Johnson AFB</td>
<td>$55,450,000</td>
</tr>
<tr>
<td>Pennsylvania</td>
<td>DEF Distribution Depot New Cumberland</td>
<td>$47,400,000</td>
</tr>
<tr>
<td>South Carolina ..........</td>
<td>Shaw AFB</td>
<td>$57,200,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Red River Army Depot</td>
<td>$16,715,000</td>
</tr>
<tr>
<td>Virginia</td>
<td>Joint Expeditionary Base Little Creek - Story</td>
<td>$11,132,000</td>
</tr>
<tr>
<td></td>
<td>Norfolk</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>$50,520,000</td>
</tr>
</tbody>
</table>

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403 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**

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation or Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belgium</td>
<td>Brussels</td>
<td>$26,969,000</td>
</tr>
<tr>
<td>Germany</td>
<td>Stuttgart-Patch Barracks</td>
<td>$2,413,000</td>
</tr>
<tr>
<td></td>
<td>Vogelweh</td>
<td>$614,415,000</td>
</tr>
<tr>
<td></td>
<td>Weisbaden</td>
<td>$52,178,000</td>
</tr>
<tr>
<td>Guantanamo Bay, Cuba</td>
<td>Guantanamo Bay</td>
<td>$40,200,000</td>
</tr>
<tr>
<td>Japan</td>
<td>Camp Zama</td>
<td>$13,373,000</td>
</tr>
<tr>
<td></td>
<td>Kadena AB</td>
<td>$143,545,000</td>
</tr>
<tr>
<td></td>
<td>Sasebo</td>
<td>$35,733,000</td>
</tr>
<tr>
<td></td>
<td>Zukeran</td>
<td>$79,036,000</td>
</tr>
<tr>
<td>Korea</td>
<td>Kunsan AB</td>
<td>$12,000,000</td>
</tr>
<tr>
<td></td>
<td>Osan AB</td>
<td>$77,292,000</td>
</tr>
<tr>
<td>Romania</td>
<td>Deveselu</td>
<td>$157,900,000</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Menwith Hill Station</td>
<td>$50,283,000</td>
</tr>
<tr>
<td></td>
<td>RAF Feltwell</td>
<td>$30,811,000</td>
</tr>
<tr>
<td></td>
<td>RAF Mildenhall</td>
<td>$6,490,000</td>
</tr>
</tbody>
</table>

SEC. 2402. AUTHORIZED ENERGY CONSERVATION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2403 and available for energy conservation projects as specified in the funding table in 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code, in the amount of $150,000,000.

SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

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 4601, including incremental funding for the following projects in the following amounts:

(1) For the construction of increment 7 of the Army Medical Research Institute of Infectious Diseases Stage I at Fort Detrick, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2007 (division B of Public Law 109–364; 120 Stat. 2457), $19,000,000.

(2) For the construction of increment 4 of a National Security Agency data center at Camp Williams, Utah, authorized as a Military Construction, Defense-Wide project by title X of the Supplemental Appropriations Act, 2009 (Public Law 111–32; 123 Stat. 1888), $191,414,000.

(3) For the construction of increment 4 of the hospital at Fort Bliss, Texas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2010 (division B of Public Law 111–84; 123 Stat. 2642), $107,400,000.

(4) For the construction of increment 2 of the high performance computing center at Fort Meade, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year
2012 (division B of Public Law 112–81; 125 Stat. 1672), as amended by section 2405(a) of this Act, $225,521,000.

(5) For the construction of increment 2 of the ambulatory care center phase 3 at Joint Base San Antonio, Texas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1672), $80,700,000.

(6) For the construction of increment 2 of the medical center replacement at Rhine Ordnance Barracks, Germany, authorized by section 2401(b) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1673), $127,000,000.

SEC. 2404. 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), authorizations 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:

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Virginia ..............</td>
<td>Pentagon Reservation ........</td>
<td>Pentagon electrical upgrade ..........</td>
<td>$19,272,000</td>
</tr>
</tbody>
</table>

SEC. 2405. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2012 PROJECT.

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”.

SEC. 2406. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2013 PROJECT.

(a) PROJECT AUTHORIZATION.—The Secretary of Defense may carry out a military construction project to construct an Upgrade Fuel Pipeline at Andersen Air Force Base, Guam, in the amount of $67,500,000.

(b) LIMITATION.—No funds may be obligated or expended for the project described in subsection (a) until the Commander of the United States Pacific Command provides to the congressional defense committees a report, with classified annex if necessary, detailing the strategic and operational requirements satisfied by the construction of
this project and a certification that this project is a bona
fide need for meeting national security objectives for fiscal
tyear 2013.

(c) USE OF UNOBLIGATED PRIOR-YEAR MILITARY
CONSTRUCTION FUNDS.—The Secretary of Defense shall use
available, unobligated military construction funds appro-
riated for a fiscal year before fiscal year 2013 for the
project described in subsection (a).

(d) CONGRESSIONAL NOTIFICATION.—The Secretary of
Defense shall provide information in accordance with sec-
tion 2851(c) of title 10, United States Code, regarding the
project described in subsection (a). If it becomes necessary
to exceed the estimated project cost, the Secretary shall uti-
lize the authority provided by section 2853 of such title re-
garding authorized cost and scope of work variations.

Subtitle B—Chemical
Demilitarization Authorizations

SEC. 2411. AUTHORIZATION OF APPROPRIATIONS, CHEM-
ICAL DEMILITARIZATION CONSTRUCTION,
DEFENSE-WIDE.

Funds are hereby authorized to be appropriated for fis-
cal years beginning after September 30, 2012, for military
construction and land acquisition for chemical demili-
tarization, as specified in the funding table in section 4601,
including incremental funding for the following projects in the following amounts:


SEC. 2412. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1997 PROJECT.


(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 contribu-
tions 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 Organi-
zation 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 CON-
STRUCTION AND LAND ACQUISITION
PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts ap-
propriated 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 Na-
tional Guard locations inside the United States, and in the
amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Fort McClellan</td>
<td>$5,400,000</td>
</tr>
<tr>
<td>Arkansas</td>
<td>Searcy</td>
<td>$6,800,000</td>
</tr>
<tr>
<td>California</td>
<td>Fort Irwin</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Camp Hartell</td>
<td>$32,000,000</td>
</tr>
<tr>
<td>Delaware</td>
<td>Bethany Beach</td>
<td>$5,500,000</td>
</tr>
<tr>
<td>Florida</td>
<td>Camp Blanding</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Kapolei</td>
<td>$28,000,000</td>
</tr>
<tr>
<td></td>
<td>Miramar</td>
<td>$20,000,000</td>
</tr>
</tbody>
</table>
Army National Guard: Inside the United States—Continued

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Idaho</td>
<td>Orchard Training Area</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>Indiana</td>
<td>South Bend</td>
<td>$27,000,000</td>
</tr>
<tr>
<td></td>
<td>Terre Haute</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>Camp Dodge</td>
<td>$3,000,000</td>
</tr>
<tr>
<td>Kansas</td>
<td>Topeka</td>
<td>$9,500,000</td>
</tr>
<tr>
<td>Kentucky</td>
<td>Frankfort</td>
<td>$32,000,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Camp Edwards</td>
<td>$22,000,000</td>
</tr>
<tr>
<td>Minnesota</td>
<td>Camp Ripley</td>
<td>$17,000,000</td>
</tr>
<tr>
<td></td>
<td>St. Paul</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>Missouri</td>
<td>Fort Leonard Wood</td>
<td>$18,000,000</td>
</tr>
<tr>
<td></td>
<td>Kansas City</td>
<td>$1,900,000</td>
</tr>
<tr>
<td></td>
<td>Monett</td>
<td>$820,000</td>
</tr>
<tr>
<td>Montana</td>
<td>Miles City</td>
<td>$17,000,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Sea Girt</td>
<td>$14,000,000</td>
</tr>
<tr>
<td>New York</td>
<td>Stormville</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>Ohio</td>
<td>Chillicothe</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>Oklahoma</td>
<td>Camp Gruber</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Utah</td>
<td>Camp Williams</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Fort Lewis</td>
<td>$12,000,000</td>
</tr>
<tr>
<td>West Virginia</td>
<td>Logan</td>
<td>$14,200,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Wausau</td>
<td>$10,000,000</td>
</tr>
</tbody>
</table>

(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

<table>
<thead>
<tr>
<th>Country</th>
<th>Installation</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guam</td>
<td>Barrigada</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>Camp Santiago</td>
<td>$3,800,000</td>
</tr>
<tr>
<td></td>
<td>Cebu</td>
<td>$2,200,000</td>
</tr>
<tr>
<td></td>
<td>Guaynabo</td>
<td>$15,000,000</td>
</tr>
<tr>
<td></td>
<td>Guarabo</td>
<td>$14,700,000</td>
</tr>
</tbody>
</table>
SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Fort Hunter Liggett</td>
<td>$68,300,000</td>
</tr>
<tr>
<td></td>
<td>Tustin</td>
<td>$27,000,000</td>
</tr>
<tr>
<td>Illinois</td>
<td>Fort Sheridan</td>
<td>$25,000,000</td>
</tr>
<tr>
<td>Maryland</td>
<td>Aberdeen Proving Ground</td>
<td>$21,000,000</td>
</tr>
<tr>
<td></td>
<td>Baltimore</td>
<td>$10,000,000</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>Devens Reserve Forces Training Area</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>Nevada</td>
<td>Las Vegas</td>
<td>$21,000,000</td>
</tr>
<tr>
<td>New Jersey</td>
<td>Joint Base McGuire-Dix-Lakehurst</td>
<td>$7,400,000</td>
</tr>
<tr>
<td>Washington</td>
<td>Joint Base Lewis-McChord</td>
<td>$40,000,000</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>Fort McCoy</td>
<td>$47,800,000</td>
</tr>
</tbody>
</table>

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 Marine Corps Reserve

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arizona</td>
<td>Yuma</td>
<td>$5,379,000</td>
</tr>
<tr>
<td>Iowa</td>
<td>Fort Des Moines</td>
<td>$19,162,000</td>
</tr>
<tr>
<td>Louisiana</td>
<td>New Orleans</td>
<td>$7,187,000</td>
</tr>
<tr>
<td>New York</td>
<td>Brooklyn</td>
<td>$4,430,000</td>
</tr>
<tr>
<td>Texas</td>
<td>Fort Worth</td>
<td>$11,256,000</td>
</tr>
</tbody>
</table>

### SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.

Using amounts appropriated pursuant to the authorization of appropriations in section 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

#### Air National Guard

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Fresno Yosemite IAP ANG</td>
<td>$11,000,000</td>
</tr>
<tr>
<td>Hawaii</td>
<td>Joint Base Pearl Harbor-Hickam</td>
<td>$6,500,000</td>
</tr>
<tr>
<td>New Mexico</td>
<td>Kirtland AFB</td>
<td>$8,500,000</td>
</tr>
<tr>
<td>Wyoming</td>
<td>Cheyenne MAP</td>
<td>$6,486,000</td>
</tr>
</tbody>
</table>

### SEC. 2605. AUTHORIZED AIR FORCE 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 Air Force may acquire real property and carry out military construction
projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:

<table>
<thead>
<tr>
<th>State</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York</td>
<td>Niagara Falls IAP</td>
<td>$6,100,000</td>
</tr>
</tbody>
</table>

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. EXTENSION OF AUTHORIZATION OF CERTAIN FISCAL YEAR 2009 PROJECT.

(a) Extension.—Notwithstanding section 2002 of the Military Construction Authorization Act for Fiscal Year 2009 (division B of Public Law 110–417; 122 Stat. 4658), the authorization set forth in the table in subsection (b), as provided in section 2604 of that Act (122 Stat. 4706), shall remain in effect until October 1, 2013, or the date
of the enactment of an Act authorizing funds for military construction for fiscal year 2014, whichever is later.

(b) TABLE.—The table referred to in subsection (a) is as follows:

Air National Guard: Extension of 2009 Project Authorizations

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mississippi</td>
<td>Gulfport-Biloxi Airport</td>
<td>Relocate Munitions</td>
<td>$3,400,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Complex</td>
<td></td>
</tr>
</tbody>
</table>

SEC. 2612. 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

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>California</td>
<td>Camp Pendleton</td>
<td>Army Reserve Center</td>
<td>$19,500,000</td>
</tr>
<tr>
<td>Connecticut</td>
<td>Bridgeport</td>
<td>Army Reserve Center/ Land</td>
<td>$18,500,000</td>
</tr>
</tbody>
</table>
Air National Guard: Extension of 2010 Project Authorization

<table>
<thead>
<tr>
<th>State</th>
<th>Installation or Location</th>
<th>Project</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mississippi</td>
<td>Gulfport-Biloxi Airport</td>
<td>Relocate Base Entrance</td>
<td>$6,500,000</td>
</tr>
</tbody>
</table>

SEC. 2613. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECT.

In the case of the authorization contained in the table in section 2604 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111–383; 124 Stat. 4453) for Nashville International Airport, Tennessee, for renovation of an Intelligence Squadron Facility, the Secretary of the Air Force may convert up to 4,023 square meters of existing facilities to bed down Intelligence Group and Remotely Piloted Aircraft Remote Split Operations Group missions, consistent with the Air National Guard’s construction guidelines for these missions.

TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES

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 author-
ized 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 DE-
FENSE BASE CLOSURE ACCOUNT 2005.

Funds are hereby authorized to be appropriated for fis-
cal years beginning after September 30, 2012, for base re-
alignment and closure activities, including real property
acquisition and military construction projects, as author-
ized 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 sec-
tion 4601.

SEC. 2703. TECHNICAL AMENDMENTS TO SECTION 2702 OF
FISCAL YEAR 2012 ACT.

(a) CORRECTION.—Section 2702 of the Military Con-
struction Authorization Act for Fiscal Year 2012 (division
B of Public Law 112–81; 125 Stat. 1681) is amended 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”.

(b) CONFORMING AMENDMENT.—The heading of such section is amended by striking “AUTHORIZED” and inserting “AUTHORIZATION OF APPROPRIATIONS FOR”.

SEC. 2704. CRITERIA FOR DECISIONS INVOLVING CERTAIN BASE CLOSURE AND REALIGNMENT ACTIVITIES.

(a) CRITERIA.—Not later than March 31, 2013, the Comptroller General of the United States shall submit to the congressional defense committees a report including objective criteria to be used by the Department of Defense to make decisions relating to realignments of units employed at military installations that are not covered by the requirements of section 2687 of title 10, United States Code, and closures of military installations that are not covered by such requirements.

(b) ONE-YEAR MORATORIUM ON CERTAIN ACTIONS RESULTING IN PERSONNEL REDUCTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no action may be taken before October 1, 2013, that would result in a military installation
covered under paragraph (1) of section 2687(a) of title 10, United States Code, to no longer be covered by such paragraph.

(2) NATIONAL SECURITY WAIVER.—The Secretary of Defense may waive the prohibition under paragraph (1) if the Secretary certifies to the congressional defense committees that is in the national security interests of the United States.

SEC. 2705. MODIFICATION OF NOTICE REQUIREMENTS IN ADVANCE OF PERMANENT REDUCTION OF SIZABLE NUMBERS OF MEMBERS OF THE ARMED FORCES AT MILITARY INSTALLATIONS.

(a) CALCULATION OF NUMBER OF AFFECTED MEMBERS.—Subsection (a) of section 993 of title 10, United States Code, is amended by adding at the end the following new sentence: “In calculating the number of members to be reduced, the Secretary shall take into consideration both direct reductions and indirect reductions.”.

(b) NOTICE REQUIREMENTS.—Subsection (b) of such section is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

“(1) the Secretary of Defense or the Secretary of the military department concerned—
“(A) submits to Congress a notice of the proposed reduction and the number of military and civilian personnel assignments affected, including reductions in base operations support services and personnel to occur because of the proposed reduction; and

“(B) includes in the notice a justification for the reduction and an evaluation of the costs and benefits of the reduction and of the local economic, strategic, and operational consequences of the reduction; and

“(2) a period of 90 days expires following the day on which the notice is submitted to Congress.”.

(c) DEFINITIONS.—Such section is further amended by adding at the end the following new subsection:

“(d) DEFINITIONS.—In this section:

“(1) The term ‘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 jurisdic-
tion of the Department of Defense, including any
leased facility, which is located within any of the sev-
eral States, the District of Columbia, the Common-
wealth of Puerto Rico, American Samoa, the Virgin
Islands, the Commonwealth of the Northern Mariana
Islands, or Guam. Such term does not include any fa-
cility used primarily for civil works, rivers and har-
bors 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).”.

SEC. 2706. REPORT ON REORGANIZATION OF AIR FORCE
MATERIEL COMMAND ORGANIZATIONS.

(a) In General.—Not later than 180 days after the
date of the enactment of this Act, the Secretary of Defense
shall submit to the congressional defense committees a re-
port on the reorganization of Air Force Materiel Command
organizations.

(b) Context.—The report required under subsection
(a) shall include the following elements:

(1) An assessment of the efficiencies and effec-
tiveness associated with the reorganization of Air
Force Materiel Command organizations.

(2) An assessment of the organizational construct
to determine how institutional synergies that were
previously available in a collocated center can be rep-
licated in the new Air Force Materiel Command Cen-
ter reorganization, including an assessment of the fol-
lowing Air Force Materiel Command capabilities:

(A) Science and Technology, Acquisition.

(B) Developmental Test and Evaluation.

(3) An assessment of synergistic efficiencies asso-
ciated with capabilities of collocated organizations of
other commands, including an assessment of the im-
pact of the Air Force Materiel Command’s reorga-
nization on other commands’ responsibilities for—

(A) Operational Test and Evaluation; and

(B) Follow-on Operational Test and Eval-
uation.

(4) An assessment of how the Air Force reorga-
nization of Air Force Materiel Command is in adher-
ence with section 2687 of title 10, United States Code.

(5) An analysis of the extent to which the pro-
aposed changes in the Air Force management structure
were coordinated with the Office of the Secretary of
Defense and the Director, Test Resource Management
Center and the degree to which their concerns, if any,
were addressed in the approach selected by the Air
Force.
TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS

Subtitle A—Military Construction Program and Military Family Housing Changes

SEC. 2801. AUTHORIZED COST AND SCOPE VARIATIONS.

Section 2853 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “was approved originally” and inserting “was authorized”;

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: “Any reduction in scope of work for a military construction project shall not result in a facility or item of infrastructure that is not complete and useable or does not fully meet the mission requirement contained in the justification data provided to Congress as part of the request for authorization of the project, construction, improvement, or acquisition.”; and

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

“(3) In this subsection, the term ‘scope of work’ refers to the function, size, or quantity of the primary facility,
any associated facility, or item of complete and useable infra-
structure contained in the justification data provided to
Congress as part of the request for authorization of the
project, construction, improvement, or acquisition.”;

(3) in subsection (c)(1)(A), by striking “and the
reasons therefor, including a description” and insert-
ing “, the reasons therefor, a certification that the
mission requirement identified in the justification
data provided to Congress can be still be met with the
reduced scope, and a description”; and

(4) by adding at the end the following new sub-
section:

“(e) Notwithstanding the authority under subsections
(a) through (d), the Secretary concerned shall ensure com-
pliance of contracts for military construction projects and
for the construction, improvement, and acquisition of mili-
tary family housing projects with section 1341 of title 31,
United States Code (commonly referred to as the ‘Anti-Defi-
ciency Act’).”.

SEC. 2802. COMPTROLLER GENERAL REPORT ON IN-KIND
PAYMENTS.

(a) Reports Required.—

(1) Initial Report.—Not later than 180 days
after the date of the enactment of this Act, the Com-
troller General of the United States shall submit to
the congressional defense committees a report on the construction or renovation of Department of Defense facilities with in-kind payments. The report shall cover construction or renovation projects begun during the preceding two years.

(2) UPDATES.—Not later than one year after submitting the report required under paragraph (1), and annually thereafter for 3 years, the Comptroller General shall submit to the congressional defense committees a report covering projects begun since the most recent report.

(b) CONTENT.—Each report required under subsection (a) shall include the following elements:

(1) A listing of each facility constructed or renovated for the Department of Defense as payment in kind.

(2) The value in United States dollars of that construction or renovation.

(3) The source of the in-kind payment.

(4) The agreement pursuant to which the in-kind payment was made.

(5) A description of the purpose and need for the construction or renovation.
SEC. 2803. EXTENSION OF TEMPORARY, LIMITED AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CONSTRUCTION PROJECTS IN CERTAIN AREAS OUTSIDE THE UNITED STATES.


(1) in subsection (c)—

(A) by striking paragraph (2);

(B) by redesignating paragraph (3) as paragraph (2); and

(C) in paragraph (2), as so redesignated, by striking the second sentence; and

(2) in subsection (h)—

(A) in paragraph (1), by striking “September 30, 2012” and inserting “September 30, 2013”; and

(B) in paragraph (2), by striking “fiscal year 2013” and inserting “fiscal year 2014”.

†HR 4310 PP
Subtitle B—Real Property and Facilities Administration

SEC. 2811. AUTHORITY TO ACCEPT AS CONSIDERATION FOR LEASES OF NON-EXCESS PROPERTY OF MILITARY DEPARTMENTS AND DEFENSE AGENCIES REAL PROPERTY INTERESTS AND NATURAL RESOURCE MANAGEMENT SERVICES RELATED TO AGREEMENTS TO LIMIT ENCROACHMENT.

Section 2667 of title 10, United States Code, is amended—

(1) in subsection (c)—

(A) in paragraph (1), by adding at the end the following new subparagraph:

“(G) Provision of interests in real property for the purposes specified in section 2684a of this title and provision of natural resource management services on such real property.”; and

(B) in paragraph (2), by striking “accepted at any property or facilities” and inserting “accepted at or for the benefit of any property or facilities”; and

(2) in subsection (e)(1)(C), by adding at the end the following new clause:
“(vi) Provision of funds pursuant to an agreement under section 2684a of this title.”.

SEC. 2812. CLARIFICATION OF PARTIES WITH WHOM DEPARTMENT OF DEFENSE MAY CONDUCT EXCHANGES OF REAL PROPERTY AT MILITARY INSTALLATIONS.

Section 2869(a)(1) of title 10, United States Code is amended—

(1) by striking “eligible”; and

(2) by striking “entity” both places it appears and inserting “person”.

Subtitle C—Energy Security

SEC. 2821. GUIDANCE ON FINANCING FOR RENEWABLE ENERGY PROJECTS.

(a) Guidance on Use of Available Financing Approaches.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Deputy Under Secretary of Defense for Installations and Environment, shall issue guidance about the use of available financing approaches for financing renewable energy projects and direct the Secretaries of the military departments to update their guidance accordingly. The guidance should describe the requirements and restrictions applicable to the underlying authori-
ties and any Department of Defense-specific guidelines for using appropriated funds and alternative-financing approaches for renewable energy projects.

(b) GUIDANCE ON USE OF BUSINESS CASE ANALYSES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Deputy Under Secretary of Defense for Installations and Environment, and the Secretaries of the military departments, shall issue guidance that establishes and clearly describes the processes used by the military departments to select financing approaches for renewable energy projects to ensure that business case analyses are completed to maximize benefits and mitigate drawbacks and risks associated with different financing approaches.

(c) INFORMATION SHARING.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Deputy Under Secretary of Defense for Installations and Environment, shall develop a formalized communications process, such as a shared Internet website, that will enable officials at military installations to have timely access on an ongoing basis to information related to financing renew-
able energy projects on other installations, including best practices and lessons that officials at other installations have learned from their experiences in financing renewable energy projects.

SEC. 2822. CONTINUATION OF LIMITATION ON USE OF FUNDS FOR LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN (LEED) GOLD OR PLATINUM CERTIFICATION.

Section 2830(b)(1) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1695) is amended—

(1) by striking “authorized to be appropriated by this Act” and inserting “authorized to be appropriated”; and

(2) by inserting before the period at the end the following: “until the date that is six months after the date of the submittal to the congressional defense committees of the report required by subsection (a)”.

Subtitle D—Land Conveyances

SEC. 2831. LAND CONVEYANCE, LOCAL TRAINING AREA FOR BROWNING ARMY RESERVE CENTER, UTAH.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Department of Veterans Affairs (in this section referred to as the “Department”) all right, title, and interest of the United...
States in and to a parcel of unimproved real property consisting of approximately 5 acres of the Local Training Area for the Browning Army Reserve Center, Utah, for the purpose of constructing and operating a Community Based Outpatient Clinic adjacent to the George E. Wahlen Veterans Home in Ogden, Utah.

(b) Payment of Costs of Conveyance.—

(1) Payment Required.—The Secretary may require the Department to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the conveyance under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the conveyance. If amounts paid to the Secretary in advance exceed the costs actually incurred by the Secretary to carry out the conveyance, the Secretary shall refund the excess amount to the Department.

(2) Treatment of Amounts Received.—Amounts received as reimbursement under paragraph (1) shall be credited to the fund or account that was used to cover the costs incurred by the Department. Amounts so credited shall be merged with amounts in such fund or account, and shall be available for the
same purposes, and subject to the same conditions
and limitations, as amounts in such fund or account.

(c) DESCRIPTION OF PROPERTY.—The exact acreage
and legal description of the real property to be conveyed
under subsection (a) shall be determined by a survey satis-
factory to the Secretary.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Sec-
retary may require such additional terms and conditions
in connection with the conveyance under subsection (a) as
the Secretary considers appropriate to protect the interests
of the United States.

SEC. 2832. USE OF PROCEEDS, LAND CONVEYANCE, TYN-
DALL AIR FORCE BASE, FLORIDA.

Section 2862(c) of the National Defense Authorization
Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat.
868) is amended—

(1) by striking “and to improve” and inserting
“, to improve”; and

(2) by inserting before the period at the end the
following: “, or for other purposes, subject to the limi-
tations described in section 2667(e) of title 10, United
States Code”.

† HR 4310 PP
Subtitle E—Other Matters

SEC. 2841. CLARIFICATION OF AUTHORITY OF SECRETARY TO ASSIST WITH DEVELOPMENT OF PUBLIC INFRASTRUCTURE IN CONNECTION WITH THE ESTABLISHMENT OR EXPANSION OF A MILITARY INSTALLATION.

Section 2391 of title 10, United States Code, is amended—

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

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

“(d) AUTHORIZATION REQUIREMENT.—If the Secretary of Defense determines that any grant, cooperative agreement, or supplement of funds available under Federal programs administered by agencies other than the Department of Defense provided under this section will result in the development (including repair, replacement, renovation, conversion, improvement, expansion, or construction) of public infrastructure, such grant, cooperative agreement, or supplemental funding shall be specifically authorized by law.”; and

(3) in subsection (e), as redesignated by paragraph (1), by adding at the end the following new paragraph:
“(4) The term ‘public infrastructure’ means any utility, road, method of transportation, or facility under the control of a State or local government or a private entity that is used by, or constructed for the benefit of, the general public.”.

SEC. 2842. PETERSBURG NATIONAL BATTLEFIELD BOUNDARY MODIFICATION.

(a) In General.—The boundary of Petersburg National Battlefield is modified to include the properties as generally depicted on the map titled “Petersburg National Battlefield Boundary Expansion”, numbered 325/80,080, and dated June 2007. The map shall be on file and available for inspection in the appropriate offices of the National Park Service.

(b) Acquisition of Properties.—The Secretary of the Interior (referred to in this section as the “Secretary”) is authorized to acquire the lands or interests in land, described in subsection (a), from willing sellers only by donation, purchase with donated or appropriated funds, exchange, or transfer.

(c) Administration.—The Secretary shall administer any land or interests in land acquired under subsection (b) as part of the Petersburg National Battlefield in accordance with applicable laws and regulations.

(d) Administrative Jurisdiction Transfer.—
(1) IN GENERAL.—There is transferred—

(A) from the Secretary to the Secretary of the Army administrative jurisdiction over the approximately 1.170-acre parcel of land depicted as “Area to be transferred to Fort Lee Military Reservation” on the map described in paragraph (2)(A); and

(B) from the Secretary of the Army to the Secretary administrative jurisdiction over the approximately 1.171-acre parcel of land depicted as “Area to be transferred to Petersburg National Battlefield” on the map described in paragraph (2)(A).

(2) MAP.—

(A) IN GENERAL.—The land to be transferred under paragraph (1) is depicted on the map entitled “Petersburg National Battlefield Proposed Transfer of Administrative Jurisdiction”, numbered 325/081A, and dated May 2011.

(B) AVAILABILITY.—The map described in subparagraph (A) shall be available for public inspection in the appropriate offices of the National Park Service.
(3) Conditions of Transfer.—The transfer of administrative jurisdiction authorized in paragraph (1) shall be subject to the following conditions:

(A) No reimbursement or consideration.—The transfer shall occur without reimbursement or consideration.

(B) Management.—The land conveyed to the Secretary under paragraph (1) shall be included within the boundary of the Petersburg National Battlefield and shall be administered as part of the park in accordance with applicable laws and regulations.

SEC. 2843. CONGRESSIONAL NOTIFICATION WITH RESPECT TO OVERSIGHT AND MAINTENANCE OF BASE CEMETERIES FOLLOWING CLOSURE OF OVERSEAS MILITARY INSTALLATIONS.

(a) Notification Requirement.—Not later than 30 days after closure of a United States military installation overseas, the Secretary of Defense shall submit to the appropriate congressional committees a report that details a plan to ensure the oversight and continued maintenance of the cemetery located on the military installation. The plan shall clearly detail which Federal agency or private entity will assume responsibility for the operation and maintenance of the cemetery following the closure of the installation.
tion and what information with regard to the cemetery has
been provided to the responsible agency or private entity.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DE-
FINED.—In this section, the term “appropriate congress-
sional committees” means the Committees on Armed Serv-
ices of the Senate and the House of Representatives.

SEC. 2844. ADDITIONAL EXEMPTIONS FROM CERTAIN RE-
QUIREMENTS APPLICABLE TO FUNDING FOR
DATA SERVERS AND CENTERS.

Section 2867(c) of the Military Construction Author-
ization Act for Fiscal Year 2012 (division B of Public Law
112–81; 125 Stat. 1706; 10 U.S.C. 2223a note) is amend-
ed—

(1) by striking “EXCEPTION.—The Chief” and
inserting the following: “EXCEPTIONS.—
“(1) EXEMPTION AUTHORITY.—The Chief”;

(2) by inserting at the end the following new
paragraph:
“(2) The Chief Information Officer of the De-
partment may exempt from the applicability of this
section research, development, test, and evaluation
programs that use authorization or appropriations
for the High Performance Computing Modernization
Program (Program Element 0603461A), if the Chief
Information Officer determines that the exemption is in the best interest of national security.”.

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 4601.

(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 the following new plant projects for the National Nuclear Security Administration:
Project 13–D–301, Electrical Infrastructure Upgrades, Lawrence Livermore National Laboratory/Los Alamos National Laboratory, $23,000,000.

Project 13–D–903, Kesselring Site Prototype Staff Building, Kesselring Site, West Milton, New York, $14,000,000.

Project 13–D–904, Kesselring Site Radiological Work and Storage Building, Kesselring Site, West Milton, New York, $2,000,000.


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 4601.

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 4601.
Subtitle B—Program Authorizations, Restrictions, and Limitations

SEC. 3111. REPLACEMENT PROJECT FOR CHEMISTRY AND METALLURGY RESEARCH BUILDING, LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.

(a) Project Required.—

(1) In general.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.) is amended by adding at the end the following new section:

“SEC. 4215. REPLACEMENT PROJECT FOR CHEMISTRY AND METALLURGY RESEARCH BUILDING, LOS ALAMOS NATIONAL LABORATORY, NEW MEXICO.

“(a) Replacement Building Required.—The Secretary of Energy shall construct at Los Alamos National Laboratory, New Mexico a building to replace the functions of the existing Chemistry and Metallurgy Research building at Los Alamos National Laboratory associated with Department of Energy Hazard Category 2 special nuclear material operations.

“(b) Limitation on Cost.—The cost of the building constructed under subsection (a) may not exceed $3,700,000,000.
“(c) Project Basis.—The construction authorized by subsection (a) shall use as it basis the facility project in the Department of Energy Readiness and Technical Base designated 04–D–125 (chemistry and metallurgy facility replacement project at Los Alamos National Laboratory).

“(d) Deadline for Commencement of Operations.—The building constructed under subsection (a) shall commence operations not later than December 31, 2024.”.

(2) Clerical and Technical Amendment.—

The table of contents in section 4001(b) of such Act is amended by inserting after the item relating to 4213 the following new items:


“Sec. 4215. Replacement project for Chemistry and Metallurgy Research Building, Los Alamos National Laboratory, New Mexico.”.

(b) Funding.—

(1) Fiscal Year 2013 Funds.—

(A) In General.—Except as provided in subparagraph (B), of the amounts authorized to be appropriated by this division for fiscal year 2013 for the National Nuclear Security Administration, $150,000,000 shall be available for the construction of the building authorized by section 4215 of the Atomic Energy Defense Act (as added by subsection (a)).
(B) EXCEPTION.—The following amounts authorized to be appropriated by this division for fiscal year 2013 for the National Nuclear Security Administration shall not be available for the construction of the building:

(i) Amounts available for Directed Stockpile Work.

(ii) Amounts available for Naval Reactors.

(iii) Amounts available for the facility project in the Department of Energy Readiness and Technical Base designated 06–D–141.

(2) PRIOR FISCAL YEAR FUNDS.—Amounts authorized to be appropriated for the Department of Energy for a fiscal year before fiscal year 2013 and available for the facility project in the Department of Energy Readiness and Technical Base designated 04–D–125 (chemistry and metallurgy facility replacement project at Los Alamos National Laboratory, New Mexico) shall be available for the construction of the building authorized by section 4215 of the Atomic Energy Defense Act (as so added).
SEC. 3112. SUBMITTAL TO CONGRESS OF SELECTED ACQUISITION REPORTS AND INDEPENDENT COST ESTIMATES ON NUCLEAR WEAPON SYSTEMS UNDERGOING LIFE EXTENSION.

(a) Submittal Required.—Subtitle A of title XLII of the Atomic Energy Defense Act (50 U.S.C. 2521 et seq.), as amended by section 3111 of this Act, is further amended by adding at the end the following new section:

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SEC. 4216. SELECTED ACQUISITION REPORTS AND INDEPENDENT COST ESTIMATES ON NUCLEAR WEAPON SYSTEMS UNDERGOING LIFE EXTENSION.

“(a) Selected Acquisition Reports.—(1) The Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, submit to the congressional defense committees at the end of each fiscal-year quarter a report on each nuclear weapon system undergoing life extension. The reports shall be known as Selected Acquisition Reports for the weapon system concerned.

“(2) The information contained in the Selected Acquisition Report for a fiscal-year quarter for a nuclear weapon system shall be the information contained in the Selected Acquisition Report for such fiscal-year quarter for a major defense acquisition program under section 2432 of title 10, United States Code, expressed in terms of the nuclear weapon system.
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“(b) INDEPENDENT COST ESTIMATES.—(1) The Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, submit to the congressional defense committees a cost estimate on each nuclear weapon system undergoing life extension at the times in production as follows:

“(A) At the completion of phase 6.2A, relating to design definition and cost study.

“(B) Before initiation of phase 6.5, relating to first production.

“(2) A cost estimate for purposes of this subsection may not be prepared by the Department of Energy or the National Nuclear Security Administration.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act, as so amended, is further amended by inserting after the item relating to 4215 the following new item:

“Sec. 4216. Selected Acquisition Reports and independent cost estimates on nuclear weapon systems undergoing life extension.”.

SEC. 3113. TWO-YEAR EXTENSION OF SCHEDULE FOR DISPOSITION OF WEAPONS-USABLE PLUTONIUM AT SAVANNAH RIVER SITE, AIKEN, SOUTH CAROLINA.

Section 4306 of the Atomic Energy Defense Act (50 U.S.C. 2566) is amended—

(1) in subsection (a)(3)—
(A) in subparagraph (C), by striking “2012” and inserting “2014”; and

(B) in subparagraph (D), by striking “2017” and inserting “2019”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “by January 1, 2012”; and

(B) in paragraph (5), by striking “2012” and inserting “2014”;

(3) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking “2012” and inserting “2014”; and

(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
SEC. 3114. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.

(a) Program Required.—

(1) In general.—Title XLIII of the Atomic Energy Defense Act (50 U.S.C. 2562 et seq.) is amended by adding at the end the following new section:

“SEC. 4309. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.

“(a) Program Required.—(1) The Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, carry out a program on scientific engagement in countries selected by the Secretary for purposes of the program in order to advance global nonproliferation and nuclear security efforts.

“(2) The program required by this section shall be a distinct program from the Global Initiatives for Proliferation Prevention program.

“(b) Elements.—The program shall include the elements as follows:

“(1) Training and capacity-building to strengthen nonproliferation and security best practices.
“(2) Engagement of United States scientists with foreign counterparts to advance nonproliferation goals.

“(c) Report on Commencement of Program.—Funds may not be expended under the program required by this section until the Administrator submits to the appropriate congressional committees a report setting forth the following:

“(1) For each country selected for the program as of the date of such report—

“(A) a proliferation threat assessment prepared by the Director of National Intelligence; and

“(B) metrics for evaluating the success of the program.

“(2) Accounting standards for the conduct of the program approved by the Comptroller General of the United States.

“(d) Reports on Modification of Program.—Before making any modification in the program (whether selecting a new country for the program, ceasing the selection of a country for the program, or modifying an element of the program), the Administrator shall submit to the appropriate congressional committees a report on the modification. If the modification consists of the selection for the pro-
gram of a country not previously selected for the program, the report shall include the matters specified in subsection (c)(1) for the country.

“(e) Appropriate Congressional Committees Defined.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

“(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.”.

(2) Clerical Amendment.—The table of contents in section 4001(b) of such Act (division D of Public Law 107–314) is amended by inserting after the item relating to section 4308 the following new item:

“Sec. 4309. Program on scientific engagement for nonproliferation.”.

(b) Report on Coordination With Other United States Nonproliferation Programs.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Nuclear Security Administration shall submit to the appropriate congressional committees a report describing the manner in which the pro-
gram on scientific engagement for nonproliferation under 
section 4309 of the Atomic Energy Defense Act (as added 
by subsection (a)) coordinates with and complements, but 
does not duplicate, other nonproliferation programs of the 
United States Government.

(c) COMPTROLLER GENERAL OF THE UNITED STATES 
REPORT.—Not later than two years after the date of the 
enactment of this Act, the Comptroller General of the United 
States shall submit to the appropriate congressional com- 
mittees a report on the program on scientific engagement 
for nonproliferation under section 4309 of the Atomic En-
ergy Defense Act (as so added). The report shall include 
an assessment by the Comptroller General of the success of 
the program, as determined in accordance with the metrics 
for evaluating the success of the program under subsection 
(c)(1)(B) of such section 4309, and such other matters on 
the program as the Comptroller General considers appro-
priate.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DE- 
FINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Com-
mittee on Armed Services, the Committee on Foreign 
Relations, and the Select Committee on Intelligence of 
the Senate; and
(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 3115. REPEAL OF REQUIREMENT FOR ANNUAL UPDATE OF DEPARTMENT OF ENERGY DEFENSE NUCLEAR FACILITIES WORKFORCE RESTRUCTURING PLAN.

Section 4604 of the Atomic Energy Defense Act (50 U.S.C. 2704) is amended—

(1) in subsection (b)(1), by striking “and any updates of the plan under subsection (e)”;
(2) by striking subsection (e);
(3) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively; and
(4) in subsection (e), as redesignated by paragraph (3)—

(A) by striking “(1)” before “The Secretary”; and
(B) by striking paragraph (2).
SEC. 3116. QUARTERLY REPORTS TO CONGRESS ON FINANCIAL BALANCES FOR ATOMIC ENERGY DEFENSE ACTIVITIES.

(a) Reports Required.—Subtitle C of title XLVII of the Atomic Energy Defense Act (50 U.S.C. 2771 et seq.) is amended by adding at the end the following new section:

“SEC. 4732. QUARTERLY REPORTS ON FINANCIAL BALANCES FOR ATOMIC ENERGY DEFENSE ACTIVITIES.

“(a) Reports Required.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Energy shall submit to the congressional defense committees a report on the financial balances for each atomic energy defense program at the budget control levels used in the report accompanying the most current Act appropriating funds for energy and water development.

“(b) Elements.—Each report under subsection (a) shall set forth, for each program covered by such report, the following as of the end of the fiscal year quarter covered by such report:

“(1) The total amount authorized to be appropriated, including amounts authorized to be appropriated in the current fiscal year and amounts authorized to be appropriated for prior fiscal years.

“(2) The amount unobligated.

“(3) The amount unobligated but committed.
“(4) The amount obligated, but uncosted.

“(c) Presentation.—Each report under subsection (a) shall present information as follows:

“(1) For each program, in summary form and by fiscal year.

“(2) With financial balances in connection with funding under recurring DoE national security authorizations (as that term is defined in section 4701(1)) presented separately from balances in connection with funding under any other provisions of law.”.

(b) Clerical Amendment.—The table of contents in section 4001(b) of such Act is amended by inserting after the item relating to section 4731 the following new item:

“Sec. 4732. Quarterly reports on financial balances for atomic energy defense activities.”.

SEC. 3117. TRANSPARENCY IN CONTRACTOR PERFORMANCE EVALUATIONS BY THE NATIONAL NUCLEAR SECURITY ADMINISTRATION LEADING TO AWARD FEES.

(a) Publication Required.—

(1) In general.—Subtitle A of title XLVIII of the Atomic Energy Defense Act (50 U.S.C. 2781 et seq.) is amended by adding at the end the following new section:

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“SEC. 4805. PUBLICATION OF CONTRACTOR PERFORMANCE EVALUATIONS BY THE NATIONAL NUCLEAR SECURITY ADMINISTRATION LEADING TO AWARD FEES.

“(a) In General.—The Administrator of the National Nuclear Security Administration shall take appropriate actions to make available, to the maximum extent practicable, to the public each contractor performance evaluation conducted by the Administration of a national laboratory, production plant, or single user facility under the management responsibility of the Administration that results in the award of an award fee to the contractor concerned.

“(b) Format.—Performance evaluations shall be made public under this section in a common format that facilitates comparisons of performance evaluations between and among similar management contracts.”.

(2) Clerical Amendment.—The table of contents in section 4001(b) of that Act is amended by inserting after the item relating to section 4804 the following new item:

“Sec. 4805. Publication of contractor performance evaluations by the National Nuclear Security Administration leading to award fees.”.

(b) Effective Date.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to contractor per-
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formance evaluations conducted by the National Nuclear
Security Administration on or after that date.

SEC. 3118. EXPANSION OF AUTHORITY TO ESTABLISH CERT-
TAIN SCIENTIFIC, ENGINEERING, AND TECH-
NICAL POSITIONS.

(a) NUMBER OF POSITIONS.—Section 3241 of the Na-
tional Nuclear Security Administration Act (50 U.S.C.
2441) is amended by striking “300” and inserting “700”.

(b) EXTENSION TO CONTRACTING POSITIONS.—Such
section is further amended by inserting “contracting,” be-
fore “scientific”.

(c) CONFORMING AMENDMENT.—The heading of such
section is amended to read as follows:

“SEC. 3241. AUTHORITY TO ESTABLISH CERTAIN CON-
TRACTING, SCIENTIFIC, ENGINEERING, AND
TECHNICAL POSITIONS.”.

(d) CLERICAL AMENDMENT.—The table of contents for
the National Nuclear Security Administration Act is
amended by striking the item relating to section 3241 and
inserting the following new item:

“Sec. 3241. Authority to establish certain contracting, scientific, engineering, and
technical positions.”.
SEC. 3119. MODIFICATION AND EXTENSION OF AUTHORITY ON ACCEPTANCE OF CONTRIBUTIONS FOR ACCELERATION OF REMOVAL OR SECURITY OF FISSILE MATERIALS, RADIOLOGICAL MATERIALS, AND RELATED EQUIPMENT AT VULNERABLE SITES WORLDWIDE.

(a) Programs for Which Funds May Be Accepted.—Paragraph (2) of section 3132(f) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (50 U.S.C. 2569(f)) is amended to read as follows:

“(2) Programs Covered.—The programs described in this paragraph are any programs within the Office of Defense Nuclear Nonproliferation of the National Nuclear Security Administration.”.

(b) Extension.—Paragraph (7) of such section is amended by striking “December 31, 2013” and inserting “December 31, 2018”.

SEC. 3120. COST CONTAINMENT FOR Y–12 URANIUM PROCESSING FACILITY, Y–12 NATIONAL SECURITY COMPLEX, OAK RIDGE, TENNESSEE.

(a) Execution Phases for Project.—Project 06–D–141 for the Y–12 Uranium Processing Facility, Y–12 National Security Complex, Oak Ridge, Tennessee, shall be broken into separate execution phases as follows
(1) Phase I, which shall consist of processes associated with building 9212, including uranium casting and uranium chemical processing.

(2) Phase II, which shall consist of processes associated with buildings 9215 and 9998, including uranium metal working, machining, and inspection.

(3) Phase III, which shall consist of processes associated with building 9204–2E, including radiography, assembly, disassembly, quality evaluation, and production certification operations of nuclear weapon secondaries.

(b) Budgeting and Authorization for Each Phase.—

(1) Budgeting for Each Phase Required.—The Secretary of Energy shall budget separately for each phase under subsection (a) of the project referred to in that subsection.

(2) Funding Pursuant to Separate Authorizations of Appropriations.—The Secretary may not proceed with a phase under subsection (a) of the project referred to in that subsection except with funds expressly authorized to be appropriated for that phase by law.

(c) Compliance of Phases With DoE Order on Program and Project Management.—Each phase
under subsection (a) of the project referred to in that subsection shall comply with Department of Energy Order 413.3, relating to Program Management and Project Management for the Acquisition of Capital Assets.

(d) LIMITATION ON COST OF PHASE I.—The total cost of Phase I under subsection (a) of the project referred to in that subsection may not exceed $4,200,000,000.

SEC. 3121. AUTHORITY TO RESTORE CERTAIN FORMERLY RESTRICTED DATA TO THE RESTRICTED DATA CATEGORY.

(a) IN GENERAL.—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 new paragraphs:

“(2) The Commission may restore to the Restricted Data category any information related to the design of nuclear weapons removed under paragraph (1) if the Commission and the Department of Defense jointly determine that—

“(A) the programmatic requirements that caused the information to be removed from the Restricted
Data category are no longer applicable or have diminished;

“(B) the information would be more appropriately protected as Restricted Data; and

“(C) restoring the information to the Restricted Data category is in the interest of national security.

“(3) Information related to the design of nuclear weapons shall be restored to the Restricted Data category under paragraph (2) in accordance with regulations prescribed by the Commission for purposes of that paragraph.”; and

(2) in subsection e.—

(A) by inserting “(1)” before “The Commission”; and

(B) by adding at the end the following new paragraphs:

“(2) The Commission may restore to the Restricted Data category any information concerning atomic energy programs of other nations removed under paragraph (1) if the Commission and the Director of National Intelligence jointly determine that—

“(A) the programmatic requirements that caused the information to be removed from the Restricted Data category are no longer applicable or have diminished;
“(B) the information would be more appropriately protected as Restricted Data; and

“(C) restoring the information to the Restricted Data category is in the interest of national security.

“(3) Information concerning atomic energy programs of other nations shall be restored to the Restricted Data category under paragraph (2) in accordance with regulations prescribed by the Commission for purposes of that paragraph.”.

(b) TECHNICAL AMENDMENT.—Paragraph (1) of subsection (e) of such section, as designated by subsection (a)(2)(A) of this section, is further amended by striking “Director of Central Intelligence” and inserting “Director of National Intelligence”.

SEC. 3122. RENEWABLE ENERGY.

Section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)) is amended by striking “geothermal,” and inserting “geothermal (including geothermal heat pumps),”.
Subtitle C—Reports

SEC. 3131. REPORT ON ACTIONS REQUIRED FOR TRANSITION OF REGULATION OF NON-NUCLEAR ACTIVITIES OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION TO OTHER FEDERAL AGENCIES.

Not later than February 28, 2013, the Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, submit to Congress a report on the actions required to transition, to the maximum extent practicable, the regulation of the non-nuclear activities of the National Nuclear Security Administration to other appropriate agencies of the Federal Government by not later than October 1, 2017.

SEC. 3132. REPORT ON CONSOLIDATION OF FACILITIES OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Nuclear Weapons Council shall submit to the congressional defense committees a report setting forth the assessment of the Council as to the feasibility of consolidating facilities and functions of the National Nuclear Security Administration in order to reduce costs.
(b) PROCESS FOR CONSOLIDATION.—If the assessment of the Council in the report under subsection (a) is that excess facilities exist and the consolidation of facilities and functions of the Administration is feasible and would reduce cost, the report shall include recommendations for a process to determine the manner in which the consolidation should be accomplished, including an estimate of the time to be required to complete the process.

(c) LIMITATION ON AVAILABILITY OF CERTAIN FUNDS PENDING REPORT.—Amounts authorized to be appropriated by this title and available for the facility projects in the Department of Energy Readiness and Technical Base designated 04–D–125 and 06–D–141 may not be obligated or expended for CD–3, Start of Construction (as found in Department of Energy Order 413.3 B Program and Project Management for the Acquisition of Capital Assets,) until the submittal under subsection (a) of the report required by that subsection.

SEC. 3133. REGIONAL RADIOLOGICAL SECURITY ZONES.

(a) FINDINGS.—Congress makes the following findings:

(1) A terrorist attack using high-activity radiological materials, such as in a dirty bomb, could inflict billions of dollars of economic costs and considerable societal and economic dislocation, with effects and costs possibly lasting for years.
(2) It may be easier for terrorists to obtain the materials for, and to fabricate, a dirty bomb than an improvised nuclear device.

(3) Radiological materials are in widespread use worldwide, with estimates of the number of radiological sources ranging from 100,000 to millions.

(4) Many nations have a security and regulatory regime for their radiological sources that is much less developed than that of the United States.

(5) Radiological materials are used at many civilian sites including hospitals, industrial sites, and other locations that have little security, placing these materials at risk of theft.

(6) Many radiological materials have become lost, disused, unwanted, or abandoned, with the Global Threat Reduction Initiative of the National Nuclear Security Administration having recovered more than 30,000 radioactive sources in the United States, repatriated more than 2,400 United States-origin sources from other countries, and helped recover more than 13,000 radioactive sources and radioisotope thermoelectric generators in other countries.

(7) High-activity radiological materials can be used in a dirty bomb.
(b) Sense of Congress.—It is the sense of Congress that United States and global nonproliferation efforts should place a high priority on programs to secure high-activity radiological sources to reduce the threat of radiological terrorism.

(c) Study.—

(1) In General.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Nuclear Security Administration shall submit to the appropriate committees of Congress a study in accordance with paragraph (3).

(2) Consultation.—The Administrator may, in conducting the study required under paragraph (1), consult with the Secretary of Homeland Security, the Secretary of State, the Nuclear Regulatory Commission, and such other departments and agencies of the United States Government as the Administrator considers appropriate.

(3) Matters Included.—The study under paragraph (1) shall include the following:

(A) An assessment of the radioactive isotopes and associated activity levels that present the greatest risk to national and international security.
(B) A review of current United States Government efforts to secure radiological materials abroad, including coordination with foreign governments, the European Union, the International Atomic Energy Agency, other international programs, and nongovernmental organizations that identify, register, secure, remove, and provide for the disposition of high-risk radiological materials worldwide.

(C) A review of current United States Government efforts to secure radiological materials domestically at civilian sites, including hospitals, industrial sites, and other locations.

(D) A definition of regional radiological security zones, including the subset of the materials of concern to be the immediate focus and the security best practices required to achieve that goal.

(E) An assessment of the feasibility, cost, desirability, and added benefit of establishing regional radiological security zones in high priority areas worldwide in order to facilitate regional collaboration in—
(i) identifying and inventorying high-activity radiological sources at high-risk sites;

(ii) reviewing national level regulations, inspections, transportation security, and security upgrade options; and

(iii) assessing opportunities for the harmonization of regulations and security practices among the nations of the region.

(F) An assessment of the feasibility, cost, desirability, and added benefit of establishing remote regional monitoring centers that would receive real-time data from radiological security sites, would be staffed by trained personnel from the countries in the region, and would alert local law enforcement in the event of a potential or actual terrorist incident or other emergency.

(G) A list and assessment of the best practices used in the United States that are most critical in enhancing domestic radiological material security and could be used to enhance radiological security worldwide.

(H) An assessment of the United States entity or entities that would be best suited to lead
efforts to establish a radiological security zone program.

(I) An estimate of the costs associated with the implementation of a radiological security zone program.

(J) An assessment of the known locations outside the United States housing high-risk radiological materials in excess of 1,000 curies.

(4) FORM.—The study required under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Foreign Affairs of the House of Representatives.

SEC. 3134. REPORT ON LEGACY URANIUM MINES.

(a) REPORT.—

(1) IN GENERAL.—The Secretary of Energy shall undertake a review of, and prepare a report on, aban-
doned uranium mines at which uranium ore was mined for the weapons program of the United States (hereinafter referred to as “legacy uranium mines”).

(2) MATTERS TO BE ADDRESSED.—The report shall describe and analyze—

(A) the location of the legacy uranium mines on Federal, State, tribal, and private land, taking into account any existing inventories undertaken by Federal agencies, States, and Indian tribes, and any additional information available to the Secretary;

(B) the extent to which the legacy uranium mines—

(i) may pose a potential and significant radiation health hazard to the public;

(ii) may pose some other threat to public health and safety hazard;

(iii) have caused, or may cause, degradation of water quality; and

(iv) have caused, or may cause, environmental degradation;

(C) a ranking of priority by category for the remediation and reclamation of the legacy uranium mines;
(D) the potential cost and feasibility of remediating and reclaiming, in accordance with applicable Federal law, each category of legacy uranium mines; and

(E) the status of any efforts to remediate and reclaim legacy uranium mines.

(b) RECOMMENDATIONS.—The report shall—

(1) make recommendations as to how to ensure most feasibly and effectively and expeditiously that the public health and safety, water resources, and the environment will be protected from the adverse effects of legacy uranium mines; and

(2) make recommendations on changes, if any, to Federal law to address the remediation and reclamation of legacy uranium mines.

(c) CONSULTATION.—In preparing the report, the Secretary of Energy shall consult with any other relevant Federal agencies, affected States and Indian tribes, and interested members of the public.

(d) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Armed Services and the Committee on Energy and Natural Resources of the Senate and the appropriate Committees of the House of Representatives—
(1) the report; and
(2) the plan and timeframe of the Secretary of Energy for implementing those recommendations of the report that do not require legislation.


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 General shall conduct a review during the period described in paragraph (2), of the following:” and inserting “Beginning on the date of the submittal of the report required under subsection (b)(2), the Comptroller General shall conduct a review of the following:”; (B) by striking paragraph (2); (C) by redesignating paragraph (3) as paragraph (2); and
(D) in paragraph (2), as redesignated by subparagraph (C), 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 “Beginning on the date on which the Comptroller General submits the last report required under subsection (c)(3), the Comptroller General shall conduct a review of the following:” and inserting “Following the submittal of the final report required under subsection (c)(2), the Comptroller General shall conduct a review of the following:”; and

(B) in paragraph (2), by striking “Not later than 90 days after submitting the last report required under subsection (c)(3)” and inserting “Within seven months after receiving notification that all American Recovery and Reinvestment Act funds have been expended, but not later than April 30, 2016”.

Subtitle D—Other Matters

SEC. 3141. SENSE OF CONGRESS ON OVERSIGHT OF THE NUCLEAR SECURITY ENTERPRISE.

(a) FINDINGS.—Congress makes the following findings:
(1) In 2000, the National Nuclear Security Administration was established as an independent entity within the Department of Energy to manage and secure the nuclear weapons stockpile of the United States and to manage nuclear nonproliferation and naval reactor programs.

(2) Serious security and health incidents continue to occur at sites of the National Nuclear Security Administration.

(3) In September 2012, an official of the Government Accountability Office testified to Congress that lax laboratory attitudes toward safety procedures, laboratory inadequacies in identifying and addressing safety problems with appropriate corrective actions, and inadequate oversight by site offices of the National Nuclear Security Administration were responsible for nearly 100 safety incidents since 2000.

(4) On July 28, 2012, three unarmed individuals compromised security at the Y–12 National Security Complex in Oak Ridge, Tennessee, and according to the Government Accountability Office, “gained access to the protected security area directly adjacent to one of the nation’s most critically important nuclear weapons-related facilities”.

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(5) In June 2006, hackers attacked an unclassified computer system at the National Nuclear Security Administration’s Service Center in Albuquerque, New Mexico, and gained access to a file containing the names and social security numbers of more than 1,500 employees of the National Nuclear Security Administration.

(6) As early as February 2005, the Inspector General of the Department of Energy identified problems with the retrieval of badges from terminated employees at Los Alamos National Laboratory and other sites of the National Nuclear Security Administration.

(7) In 2004, a pattern of safety and security incidents that occurred over the course of a year prompted the stand-down of Los Alamos National Laboratory.

(8) The National Nuclear Security Administration, independent of the safety and security reform efforts of the Department of Energy, has launched an overhaul of its contracting oversight, placing an emphasis on contractor self-policing through an untested “contractor assurance” approach.

(9) The Government Accountability Office has given the contractor administration and project man-
agement capabilities of the National Nuclear Security Administration a “high risk” designation and found there to be insufficient qualified Federal acquisition professionals to “plan, direct, and oversee project execution”.

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

(1) there is a need for strong, independent oversight of the United States nuclear security enterprise;

(2) any attempt to reform oversight of the nuclear security enterprise that transfers oversight from the Department of Energy to the National Nuclear Security Administration, reduces protections for worker health and safety at facilities of the National Nuclear Security Administration to levels below the standards of the Department of Energy, or transfers construction appropriations for the nuclear security enterprise from the Department of Energy appropriation account to the military construction appropriation account, should be carefully evaluated;

(3) the Office of Health, Safety, and Security of the Department of Energy, which reports to the Secretary of Energy but is also accountable for routinely reporting to Congress on the performance with respect to safety and security of the Department, including
the National Nuclear Security Administration, and
the role of that Office in overseeing safety and secu-

(4) any future modifications to the management
or structure of the nuclear security enterprise should
be done in a way that maintains or increases over-

(5) to the extent possible, oversight of programs
of the National Nuclear Security Administration by
the Department of Defense should increase to ensure
current and future warfighting requirements are met;

and

(6) the Nuclear Weapons Council should provide
proper oversight in the execution of its responsibilities
under section 179 of title 10, United States Code.

Subtitle E—American Medical Isotopes Production

SEC. 3151. SHORT TITLE.

This subtitle may be cited as the “American Medical
Isotopes Production Act of 2012”.

SEC. 3152. DEFINITIONS.

In this subtitle:
(1) **DEPARTMENT.**—The term “Department” means the Department of Energy.

(2) **HIGHLY ENRICHED URANIUM.**—The term “highly enriched uranium” means uranium enriched to 20 percent or greater in the isotope U–235.

(3) **LOW ENRICHED URANIUM.**—The term “low enriched uranium” means uranium enriched to less than 20 percent in the isotope U–235.

(4) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

**SEC. 3153. IMPROVING THE RELIABILITY OF DOMESTIC MEDICAL ISOTOPE SUPPLY.**

(a) **MEDICAL ISOTOPE DEVELOPMENT PROJECTS.**—

(1) **IN GENERAL.**—The Secretary shall carry out a technology-neutral program—

(A) to evaluate and support projects for the production in the United States, without the use of highly enriched uranium, of significant quantities of molybdenum-99 for medical uses;

(B) to be carried out in cooperation with non-Federal entities; and

(C) the costs of which shall be shared in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).
(2) **CRITERIA.**—Projects shall be judged against the following primary criteria:

(A) The length of time necessary for the proposed project to begin production of molybdenum-99 for medical uses within the United States.

(B) The capability of the proposed project to produce a significant percentage of United States demand for molybdenum-99 for medical uses.

(C) The cost of the proposed project.

(3) **EXEMPTION.**—An existing reactor in the United States fueled with highly enriched uranium shall not be disqualified from the program if the Secretary determines that—

(A) there is no alternative nuclear reactor fuel, enriched in the isotope U–235 to less than 20 percent, that can be used in that reactor;

(B) the reactor operator has provided assurances that, whenever an alternative nuclear reactor fuel, enriched in the isotope U–235 to less than 20 percent, can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and
(C) the reactor operator has provided a current report on the status of its efforts to convert the reactor to an alternative nuclear reactor fuel enriched in the isotope U–235 to less than 20 percent, and an anticipated schedule for completion of conversion.

(4) Public Participation and Review.—The Secretary shall—

(A) develop a program plan and annually update the program plan through public workshops; and

(B) use the Nuclear Science Advisory Committee to conduct annual reviews of the progress made in achieving the program goals.

(b) Development Assistance.—The Secretary shall carry out a program to provide assistance for—

(1) the development of fuels, targets, and processes for domestic molybdenum-99 production that do not use highly enriched uranium; and

(2) commercial operations using the fuels, targets, and processes described in paragraph (1).

(c) Uranium Lease and Take-Back.—

(1) In General.—The Secretary shall establish a program to make low-enriched uranium available,
through lease contracts, for irradiation for the production of molybdenum-99 for medical uses.

(2) **Title.**—The lease contracts shall provide for the producers of the molybdenum-99 to take title to and be responsible for the molybdenum-99 created by the irradiation, processing, or purification of uranium leased under this section.

(3) **Duties.**—

(A) **Secretary.**—The lease contracts shall require the Secretary—

(i) to retain responsibility for the final disposition of spent nuclear fuel created by the irradiation, processing, or purification of uranium leased under this section for the production of medical isotopes; and

(ii) to take title to and be responsible for the final disposition of radioactive waste created by the irradiation, processing, or purification of uranium leased under this section for which the Secretary determines the producer does not have access to a disposal path.

(B) **Producer.**—The producer of the spent nuclear fuel and radioactive waste shall accurately characterize, appropriately package, and
transport the spent nuclear fuel and radioactive waste prior to acceptance by the Department.

(4) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the lease contracts shall provide for compensation in cash amounts equivalent to prevailing market rates for the sale of comparable uranium products and for compensation in cash amounts equivalent to the net present value of the cost to the Federal Government for—

(i) the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); and

(ii) other costs associated with carrying out the uranium lease and take-back program authorized by this subsection.

(B) DISCOUNT RATE.—The discount rate used to determine the net present value of costs described in subparagraph (A)(ii) shall be not greater than the average interest rate on marketable Treasury securities.

(5) AUTHORIZED USE OF FUNDS.—The Secretary may obligate and expend funds received under leases entered into under this subsection, which shall remain
available until expended, for the purpose of carrying
out the activities authorized by this subtitle, including
activities related to the final disposition of spent nu-
clear fuel and radioactive waste for which the Depart-
ment is responsible under paragraph (3).

(6) Exchange of Uranium for Services.—
The Secretary shall not barter or otherwise sell or
transfer uranium in any form in exchange for—

(A) services related to the final disposition
of the spent nuclear fuel and radioactive waste
for which the Department is responsible under
paragraph (3); or

(B) any other services associated with car-
rying out the uranium lease and take-back pro-
gram authorized by this subsection.

(d) Coordination of Environmental Reviews.—
The Department and the Nuclear Regulatory Commission
shall ensure to the maximum extent practicable that envi-
ronmental reviews for the production of the medical isotopes
shall complement and not duplicate each review.

(e) Operational Date.—The Secretary shall estab-
lish a program as described in subsection (c)(3) not later
than 3 years after the date of enactment of this Act.

(f) Radioactive Waste.—Notwithstanding section 2
of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101),
radioactive material resulting from the production of medical isotopes that has been permanently removed from a reactor or subcritical assembly and for which there is no further use shall be considered low-level radioactive waste if the material is acceptable under Federal requirements for disposal as low-level radioactive waste.

SEC. 3154. EXPORTS.

Section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) is amended by striking subsection c. and inserting the following:

c. Effective 7 years after the date of enactment of the American Medical Isotopes Production Act of 2012, the Commission may not issue a license for the export of highly enriched uranium from the United States for the purposes of medical isotope production.

d. The period referred to in subsection b. may be extended for no more than 6 years if, no earlier than 6 years after the date of enactment of the American Medical Isotopes Production Act of 2012, the Secretary of Energy certifies to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that—

“(1) there is insufficient global supply of molybdenum-99 produced without the use of highly enriched
uranium available to satisfy the domestic United States market; and

“(2) the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the most effective temporary means to increase the supply of molybdenum-99 to the domestic United States market.

e. To ensure public review and comment, the development of the certification described in subsection c. shall be carried out through announcement in the Federal Register.

f. At any time after the restriction of export licenses provided for in subsection b. becomes effective, if there is a critical shortage in the supply of molybdenum-99 available to satisfy the domestic United States medical isotope needs, the restriction of export licenses may be suspended for a period of no more than 12 months, if—

“(1) the Secretary of Energy certifies to the Congress that the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the only effective temporary means to increase the supply of molybdenum-99 necessary to meet United States medical isotope needs during that period; and
“(2) the Congress enacts a Joint Resolution approving the temporary suspension of the restriction of export licenses.

“g. As used in this section—

“(1) the term ‘alternative nuclear reactor fuel or target’ means a nuclear reactor fuel or target which is enriched to less than 20 percent in the isotope U–235;

“(2) the term ‘highly enriched uranium’ means uranium enriched to 20 percent or more in the isotope U–235;

“(3) a fuel or target ‘can be used’ in a nuclear research or test reactor if—

“(A) the fuel or target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

“(B) use of the fuel or target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor; and

“(4) the term ‘medical isotope’ includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharma-
ceutical for diagnostic or therapeutic procedures or for research and development.”.

SEC. 3155. REPORT ON DISPOSITION OF EXPORTS.

Not later than 1 year after the date of the enactment of this Act, the Chairman of the Nuclear Regulatory Commission, after consulting with other relevant agencies, shall submit to the Congress a report detailing the current disposition of previous United States exports of highly enriched uranium used as fuel or targets in a nuclear research or test reactor, including—

(1) their location;
(2) whether they are irradiated;
(3) whether they have been used for the purpose stated in their export license;
(4) whether they have been used for an alternative purpose and, if so, whether such alternative purpose has been explicitly approved by the Commission;
(5) the year of export, and reimportation, if applicable;
(6) their current physical and chemical forms; and
(7) whether they are being stored in a manner which adequately protects against theft and unauthorized access.
SEC. 3156. DOMESTIC MEDICAL ISOTOPE PRODUCTION.

(a) In General.—Chapter 10 of the Atomic Energy Act of 1954 (42 U.S.C. 2131 et seq.) is amended by adding at the end the following:

"SEC. 112. DOMESTIC MEDICAL ISOTOPE PRODUCTION.—

"a. The Commission may issue a license, or grant an amendment to an existing license, for the use in the United States of highly enriched uranium as a target for medical isotope production in a nuclear reactor, only if, in addition to any other requirement of this Act—

"(1) the Commission determines that—

"(A) there is no alternative medical isotope production target, enriched in the isotope U–235 to less than 20 percent, that can be used in that reactor; and

"(B) the proposed recipient of the medical isotope production target has provided assurances that, whenever an alternative medical isotope production target can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

"(2) the Secretary of Energy has certified that the United States Government is actively supporting the development of an alternative medical isotope production target that can be used in that reactor."
2. As used in this section—

“(1) the term ‘alternative medical isotope production target’ means a nuclear reactor target which is enriched to less than 20 percent of the isotope U–235;

“(2) a target ‘can be used’ in a nuclear research or test reactor if—

“(A) the target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

“(B) use of the target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor;

“(3) the term ‘highly enriched uranium’ means uranium enriched to 20 percent or more in the isotope U–235; and

“(4) the term ‘medical isotope’ includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.”.

(b) Table of Contents.—The table of contents for the Atomic Energy Act of 1954 is amended by inserting
the following new item at the end of the items relating to chapter 10 of title I:

“Sec. 112. Domestic medical isotope production.”.

SEC. 3157. ANNUAL DEPARTMENT REPORTS.

(a) In General.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 5 years, the Secretary shall report to Congress on Department actions to support the production in the United States, without the use of highly enriched uranium, of molybdenum-99 for medical uses.

(b) Contents.—The reports shall include the following:

(1) For medical isotope development projects—

(A) the names of any recipients of Department support under section 3143;

(B) the amount of Department funding committed to each project;

(C) the milestones expected to be reached for each project during the year for which support is provided;

(D) how each project is expected to support the increased production of molybdenum-99 for medical uses;

(E) the findings of the evaluation of projects under section 3143(a)(2); and
(F) the ultimate use of any Department funds used to support projects under section 3143.

(2) A description of actions taken in the previous year by the Secretary to ensure the safe disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under section 3143(c).

SEC. 3158. NATIONAL ACADEMY OF SCIENCES REPORT.

(a) In General.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a study of the state of molybdenum-99 production and utilization, to be provided to Congress not later than 5 years after the date of enactment of this Act.

(b) Contents.—The report shall include the following:

(1) For molybdenum-99 production—

(A) a list of all facilities in the world producing molybdenum-99 for medical uses, including an indication of whether these facilities use highly enriched uranium in any way;

(B) a review of international production of molybdenum-99 over the previous 5 years, including—

(i) whether any new production was brought online;
(ii) whether any facilities halted production unexpectedly; and

(iii) whether any facilities used for production were decommissioned or otherwise permanently removed from service; and

(C) an assessment of progress made in the previous 5 years toward establishing domestic production of molybdenum-99 for medical uses, including the extent to which other medical isotopes that have been produced with molybdenum-99, such as iodine-131 and xenon-133, are being used for medical purposes.

(2) An assessment of the progress made by the Department and others to eliminate all worldwide use of highly enriched uranium in reactor fuel, reactor targets, and medical isotope production facilities.

SEC. 3159. REPEAL.

The Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9701 et seq.) is repealed.
Subtitle F—Other Matters

SEC. 3161. CONGRESSIONAL ADVISORY PANEL ON THE GOVERNANCE STRUCTURE OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION AND ITS RELATIONSHIP TO OTHER FEDERAL AGENCIES.

(a) Establishment.—There is established a congressional advisory panel (in this section referred to as the “advisory panel”) to assess the feasibility and advisability of, and make recommendations with respect to, revising the governance structure of the National Nuclear Security Administration (in this section referred to as the “Administration”) to permit the Administration to operate more effectively.

(b) Composition.—

(1) Membership.—The advisory panel shall be composed of 12 members appointed as follows:

(A) Three by the Speaker of the House of Representatives.

(B) Three by the Minority Leader of the House of Representatives.

(C) Three by the Majority Leader of the Senate.

(D) Three by the Minority Leader of the Senate.
(2) CHAIRMAN; VICE CHAIRMAN.—

(A) CHAIRMAN.—The Speaker of the House of Representatives and the Majority Leader of the Senate shall jointly designate one member of the advisory panel to serve as chairman of the advisory panel.

(B) VICE CHAIRMAN.—The Minority Leader of the House of Representatives and the Minority Leader of the Senate shall jointly designate one member of the advisory panel to serve as vice chairman of the advisory panel.

(3) PERIOD OF APPOINTMENT; VACANCIES.—Each member of the advisory panel shall be appointed for a term of one year and may be reappointed for an additional period lasting until the termination of the advisory panel in accordance with subsection (f). Any vacancy in the advisory panel shall be filled in the same manner as the original appointment.

(c) COOPERATION FROM FEDERAL AGENCIES.—

(1) COOPERATION.—The advisory panel shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other Federal official in providing the advisory panel with analyses, briefings, and other information necessary
for the advisory panel to carry out its duties under this section.

(2) Access to Information.—Members of the advisory panel shall have access to all information, including classified information, necessary to carry out the duties of the advisory panel under this section. The security clearance process shall be expedited for members and staff of the advisory panel to the extent necessary to permit the advisory panel to carry out its duties under this section.

(3) Liaison.—The Secretary of Defense, the Secretary of State, and the Secretary of Energy shall each designate at least one officer or employee of the Department of Defense, Department of State, and the Department of Energy, respectively, to serve as a liaison officer between the department and the advisory panel.

(d) Report Required.—Not later than 120 days after the date that each of the members of the advisory panel has been appointed, the advisory panel shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives an interim report on the feasibility and advisability of revising the governance structure of the Administration
to permit the Administration to operate more effectively,
to be followed by a final report prior to the termination
of the advisory panel in accordance with subsection (f). The
reports shall include the following:

(1) Recommendations with respect to the fol-
lowing:

(A) The organization and structure of the
Administration, including the roles, responsibil-
ities, and authorities of the Administration and
mechanisms for holding the Administration ac-
countable.

(B) The allocation of roles and responsibil-
ities with respect to the safety and security of the
nuclear weapons complex.

(C) The relationship of the Administration
to the National Security Council, the Nuclear
Weapons Council, the Department of Energy, the
Department of Defense, and other Federal agen-
cies, as well as the national security laboratories,
as appropriate.

(D) The role of the Administration in the
interagency process for planning, programming,
and budgeting with respect to the nuclear weap-
ons complex.
(E) Legislative changes necessary for revising the governance structure of the Administration.

(F) The appropriate structure for oversight of the Administration by congressional committees.

(G) The length of the term of the Administrator for Nuclear Security.

(H) The authority of the Administrator to appoint senior members of the Administrator’s staff.

(I) Whether the nonproliferation activities of the Administration on the day before the date of the enactment of this Act should remain with the Administration or be transferred to another agency.

(J) Infrastructure, rules, and standards that will better protect the safety and health of nuclear workers, while also permitting those workers the appropriate freedom to efficiently and safely carry out their mission.

(K) Legislative or regulatory changes required to improve contracting best practices in order to reduce the cost of programs without eroding mission requirements.
(L) Whether the Administration should operate more independently of the Department of Energy while reporting to the President through Secretary of Energy.

(2) An assessment of how revisions to the governance structure of the Administration will lead to a more mission-focused management structure capable of keeping programs on schedule and within cost estimates.

(3) An assessment of the disadvantages and benefits of each organizational structure for the Administration considered by the advisory panel.

(4) An assessment of how the national security laboratories can expand basic science in support of ancillary national security missions in a manner that mutually reinforces the stockpile stewardship mission of the Administration and encourages the retention of top performers.

(5) An assessment of how to better retain and recruit personnel, including recommendations for creating an improved professional culture that emphasizes the scientific, engineering, and national security objectives of the United States.

(6) Any other information or recommendations relating to revising the governance structure of the
Administration that the advisory panel considers appropriate.

(e) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2013 and made available to the Department of Defense pursuant to this Act, not more than $1,000,000 shall be made available to the advisory panel to carry out this section.

(f) SUNSET.—The advisory panel established by subsection (a) of this section shall be terminated on the date that is 365 days after the date that each of the twelve members of the advisory panel has first been appointed.

TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

SEC. 3201. AUTHORIZATION.

There are authorized to be appropriated for fiscal year 2013, $29,415,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

TITLE XXXV—MARITIME ADMINISTRATION

SEC. 3501. SHORT TITLE.

This title may be cited as the “Maritime Administration Authorization Act for Fiscal Year 2013”.
SEC. 3502. CONTAINER-ON-BARGE TRANSPORTATION.

(a) ASSESSMENT.—The Administrator of the Maritime Administration shall assess the potential for using container-on-barge transportation in short sea transportation (as such term is defined in section 55605 of title 46, United States Code).

(b) FACTORS.—In conducting the assessment under subsection (a), the Administrator shall consider—

(1) the environmental benefits of increasing container-on-barge movements in short sea transportation;

(2) the regional differences in the use of short sea transportation;

(3) the existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;

(4) the mechanisms necessary to ensure that implementation of a plan under subsection (c) will not be inconsistent with antitrust laws; and

(5) the potential frequency of container-on-barge service at short sea transportation ports.

(c) RECOMMENDATIONS.—The assessment under subsection (a) may include recommendations for a plan to increase awareness of the potential for use of container-on-barge transportation.
(d) **DEADLINE.**—Not later than 180 days after the date of enactment of this title, the Administrator shall submit the assessment required under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 3503. SHORT SEA TRANSPORTATION.**

(a) **PURPOSE.**—Section 55601 of title 46, United States Code, is amended—

1. in subsection (a), by striking “landside congestion.” and inserting “landside congestion or to promote short sea transportation.”;
2. in subsection (c), by striking “coastal corridors” and inserting “coastal corridors or to promote short sea transportation”;
3. in subsection (d), by striking “that the project may” and all that follows through the end of the subsection and inserting “that the project uses documented vessels and—

   “(1) mitigates landside congestion; or
   “(2) promotes short sea transportation.”; and
4. in subsection (f), by striking “shall” each place it appears and inserting “may”.

(b) **DOCUMENTATION.**—Section 55605 of title 46, United States Code, is amended in the matter preceding
paragraph (1) by striking “by vessel” and inserting “by a documented vessel”.

SEC. 3504. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE.

(a) In general.—Chapter 503 of title 46, United States Code, is amended by adding at the end the following:

“§ 50307. Maritime environmental and technical assistance

“(a) In general.—The Secretary of Transportation may engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under United States registry, and through partnerships and cooperative efforts with academic, public, private, and non-governmental entities and facilities.

“(b) Requirements.—The Secretary of Transportation may—

“(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

“(A) reducing air emissions, water emissions, or other ship discharges;
“(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

“(C) controlling aquatic invasive species;

and

“(2) coordinate with the Environmental Protection Agency, the United States Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

“(c) COORDINATION.—Coordination under subsection (b)(2) may include—

“(1) activities that are associated with the development or approval of validation and testing regimes;

and

“(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

“(d) ASSISTANCE.—The Secretary of Transportation may accept gifts, or enter into cooperative agreements, contracts, or other agreements with academic, public, private, and non-governmental entities to carry out the activities authorized under subsection (a).”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 503 of title 46, United States Code, is amended
by inserting after the item relating to section 50306 the follow-
ing:

“50307. Maritime environmental and technical assistance.”.

SEC. 3505. IDENTIFICATION OF ACTIONS TO ENABLE QUALI-
FIED UNITED STATES FLAG CAPACITY TO
MEET NATIONAL DEFENSE REQUIREMENTS.

Section 501(b) of title 46, United States Code, is
amended—

(1) by striking “When the head” and inserting
the following:

“(1) IN GENERAL.—When the head”; and

(2) by adding at the end the following:

“(2) DETERMINATIONS.—The Maritime Admin-
istrator shall—

“(A) for each determination referred to in
paragraph (1), identify any actions that could be
taken to enable qualified United States flag ca-
pacity to meet national defense requirements;

“(B) provide notice of each such determina-
tion to the Secretary of Transportation and the
head of the agency referred to in paragraph (1)
for which the determination is made; and

“(C) publish each such determination on the
Internet Web site of the Department of Transpor-
tation not later than 48 hours after notice of the
determination is provided to the Secretary of Transportation.

“(3) NOTICE TO CONGRESS.—

“(A) IN GENERAL.—The head of an agency referred to in paragraph (1) shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

“(i) of any request for a waiver of the navigation or vessel-inspection laws under this section not later than 48 hours after receiving such a request; and

“(ii) of the issuance of any such waiver not later than 48 hours after such issuance.

“(B) CONTENTS.—Such head of an agency shall include in each notification under subparagraph (A)(ii) an explanation of—

“(i) the reasons the waiver is necessary; and

“(ii) the reasons actions referred to in paragraph (2)(A) are not feasible.”.
SEC. 3506. MARITIME WORKFORCE STUDY.

(a) Training Study.—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) Study Components.—The study shall—

(1) analyze the impact of maritime training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;

(2) evaluate the ability of the United States maritime training infrastructure to meet the needs of the maritime industry;

(3) identify trends in maritime training;

(4) compare the training needs of United States mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of United States mariners;

(5) include recommendations to enhance the capabilities of the United States maritime training infrastructure; and

(6) include recommendations to assist United States mariners and those entering the maritime profession to achieve the required training.

(c) Final Report.—Not later than 1 year after the date of enactment of this title, the Comptroller General shall
submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 3507. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.

(a) In General.—Not later than 12 months after the date of enactment of this title, the Comptroller General of the Government Accountability Office shall conduct an assessment of the source selection procedures and practices used to award the Maritime Administration’s National Defense Reserve Fleet vessel recycling contracts. The Comptroller General shall assess the process, procedures, and practices used for the Maritime Administration’s qualification of vessel recycling facilities. The Comptroller General shall report the findings to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

(b) Assessment.—The assessment under subsection (a) shall include a review of whether the Maritime Administration’s contract source selection procedures and practices are consistent with law, the Federal Acquisition Regu-
tions (FAR), and Federal best practices associated with making source selection decisions.

(c) CONSIDERATIONS.—In making the assessment under subsection (a), the Comptroller General may consider any other aspect of the Maritime Administration’s vessel recycling process that the Comptroller General deems appropriate to review.

SEC. 3508. REQUIREMENT FOR BARGE DESIGN.

Not later than 270 days after the date of enactment of this title, the Administrator of the Maritime Administration shall complete the design for a containerized, articulated barge, as identified in the dual-use vessel study carried out by the Administrator and the Secretary of Defense, that is able to utilize roll-on/roll-off or load-on/load-off technology in marine highway maritime commerce.

SEC. 3509. ELIGIBILITY TO RECEIVE SURPLUS TRAINING EQUIPMENT.

Section 51103(b)(2)(C) of title 46, United States Code, is amended by inserting “or a training institution that is an instrumentality of a State, Territory, or Commonwealth of the United States or District of Columbia or a unit of local government thereof” after “a non-profit training institution”.

†HR 4310 PP
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.—Decisions by agency heads 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 be based on authorized, transparent, statutory criteria, or merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, and 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 of this Act or any other...
provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) ORAL AND WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supercede the requirements of this section.
## TITLE XLI—PROCUREMENT

### SEC. 4101. PROCUREMENT.

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†HR 4310 PP
SEC. 4101. PROCUREMENT (In Thousands of Dollars)

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PROCUREMENT OF WATCV, ARMY

TRACKED COMBAT VEHICLES

001 STRYKER VEHICLE | 286,818 | 286,818 |
002 FCS SPIN OUTS | 0 | 0 |

MODIFICATION OF TRACKED COMBAT VEHICLES

003 STRYKER (MOD) | 60,982 | 60,982 |
004 FIST VEHICLE (MOD) | 51,275 | 51,275 |
005 BRADLEY PROGRAM (MOD) | 149,189 | 149,189 |
006 HOWITZER, M6 SP FT 155MM M109A6 (MOD) | 10,141 | 10,141 |
007 PALADIN 155MM MOD IN SERVICE | 206,101 | 206,101 |
008 IMPROVED RECOVERY VEHICLE (Memorandum HERCULES) | 102,709 | 239,709 |

Funding provided: $[123,000]

009 ASSAULT REACHER VEHICLE | 50,029 | 50,029 |
010 M8A1 FOV MODS | 29,930 | 29,930 |
011 M1 ABRAMS TANK (MOD) | 129,090 | 129,090 |
012 ABRAMS UPGRADE PROGRAM | 73,333 | 73,333 |
013A ADVANCE PROCUREMENT (FY) | 31,000 |

Advanced procurements, above average program

SUPPORT EQUIPMENT & FACILITIES

013 PRODUCTION BASE SUPPORT (FY: WATCV) | 1,143 | 1,143 |

WEAPONS & OTHER COMBAT VEHICLES

014 INTEGRATED AIR BURST WEAPONS SYSTEM FAMILY | 506 | 506 |
015 M20 MEDIUM MACHINE GUN (7.62MM) | 0 | 0 |
016 MACHINE GUN (50 M M 50) | 0 | 0 |
017 LIGHTWEIGHT 50 CALIBER MACHINE GUN | 25,183 | 0 |

Program termination: $[25,183]

018 M9-19 GRENADE MACHINE GUN (16MM) | 0 | 0 |
019 MORTAR SYSTEMS | 8,194 | 8,194 |
020 M203, CAL. 50, SNIPER RIFLE | 0 | 0 |
021 XM203 GRENADE LAUNCHER MODULAR (GLM) | 14,096 | 14,096 |
022 M120 SEMI-AUTOMATIC SNIPER SYSTEM (ASSS) | 0 | 0 |
023 M1 CARBINE | 0 | 0 |
024 CARBINE | 2,737 | 2,737 |
025 SHOTGUN, MODULAR ACCESSORY SYSTEM (MASS) | 6,598 | 6,598 |
026 COMMON REMOTELY OPERATED WEAPONS STATION | 56,725 | 56,725 |
027 HOWITZER LT 155MM (T) | 13,827 | 13,827 |

MOD OF WEAPONS AND OTHER COMBAT VEH

028 M9-19 GRENADE MACHINE GUN MODS | 0 | 0 |
029 M203 MODS | 26,843 | 26,843 |
030 M1 CARBINE MODS | 27,274 | 27,274 |
031 M2 50 CAL MACHINE GUN MODS | 39,974 | 39,974 |
032 M19 SAW MACHINE GUN MODS | 4,966 | 4,966 |
033 M20 MEDIUM MACHINE GUN MODS | 6,896 | 6,896 |
034 SNIPER RIFLES MODIFICATIONS | 14,111 | 14,111 |
035 M13 MODIFICATIONS | 20,727 | 20,727 |
036 M16 RIFLE MODS | 3,306 | 3,306 |
037 MODIFICATIONS LESS THAN $5M (WOCU/WATCV) | 3,072 | 3,072 |

SUPPORT EQUIPMENT & FACILITIES

038 ITEMS LESS THAN $5 MILLION (WOCU/WATCV) | 2,026 | 2,026 |
039 PRODUCTION BASE SUPPORT (WOCU/WATCV) | 10,450 | 10,450 |
040 INDUSTRIAL PREPAREDNESS | 442 |

SUPPORT EQUIPMENT & FACILITIES

041 SMALL ARMS EQUIPMENT (SOLDIER ENH PRES) | 3,278 | 3,278 |

SPARES

042 SPARES AND REPAIR PARTS (WATCV) | 35,217 | 35,217 |

TOTAL, PROCUREMENT OF WATCV, ARMY | 1,501,706 | 1,690,523 |

PROCUREMENT OF AMMUNITION, ARMY

SMALL/MEDIUM CAL AMMUNITION

003 .50CAL, ALL TYPES | 156,313 | 156,313 |
004 .50CAL, ALL TYPES | 91,438 | 91,438 |
005 .50CAL, ALL TYPES | 8,954 | 8,954 |
006 .50CAL, ALL TYPES | 109,604 | 109,604 |
007 .50CAL, ALL TYPES | 4,041 | 4,041 |
008 .50CAL, ALL TYPES | 12,654 | 12,654 |
009 .50CAL, ALL TYPES | 72,154 | 35,154 |

Decrease for carry-overs: $[57,000]

010 .50SM, ALL TYPES | 40,138 |

Decrease for carry-overs: $[40,138]

MORTAR AMMUNITION

011 .60MM MORTAR, ALL TYPES | 14,275 | 14,275 |
012 .60MM MORTAR, ALL TYPES | 27,421 | 27,421 |
013 .60MM MORTAR, ALL TYPES | 87,813 | 87,813 |

TANK AMMUNITION
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**OTHER PROCUREMENT, ARMY**

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**NON-TACTICAL VEHICLES**

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**COMM-JOINT COMMUNICATIONS**

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**COMM—SATELLITE COMMUNICATIONS**

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**COMM—COMBAT SUPPORT COMM**

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**COMM—C3 SYSTEM**

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**COMM—COMBAT COMMUNICATIONS**

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† HR 4310 PP
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**COMM—BASE COMMUNICATIONS**

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**ELECT EQUIP—TACTICAL INTEL ACT (TITANIA)**

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**ELECT EQUIP—ELECTRONIC WARFARE (EW)**

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**ELECT EQUIP—TACTICAL SURV. (TAC SURV)**

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**ELECT EQUIP—TACTICAL C2 SYSTEMS**

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**JOINT IMPR EXPLOSIVE DEV DEFEAT FUND**

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**AIRCRAFT PROCUREMENT, NAVY**

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## WEAPONS PROCUREMENT, NAVY

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† HR 4310 PP
### SEC. 4101. PROCUREMENT  
(In Thousands of Dollars)

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**TOTAL, PROCUREMENT, MARINE CORPS**

$1,622,955, 1,347,755

**AIRCRAFT PROCUREMENT, AIR FORCE**

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**TOTAL, PROCUREMENT, MARINE CORPS**

$1,622,955, 1,347,755

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*Redacted production line for the EISARS re-engineering program [12,000]*

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**MAJOR EQUIPMENT, CONSTRUCTION AND REPAIR**

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**CLASSIFIED PROGRAMS**

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**SEC. 4101, PROCUREMENT (In Thousands of Dollars)**

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**CLASSIFIED PROGRAMS**

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## SEC. 4101. PROCUREMENT

(In Thousands of Dollars)

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### NATIONAL GUARD & RESERVE EQUIPMENT

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### JOINT URGENT OPERATIONAL NEEDS FUND

| JOINT URGENT OPERATIONAL NEEDS FUND | 99,477 | 99,477 |
| TOTAL, JOINT URGENT OPERATIONAL NEEDS FUND | 99,477 | 99,477 |

TOTAL, PROCUREMENT | 97,432,379 | 96,959,163 |
1  **SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS.**

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**† HR 4310 PP**
**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**

(In Thousands of Dollars)

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**TOTAL, PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**

943,683

**TOTAL, PROCUREMENT, MARINE CORPS**

943,683

**SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS**

(In Thousands of Dollars)

- **AIRCRAFT PROCUREMENT, AIR FORCE**
- **STRATEGIC AIRCRAFT**
- **OTHER AIRCRAFT**
- **HELICOPTER INFRARED COUNTERMEASURES**
- **U-2 MODS**
- **C-130 MODIFICATIONS**
- **EC-135 MODIFICATIONS**
- **HELICOPTER REPAIR PARTS**
- **OTHER PRODUCTION CHARGES**

**AIRCRAFT PROCUREMENT, MARINE CORPS**

943,683

**OTHER PROCUREMENT, NAVY**

98,882

**OTHER PROCUREMENT, NAVY**

98,882

**TOTAL, OTHER PROCUREMENT, NAVY**

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## TITLE XLII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.

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**SUBTOTAL, ADVANCED TECHNOLOGY DEVELOPMENT** | 890,722 | 890,722 |

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**SUBTOTAL, ADVANCED COMPONENT DEVELOPMENT & PROTOTYPES** | 610,121 | 610,121 | 890,722 | 890,722 |
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**RDT&E MANAGEMENT SUPPORT**

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**OPERATIONAL SYSTEMS DEVELOPMENT**

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**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

**(In Thousands of Dollars)**

† HR 4310 PP
### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

#### (In Thousands of Dollars)

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1058
SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION
(In Thousands of Dollars)

rfrederick on DSK6VPTVN1PROD with

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PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS .......
JOINT STANDOFF WEAPON SYSTEMS .......................................................
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SHIP SELF DEFENSE (ENGAGE: HARD KILL) .......................................
SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) .................................
INTELLIGENCE ENGINEERING ....................................................................
MEDICAL DEVELOPMENT ..............................................................................
NAVIGATION/ID SYSTEM ................................................................................
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JOINT STRIKE FIGHTER (JSF)—EMD .......................................................
INFORMATION TECHNOLOGY DEVELOPMENT .......................................
INFORMATION TECHNOLOGY DEVELOPMENT .......................................
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CH–53K RDTE ....................................................................................................
JOINT AIR-TO-GROUND MISSILE (JAGM) .................................................
MULTI-MISSION MARITIME AIRCRAFT (MMA) .......................................
DDG–1000 .............................................................................................................
TACTICAL COMMAND SYSTEM—MIP .........................................................
SSN–688 AND TRIDENT MODERNIZATION—MIP ....................................
TACTICAL CRYPTOLOGIC SYSTEMS ...........................................................
SPECIAL APPLICATIONS PROGRAM ...........................................................
SUBTOTAL, SYSTEM DEVELOPMENT & DEMONSTRATION ................................................................................................................
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THREAT SIMULATOR DEVELOPMENT ......................................................
TARGET SYSTEMS DEVELOPMENT ............................................................
MAJOR T&E INVESTMENT .............................................................................
JOINT THEATER AIR AND MISSILE DEFENSE ORGANIZATION ......
STUDIES AND ANALYSIS SUPPORT—NAVY .............................................
CENTER FOR NAVAL ANALYSES .................................................................
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TECHNICAL INFORMATION SERVICES .....................................................
MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT ...............
STRATEGIC TECHNICAL SUPPORT ............................................................
RDT&E SCIENCE AND TECHNOLOGY MANAGEMENT ..........................
RDT&E SHIP AND AIRCRAFT SUPPORT ...................................................
TEST AND EVALUATION SUPPORT ............................................................
OPERATIONAL TEST AND EVALUATION CAPABILITY .........................
NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT ............
SEW SURVEILLANCE/RECONNAISSANCE SUPPORT .............................
MARINE CORPS PROGRAM WIDE SUPPORT ............................................
TACTICAL CRYPTOLOGIC ACTIVITIES ......................................................
SERVICE SUPPORT TO JFCOM, JNTC ........................................................
FINANCING FOR CANCELLED ACCOUNT ADJUSTMENTS ...................
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UNMANNED COMBAT AIR VEHICLE (UCAV) ADVANCED COMPONENT AND PROTOTYPE DEVELOPMENT ..............................................
MARINE CORPS COMBAT SERVICES SUPPORT ......................................
MARINE CORPS DATA SYSTEMS .................................................................
STRATEGIC SUB & WEAPONS SYSTEM SUPPORT .................................
SSBN SECURITY TECHNOLOGY PROGRAM ..............................................
SUBMARINE ACOUSTIC WARFARE DEVELOPMENT .............................
NAVY STRATEGIC COMMUNICATIONS .......................................................
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F/A–18 SQUADRONS .........................................................................................
E–2 SQUADRONS ...............................................................................................
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SURFACE SUPPORT .........................................................................................
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INTEGRATED SURVEILLANCE SYSTEM ....................................................
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CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT ........................
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ELECTRONIC WARFARE (EW) READINESS SUPPORT .........................
HARM IMPROVEMENT .....................................................................................
TACTICAL DATA LINKS ..................................................................................
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### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

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**Notes:**
- SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (in Thousands of Dollars)
- **Line Program Element:** Various program elements are listed, each with a line number followed by the program element identifier.
- **Item:** Descriptions of the programs or initiatives.
- **FY 2013 Request:** Financial requests for the fiscal year 2013, in thousands of dollars.
- **Senate Authorized:** Authorized amounts in thousands of dollars.
### SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

#### (In Thousands of Dollars)

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**HR 4310 PP**
## SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

### (In Thousands of Dollars)

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### UNDISTRIBUTED

- **UNDISTRIBUTED**
  - DARPA undistributed reduction | -100,000 |
  - DARPA undistributed reduction | -30,000 |

### TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DW

- **TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL, DW** | 17,982,161 | 18,444,261 |

### OPERATIONAL TEST & EVAL, DEFENSE

- **OPERATIONAL TEST & EVAL, DEFENSE** | 72,501 | 76,501 |

### NDMA MANAGEMENT SUPPORT

- **NDMA MANAGEMENT SUPPORT** | 4,000 | 4,000 |

### TOTAL, OPERATIONAL TEST & EVAL, DEFENSE

- **TOTAL, OPERATIONAL TEST & EVAL, DEFENSE** | 185,268 | 189,268 |

### TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL

- **TOTAL, RESEARCH, DEVELOPMENT, TEST & EVAL** | 69,407,767 | 69,286,318 |
## SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.

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## TITLE XLIII—OPERATION AND MAINTENANCE

### SEC. 4301. OPERATION AND MAINTENANCE.

#### (In Thousands of Dollars)

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### MOBILIZATION

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OPERATION & MAINTENANCE, MARINE CORPS

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TRAINING AND RECRUITING

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ADMIN & SRVWD ACTIVITIES

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TOTAL, OPERATION & MAINTENANCE, MARINE CORPS

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ATION | 1,353,987 | 1,353,987 |
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| 320 GLOBAL C3I AND EARLY WARNING | 916,200 | 916,200 |
| 330 OTHER COMBAT OPS SPT PROGRAMS | 957,040 | 957,040 |
| 340 JCS EXERCISES | 0 | 0 |
| 110 TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES | 733,716 | 733,716 |
| 190 LAUNCH FACILITIES | 314,490 | 314,490 |
|      | TOTAL, OPERATION &amp; MAINTENANCE, MARINE CORPS | 5,983,163 | 5,983,163 |</p>
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**TOTAL, OPERATION & MAINTENANCE, DEFENSE-WIDE**

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**TRAINING AND RECRUITING**

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### SEC. 4301. OPERATION AND MAINTENANCE

#### (In Thousands of Dollars)

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#### UNDISTRIBUTED

**UNDISTRIBUTED**

- Unobligated balances: [5,000] (In Thousands of Dollars)
- Impact aid for schools with military dependent students: [25,000]
- Impact aid for children with severe disabilities: [5,000]

**TOTAL, OPERATION & MAINTENANCE, DEFENSE-WIDE**

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#### UNDISTRIBUTED

- Unobligated balances: [5,000]
- Impact aid for schools with military dependent students: [25,000]
- Impact aid for children with severe disabilities: [5,000]

**TOTAL, OPERATION & MAINTENANCE, DEFENSE-WIDE**

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#### ADMIN & SRWVD ACTIVITIES

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#### OPERATION & MAINTENANCE, NAVY RES

†HR 4310 PP
## SEC. 4301. OPERATION AND MAINTENANCE

### (In Thousands of Dollars)

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**SUBTOTAL, OPERATING FORCES** | 1,224,046 | 1,224,046 |

### ADMIN & SRVWD ACTIVITIES

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**SUBTOTAL, ADMIN & SRVWD ACTIVITIES** | 22,936 | 22,936 |

**TOTAL, OPERATION & MAINTENANCE, NAVY RES** | 1,246,982 | 1,246,982 |

### OPERATION & MAINTENANCE, MC RESERVE

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**SUBTOTAL, OPERATING FORCES** | 248,084 | 248,084 |

### ADMIN & SRVWD ACTIVITIES

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**SUBTOTAL, ADMIN & SRVWD ACTIVITIES** | 24,201 | 24,201 |

**TOTAL, OPERATION & MAINTENANCE, MC RESERVE** | 272,285 | 272,285 |

### OPERATION & MAINTENANCE, AF RESERVE

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**SUBTOTAL, OPERATING FORCES** | 3,044,845 | 3,044,845 |

### ADMIN & SRVWD ACTIVITIES

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**SUBTOTAL, ADMIN & SRVWD ACTIVITIES** | 121,637 | 121,637 |

**TOTAL, OPERATION & MAINTENANCE, AF RESERVE** | 3,166,482 | 3,166,482 |

### OPERATION & MAINTENANCE, ARNG

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**TOTAL, OPERATION & MAINTENANCE, ARNG** | 3,166,482 | 3,166,482 |
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SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS
(In Thousands of Dollars)

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**TOTAL, OPERATION & MAINTENANCE, NAVY**

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**OPERATION & MAINTENANCE, MARINE CORPS**

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**TRAINING AND RECRUITING**

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**ADMIN & SRVWD ACTIVITIES**

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**TOTAL, OPERATION & MAINTENANCE, MARINE CORPS**

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**TRAINING AND RECRUITING**

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**ADMIN & SRVWD ACTIVITIES**

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## SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS

(In Thousands of Dollars)

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**ADMIN & SRVWD ACTIVITIES**

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**TOTAL, OPERATION & MAINTENANCE, ARNG**

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**TOTAL, OPERATION & MAINTENANCE, ANG**

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**AFGHANISTAN SECURITY FORCES FUND**

**MINISTRY OF DEFENSE**

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**MINISTRY OF INTERIOR**

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**RELATED ACTIVITIES**

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**TOTAL, AFGHANISTAN SECURITY FORCES FUND**

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**AFGHANISTAN INFRASTRUCTURE FUND**

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**TOTAL, OPERATION & MAINTENANCE**

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**SEC. 4401. MILITARY PERSONNEL.**

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SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS.

SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)

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### TITLE XLV—OTHER AUTHORIZATIONS

#### SEC. 4501. OTHER AUTHORIZATIONS.

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1  **SEC. 4502. OTHER AUTHORIZATIONS FOR OVERSEAS CONTINGENCY OPERATIONS.**

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## SEC. 4601. MILITARY CONSTRUCTION.

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## SEC. 4601. MILITARY CONSTRUCTION
(In Thousands of Dollars)

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### SEC. 4601. MILITARY CONSTRUCTION

(In Thousands of Dollars)

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**Military, Defense-Wide—SUBTOTAL**: 3,654,623 3,435,123

**Services MILCON—TOTAL**: 7,668,131 7,064,217

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† HR 4310 PP
## SEC. 4601. MILITARY CONSTRUCTION

### (In Thousands of Dollars)

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**Army Fam Hsg O&M—Subtotal** 530,051

**Army Fam Hsg—TOTAL** 534,692

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**Navy Fam Housing**

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**Navy Fam Hsg Construction—Subtotal** 102,182

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**AF Fam Housing**

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**AF Fam Hsg Construction—Subtotal** 83,824

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**Army Fam Hsg O&M**

**Army Fam Hsg—TOTAL**

**Navy Fam Hsg**

**Navy Fam Hsg Construction—Subtotal**

**AF Fam Housing**

**AF Fam Hsg Construction—Subtotal**

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(In Thousands of Dollars)

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### Def/Wide Fam Housing

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**Def/Wide Fam Hsg O&M—Subtotal**: 52,238

### DoD FH Imprv Fd

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**DoD Fam Hsg Imprv Fd—Subtotal**: 1,786

**FAM HSG—TOTAL**: 1,650,781

### BRAC IV

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**BRAC IV—TOTAL**: 349,396

### 2005 BRAC

#### ARMY BRAC

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(In Thousands of Dollars)  

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**NAVY BRAC**

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**AF BRAC**

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**MILCON GRAND TOTAL**

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**TITLE XLVII—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS.**

<table>
<thead>
<tr>
<th>Discretionary Summary By Appropriation</th>
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<td><strong>Atomic Energy Defense Activities</strong></td>
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<tr>
<td>Defense nuclear nonproliferation</td>
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<td>Naval reactors</td>
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### SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

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### Campaigns:

#### Science campaign
- Advanced certification ........................................ 44,104 44,104
- Primary assessment technologies ....................... 94,000 94,000
- Dynamic materials properties ......................... 97,600 97,600
- Advanced microscopy ...................................... 30,000 30,000
- Secondary assessment technologies ................... 85,000 85,000

**Total, Science campaign** .................................. 350,104 350,104

#### Engineering campaign
- Enhanced surety ............................................. 46,421 46,421
- Weapon systems engineering assessment technology .... 18,983 18,983
- Nuclear survivability .................................... 21,788 21,788
- Enhanced surveillance .................................... 62,379 62,379

**Total, Engineering campaign** .......................... 150,571 150,571

#### Inertial confinement fusion ignition and high yield campaign
- Diagnostics, cryogenics and experimental support ...... 81,942 81,942
- Ignition ....................................................... 84,172 84,172
- Support of other stockpile programs ................... 14,817 14,817
- Pulsed power inertial confinement fusion ............... 6,044 6,044
- Joint programs in high energy density laboratory plasmas 8,324 8,324
- Facility operations and target production ............. 264,691 264,691

**Total, Inertial confinement fusion and high yield campaign** 460,000 460,000

#### 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 1,690,770

#### Readiness in technical base and facilities (RTBF)

**Operations of facilities**
- Kansas City Plant ........................................ 162,602 162,602
- Lawrence Livermore National Laboratory ............. 89,048 89,048
- Los Alamos National Laboratory ....................... 335,978 335,978
- Savannah 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
- Nuclear operations capability support ............... 203,346 203,346

**Subtotal, Readiness in technical base and facilities** 1,789,694 1,789,694

#### Construction:
- 14–D–301 Electrical infrastructure upgrade, LANL/LLNL .... 23,000 23,000
- 12–D–301 TRU waste facilities, LANL .................... 24,204 24,204
- 15–D–801 TX–35 Reinvestment project, LANL ............ 8,889 8,889
- 10–D–501 Nuclear facilities risk reduction Y–12 National security complex, Oakridge, TX .......... 17,909 17,909
- 09–D–101 Test capabilities verilization II, Sandia National Laboratories, Albuquerque, NM ............. 11,332 11,332
- 08–D–802 High explosive pressing facility Pantex Plant, Amarillo, TX ........................................ 24,800 24,800
- 06–D–114 PEF/Construction, UPFY–12, Oak Ridge, TN .... 340,000 340,000
- 06–D–114 PEF/Construction, UPFY–12, Phase I, Oak Ridge, TN .................................................... 0 340,000

**Total, Construction** ........................................ 450,134 450,134

**Total, Readiness in technical base and facilities** ........................................... 2,239,828 2,239,828

#### Secure transportation asset
- Operations and equipment .................................. 114,965 114,965
- Program direction .......................................... 104,396 104,396

**Total, Secure transportation asset** ...................... 219,361 219,361

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<tr>
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<td>Fissile materials disposition</td>
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<td>U.S. surplus fissile materials disposition</td>
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<td>Operations and maintenance</td>
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<td>Legacy contractor pensions</td>
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**Naval Reactors**

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<td>Ohio replacement reactor systems development</td>
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<td>SSG Prototype refueling</td>
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<td>Naval reactors operations and infrastructure</td>
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<td>15-D-905 Remote-handled low-level waste facility, INL</td>
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<td>15-D-904 RK Radiological work and storage building, KSO</td>
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<td>15-D-903, RK Prototype Staff Building, KSO</td>
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<td>16-D-903, Security upgrades, KAPL</td>
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<td>08-D-190 Expanded Core Facility M-290 recovering discharge division, Naval Reactor Facility, ID</td>
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Office Of The Administrator

Office of the administrator .................................................................................................. 411,279 386,279

Total, Office Of The Administrator .................................................................................. 411,279 386,279

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 ......................................................................... 2,000 2,000

Total, Idaho National Laboratory ....................................................................................... 398,607 398,607

NNSA sites

Lawrence Livermore National Laboratory .......................................................................... 1,464 1,464

Nuclear facility D/E Separations Process Research Unit .................................................... 24,000 24,000

Nevada .................................................................................................................................. 64,614 64,614

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 839 .................................................................................................................... 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
End liquid tank waste stabilization and disposal ............................................................... 452,113 452,113

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 ............................................ 658,294 658,294

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
Pantex .................................................................................................................................... 8,578 8,578
Richland/Hanford Site ......................................................................................................... 71,746 71,746

Savannah River Site ............................................................................................................ 121,977 121,977

Waste Isolation Pilot Project .............................................................................................. 4,927 4,927
West Valley .......................................................................................................................... 2,015 2,015

Total, Safeguards and Security .......................................................................................... 237,019 237,019

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<td>Use of unobligated balances</td>
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<td><strong>Total, Defense Environmental Cleanup</strong></td>
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</table>

**Other Defense Activities**

- **Health, safety and security**
  - Health, safety and security ........................................ 139,325 139,325
  - Program direction ..................................................... 106,175 106,175
  - **Total, Health, safety and security** ......................... **245,500** **245,500**

- 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** **735,702**
  - **Total, Other Defense Activities** ......................... **735,702** **735,702**
DIVISION E—HOUSING
ASSISTANCE FOR VETERANS

TITLE L—HOUSING ASSISTANCE
FOR VETERANS

SEC. 5001. SHORT TITLE.

This division may be cited as the “Housing Assistance
for Veterans Act of 2012” or the “HAVEN Act”.

SEC. 5002. DEFINITIONS.

In this division:

(1) DISABLED.—The term “disabled” means an
individual with a disability, as defined by section
12102 of title 42, United States Code.

(2) ELIGIBLE VETERAN.—The term “eligible vet-
eran” means a disabled or low-income veteran.

(3) ENERGY EFFICIENT FEATURES OR EQUIP-
MENT.—The term “energy efficient features or equip-
ment” means features of, or equipment in, a primary
residence that help reduce the amount of electricity
used to heat, cool, or ventilate such residence, includ-
ing insulation, weatherstripping, air sealing, heating
system repairs, duct sealing, or other measures.

(4) LOW-INCOME VETERAN.—The term “low-in-
come veteran” means a veteran whose income does not
exceed 80 percent of the median income for an area,
as determined by the Secretary.
(5) NONPROFIT ORGANIZATION.—The term “non-profit organization” means an organization that is—

(A) described in section 501(c)(3) or 501(c)(19) of the Internal Revenue Code of 1986; and

(B) exempt from tax under section 501(a) of such Code.

(6) PRIMARY RESIDENCE.—

(A) In general.—The term “primary residence” means a single family house, a duplex, or a unit within a multiple-dwelling structure that is an eligible veteran’s principal dwelling and is owned by such veteran or a family member of such veteran.

(B) Family member defined.—For purposes of this paragraph, the term “family member” includes—

(i) a spouse, child, grandchild, parent, or sibling;

(ii) a spouse of such a child, grandchild, parent, or sibling; or

(iii) any individual related by blood or affinity whose close association with a veteran is the equivalent of a family relationship.
(7) **QUALIFIED ORGANIZATION.**—The term “qualified organization” means a nonprofit organization that provides nationwide or State-wide programs that primarily serve veterans or low-income individuals.

(8) **SECRETARY.**—The term “Secretary” means the Secretary of Housing and Urban Development.

(9) **VETERAN.**—The term “veteran” has the same meaning as given such term in section 101 of title 38, United States Code.

(10) **VETERANS SERVICE ORGANIZATION.**—The term “veterans service organization” means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

**SEC. 5003. ESTABLISHMENT OF A PILOT PROGRAM.**

(a) **GRANT.**—

(1) **IN GENERAL.**—The Secretary shall establish a pilot program to award grants to qualified organizations to rehabilitate and modify the primary residence of eligible veterans.

(2) **COORDINATION.**—The Secretary shall work in conjunction with the Secretary of Veterans Affairs to establish and oversee the pilot program and to en-
sure that such program meets the needs of eligible veterans.

(3) MAXIMUM GRANT.—A grant award under the pilot program to any one qualified organization shall not exceed $1,000,000 in any one fiscal year, and such an award shall remain available until expended by such organization.

(b) APPLICATION.—

(1) In general.—Each qualified organization that desires a grant under the pilot program shall submit an application to the Secretary at such time, in such manner, and, in addition to the information required under paragraph (2), accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

(A) a plan of action detailing outreach initiatives;

(B) the approximate number of veterans the qualified organization intends to serve using grant funds;

(C) a description of the type of work that will be conducted, such as interior home modifications, energy efficiency improvements, and other similar categories of work; and
(D) a plan for working with the Department of Veterans Affairs and veterans service organizations to identify veterans and serve their needs.

(3) preferences.—In awarding grants under the pilot program, the Secretary shall give preference to a qualified organization—

(A) with experience in providing housing rehabilitation and modification services for disabled veterans; or

(B) that proposes to provide housing rehabilitation and modification services for eligible veterans who live in rural areas (the Secretary, through regulations, shall define the term “rural areas”).

(c) criteria.—In order to receive a grant award under the pilot program, a qualified organization shall meet the following criteria:

(1) Demonstrate expertise in providing housing rehabilitation and modification services for disabled or low-income individuals for the purpose of making the homes of such individuals accessible, functional, and safe for such individuals.

(2) Have established outreach initiatives that—
(A) would engage eligible veterans and veterans service organizations in projects utilizing grant funds under the pilot program; and

(B) identify eligible veterans and their families and enlist veterans involved in skilled trades, such as carpentry, roofing, plumbing, or HVAC work.

(3) Have an established nationwide or Statewide network of affiliates that are—

(A) nonprofit organizations; and

(B) able to provide housing rehabilitation and modification services for eligible veterans.

(4) Have experience in successfully carrying out the accountability and reporting requirements involved in the proper administration of grant funds, including funds provided by private entities or Federal, State, or local government entities.

(d) USE OF FUNDS.—A grant award under the pilot program shall be used—

(1) to modify and rehabilitate the primary residence of an eligible veteran, and may include—

(A) installing wheelchair ramps, widening exterior and interior doors, reconfiguring and re-equipping bathrooms (which includes installing new fixtures and grab bars), removing door-
way thresholds, installing special lighting, adding additional electrical outlets and electrical service, and installing appropriate floor coverings to—

(i) accommodate the functional limitations that result from having a disability; or

(ii) if such residence does not have modifications necessary to reduce the chances that an elderly, but not disabled person, will fall in their home, reduce the risks of such an elderly person from falling;

(B) rehabilitating such residence that is in a state of interior or exterior disrepair; and

(C) installing energy efficient features or equipment if—

(i) an eligible veteran’s monthly utility costs for such residence is more than 5 percent of such veteran’s monthly income; and

(ii) an energy audit of such residence indicates that the installation of energy efficient features or equipment will reduce such costs by 10 percent or more;

(2) in connection with modification and rehabilitation services provided under the pilot program,
to provide technical, administrative, and training support to an affiliate of a qualified organization receiving a grant under such pilot program; and

(3) for other purposes as the Secretary may prescribe through regulations.

(e) Oversight.—The Secretary shall direct the oversight of the grant funds for the pilot program so that such funds are used efficiently until expended to fulfill the purpose of addressing the adaptive housing needs of eligible veterans.

(f) Matching Funds.—

(1) In general.—A qualified organization receiving a grant under the pilot program shall contribute towards the housing modification and rehabilitation services provided to eligible veterans an amount equal to not less than 50 percent of the grant award received by such organization.

(2) In-kind contributions.—In order to meet the requirement under paragraph (1), such organization may arrange for in-kind contributions.

(g) Limitation Cost to the Veterans.—A qualified organization receiving a grant under the pilot program shall modify or rehabilitate the primary residence of an eligible veteran at no cost to such veteran (including application fees) or at a cost such that such veteran pays no more
than 30 percent of his or her income in housing costs during any month.

(h) Reports.—

(1) Annual report.—The Secretary shall submit to Congress, on an annual basis, a report that provides, with respect to the year for which such report is written—

(A) the number of eligible veterans provided assistance under the pilot program;

(B) the socioeconomic characteristics of such veterans, including their gender, age, race, and ethnicity;

(C) the total number, types, and locations of entities contracted under such program to administer the grant funding;

(D) the amount of matching funds and in-kind contributions raised with each grant;

(E) a description of the housing rehabilitation and modification services provided, costs saved, and actions taken under such program;

(F) a description of the outreach initiatives implemented by the Secretary to educate the general public and eligible entities about such program;
(G) a description of the outreach initiatives instituted by grant recipients to engage eligible veterans and veteran service organizations in projects utilizing grant funds under such program;

(H) a description of the outreach initiatives instituted by grant recipients to identify eligible veterans and their families; and

(I) any other information that the Secretary considers relevant in assessing such program.

(2) FINAL REPORT.—Not later than 6 months after the completion of the pilot program, the Secretary shall submit to Congress a report that provides such information that the Secretary considers relevant in assessing the pilot program.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this division $4,000,000 for each of fiscal years 2013 through 2017.

DIVISION F—STOLEN VALOR ACT

TITLE LI—STOLEN VALOR ACT

SEC. 5011. SHORT TITLE.

This division may be cited as the “Stolen Valor Act of 2012”.

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SEC. 5012. FINDINGS.

Congress find the following:

(1) Because of the great respect in which military service and military awards are rightfully held by the public, false claims of receiving such medals or serving in the military are especially likely to be harmful and material to employers, voters in deciding to whom paid elective positions should be entrusted, and in the award of contracts.

(2) Military service and military awards are held in such great respect that public and private decisions are correctly influenced by claims of heroism.

(3) False claims of military service or military heroism are an especially noxious means of obtaining something of value because they are particularly likely to cause tangible harm to victims of fraud.

(4) False claims of military service or the receipt of military awards, if believed, are especially likely to dispose people favorably toward the speaker.

(5) False claims of military service or the receipt of military awards are particularly likely to be material and cause people to part with money or property. Even if such claims are unsuccessful in bringing about this result, they still constitute attempted fraud.

(6) False claims of military service or the receipt of military awards that are made to secure appoint-
ment to the board of an organization are likely to cause harm to such organization through their obtaining the services of an individual who does not bring to that organization what he or she claims, and whose falsehood, if discovered, would cause the organization’s donors concern that the organization’s board might not manage money honestly.

(7) The easily verifiable nature of false claims regarding military service or the receipt of military awards, the relative infrequency of such claims, and the fact that false claims of having served in the military or received such awards are rightfully condemned across the political spectrum, it is especially likely that any law prohibiting such false claims would not be enforced selectively.

(8) Congress may make criminal the false claim of military service or the receipt of military awards based on its powers under article I, section 8, clause 2 of the Constitution of the United States, to raise and support armies, and article I, section 8, clause 18 of the Constitution of the United States, to enact necessary and proper measures to carry into execution that power.
§ 704. Military medals or decorations

(a) In General.—Whoever knowingly purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barters, or exchanges for anything of value any decoration or medal authorized by Congress for the Armed Forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title, imprisoned for not more than 6 months, or both.

(b) False Claims to the Receipt of Military Decorations, Medals, or Ribbons and False Claims Relating to Military Service in Order to Secure a Tangible Benefit or Personal Gain.—

(1) In general.—Whoever, with the intent of securing a tangible benefit or personal gain, knowingly, falsely, and materially represents himself or herself through any written or oral communication (including a resume) to have served in the Armed
Forces of the United States or to have been awarded any decoration, medal, ribbon, or other device authorized by Congress or pursuant to Federal law for the Armed Forces of the United States, shall be fined under this title, imprisoned for not more than 6 months, or both.

“(2) Tangible benefit or personal gain.—For purposes of this subsection, the term ‘tangible benefit or personal gain’ includes—

“(A) a benefit relating to military service provided by the Federal Government or a State or local government;

“(B) public or private employment;

“(C) financial remuneration;

“(D) an effect on the outcome of a criminal or civil court proceeding;

“(E) election of the speaker to paying office; and

“(F) appointment to a board or leadership position of a non-profit organization.

“(c) Definition.—In this section, the term ‘Armed Forces of the United States’ means the Army, Navy, Air Force, Marine Corps, and Coast Guard, including the reserve components named in section 10101 of title 10.”
SEC. 5014. SEVERABILITY.

If any provision of this division, any amendment made by this division, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this division, the amendments made by this division, and the application of such provisions or amendments to any person or circumstance shall not be affected.

DIVISION G—MISCELLANEOUS

TITLE LII—MISCELLANEOUS

SEC. 5021. PUBLIC SAFETY OFFICERS’ BENEFITS PROGRAM.

(a) Short Title.—This section may be cited as the “Dale Long Public Safety Officers’ Benefits Improvements Act of 2012”.

(b) Benefits for Certain Nonprofit Emergency Medical Service Providers; Miscellaneous Amendments.—

(1) In General.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(A) in section 901(a) (42 U.S.C. 3791(a))—

(i) in paragraph (26), by striking “and” at the end;

(ii) in paragraph (27), by striking the period at the end and inserting “; and”;

and
(iii) by adding at the end the following:

“(28) the term ‘hearing examiner’ includes any medical or claims examiner.”;

(B) in section 1201 (42 U.S.C. 3796)—

(i) in subsection (a), by striking “follows:” and all that follows and inserting the following: “follows (if the payee indicated is living on the date on which the determination is made)—

“(1) if there is no child who survived the public safety officer, to the surviving spouse of the public safety officer;

“(2) if there is at least 1 child who survived the public safety officer and a surviving spouse of the public safety officer, 50 percent to the surviving child (or children, in equal shares) and 50 percent to the surviving spouse;

“(3) if there is no surviving spouse of the public safety officer, to the surviving child (or children, in equal shares);

“(4) if there is no surviving spouse of the public safety officer and no surviving child—

“(A) to the surviving individual (or individuals, in shares per the designation, or, other-
wise, in equal shares) designated by the public
safety officer to receive benefits under this sub-
section in the most recently executed designation
of beneficiary of the public safety officer on file
at the time of death with the public safety agen-
cy, organization, or unit; or

“(B) if there is no individual qualifying
under subparagraph (A), to the surviving indi-
vidual (or individuals, in equal shares) des-
ignated by the public safety officer to receive ben-
efits under the most recently executed life insur-
ance policy of the public safety officer on file at
the time of death with the public safety agency,
organization, or unit;

“(5) if there is no individual qualifying under
paragraph (1), (2), (3), or (4), to the surviving par-
ent (or parents, in equal shares) of the public safety
officer; or

“(6) if there is no individual qualifying under
paragraph (1), (2), (3), (4), or (5), to the surviving
individual (or individuals, in equal shares) who
would qualify under the definition of the term ‘child’
under section 1204 but for age.”;

(ii) in subsection (b)—
(I) by striking “direct result of a catastrophic” and inserting “direct and proximate result of a personal”;  

(II) by striking “pay,” and all that follows through “the same” and inserting “pay the same”;  

(III) by striking “in any year” and inserting “to the public safety officer (if living on the date on which the determination is made)”;

(IV) by striking “in such year, adjusted” and inserting “with respect to the date on which the catastrophic injury occurred, as adjusted”;

(aa) by striking “, to such officer”;  

(V) by striking “the total” and all that follows through “For” and inserting “for”; and  

(VI) by striking “That these” and all that follows through the period, and inserting “That the amount payable under this subsection shall be the amount payable as of the date of cata-
strophic injury of such public safety officer.”;

(iii) in subsection (f)—

(I) in paragraph (1), by striking “, as amended (D.C. Code, sec. 4–622); or” and inserting a semicolon;

(II) in paragraph (2)—

(aa) by striking “. Such beneficiaries shall only receive benefits under such section 8191 that” and inserting “, such that beneficiaries shall receive only such benefits under such section 8191 as”; and

(bb) by striking the period at the end and inserting “; or”; and

(III) by adding at the end the following:

“(3) payments under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107–42).”;

(iv) by amending subsection (k) to read as follows:

“(k) As determined by the Bureau, a heart attack, stroke, or vascular rupture suffered by a public safety officer
shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

“(1) the public safety officer, while on duty—

“(A) engages in a situation involving non-routine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

“(B) participates in a training exercise involving nonroutine stressful or strenuous physical activity;

“(2) the heart attack, stroke, or vascular rupture commences—

“(A) while the officer is engaged or participating as described in paragraph (1);

“(B) while the officer remains on that duty after being engaged or participating as described in paragraph (1); or

“(C) not later than 24 hours after the officer is engaged or participating as described in paragraph (1); and
“(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer,

unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors.”; and

(v) by adding at the end the following:

“(n) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or executed life insurance policy for purposes of subsection (a)(4) shall maintain the confidentiality of the designation or policy in the same manner as the agency, organization, or unit maintains personnel or other similar records of the public safety officer.”;

(C) in section 1202 (42 U.S.C. 3796a)—

(i) by striking “death”, each place it appears except the second place it appears, and inserting “fatal”; and

(ii) in paragraph (1), by striking “or catastrophic injury” the second place it appears and inserting “; disability, or injury”;

(D) in section 1203 (42 U.S.C. 3796a–1)—
(i) in the section heading, by striking “WHO HAVE DIED IN THE LINE OF DUTY” and inserting “WHO HAVE SUSTAINED FATAL OR CATASTROPHIC INJURY IN THE LINE OF DUTY”; and

(ii) by striking “who have died in the line of duty” and inserting “who have sustained fatal or catastrophic injury in the line of duty”;

(E) in section 1204 (42 U.S.C. 3796b)—

(i) in paragraph (1), by striking “consequences of an injury that” and inserting “an injury, the direct and proximate consequences of which”;

(ii) in paragraph (3)—

(I) in the matter preceding clause (i)—

(aa) by inserting “or permanently and totally disabled” after “deceased”; and

(bb) by striking “death” and inserting “fatal or catastrophic injury”; and
(II) by redesignating clauses (i),
(ii), and (iii) as subparagraphs (A),
(B), and (C), respectively;
(iii) in paragraph (5)—
(I) by striking “post-mortem”
each place it appears and inserting
“post-injury”;
(II) by redesignating clauses (i)
and (ii) as subparagraphs (A) and
(B), respectively; and
(III) in subparagraph (B), as so
redesignated, by striking “death” and
inserting “fatal or catastrophic in-
jury”; 
(iv) in paragraph (7), by striking
“public employee member of a rescue squad
or ambulance crew;” and inserting “em-
ployee or volunteer member of a rescue
squad or ambulance crew (including a
ground or air ambulance service) that—
“(A) is a public agency; or
“(B) is (or is a part of) a nonprofit entity
serving the public that—
“(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

“(ii) engages in rescue activities or provides emergency medical services as part of an official emergency response system;”;

and

(v) in paragraph (9)—

(I) in subparagraph (A), by striking “as a chaplain, or as a member of a rescue squad or ambulance crew;” and inserting “or as a chaplain;”;

(II) in subparagraph (B)(ii), by striking “or” after the semicolon;

(III) in subparagraph (C)(ii), by striking the period and inserting “; or”; and

(IV) by adding at the end the following:

“(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services.”;
(F) in section 1205 (42 U.S.C. 3796c), by adding at the end the following:

“(d) Unless expressly provided otherwise, any reference in this part to any provision of law not in this part shall be understood to constitute a general reference under the doctrine of incorporation by reference, and thus to include any subsequent amendments to the provision.”;

(G) in each of subsections (a) and (b) of section 1212 (42 U.S.C. 3796d–1), sections 1213 and 1214 (42 U.S.C. 3796d–2 and 3796d–3), and subsections (b) and (c) of section 1216 (42 U.S.C. 3796d–5), by striking “dependent” each place it appears and inserting “person”;

(H) in section 1212 (42 U.S.C. 3796d–1)—

(i) in subsection (a)—

(I) in paragraph (1), in the matter preceding subparagraph (A), by striking “Subject” and all that follows through “the” and inserting “The”; and

(II) in paragraph (3), by striking “reduced by” and all that follows through “(B) the amount” and inserting “reduced by the amount”;

(ii) in subsection (c)—
(I) in the subsection heading, by striking “DEPENDENT”; and

(II) by striking “dependent”;

(I) in paragraphs (2) and (3) of section 1213(b) (42 U.S.C. 3796d–2(b)), by striking “dependent’s” each place it appears and inserting “person’s”;

(J) in section 1216 (42 U.S.C. 3796d–5)—

(i) in subsection (a), by striking “each dependent” each place it appears and inserting “a spouse or child”; and

(ii) by striking “dependents” each place it appears and inserting “a person”; and

(K) in section 1217(3)(A) (42 U.S.C. 3796d–6(3)(A)), by striking “described in” and all that follows and inserting “an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and”.

(2) AMENDMENT RELATED TO EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.—Section 611(a) of the Uniting and Strength-
ening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c–1(a)) is amended by inserting “or an entity described in section 1204(7)(B) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(7)(B))” after “employed by such agency”.

(3) Technical and Conforming Amendment.—Section 402(l)(4)(C) of the Internal Revenue Code of 1986 is amended—

(A) by striking “section 1204(9)(A)” and inserting “section 1204(10)(A)”; and

(B) by striking “42 U.S.C. 3796b(9)(A)” and inserting “42 U.S.C. 3796b(10)(A)”.

(c) Authorization of Appropriations; Determinations; Appeals.—The matter under the heading “PUBLIC SAFETY OFFICERS BENEFITS” under the heading “OFFICE OF JUSTICE PROGRAMS” under title II of division B of the Consolidated Appropriations Act, 2008 (Public Law 110–161; 121 Stat. 1912; 42 U.S.C. 3796c–2) is amended—

(1) by striking “decisions” and inserting “determinations”;

(2) by striking “(including those, and any related matters, pending)”; and
(3) by striking the period at the end and inserting the following: “: Provided further, That, on and after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2012, as to each such statute—

“(1) the provisions of section 1001(a)(4) of such title I (42 U.S.C. 3793(a)(4)) shall apply;

“(2) payment (other than payment made pursuant to section 611 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c–1)) shall be made only upon a determination by the Bureau that the facts legally warrant the payment;

“(3) any reference to section 1202 of such title I shall be deemed to be a reference to paragraphs (2) and (3) of such section 1202; and

“(4) a certification submitted under any such statute (other than a certification submitted pursuant to section 611 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c–1)) may be accepted by the Bureau as prima facie evidence of the facts asserted in the certification:
Provided further, That, on and after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2012, no appeal shall bring any final determination of the Bureau before any court for review unless notice of appeal is filed (within the time specified herein and in the manner prescribed for appeal to United States courts of appeals from United States district courts) not later than 90 days after the date on which the Bureau serves notice of the final determination: Provided further, That any regulations promulgated by the Bureau under such part (or any such statute) before, on, or after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2012 shall apply to any matter pending on, or filed or accruing after, the effective date specified in the regulations.”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (1), the amendments made by this section shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any matter pending, before the Bureau of Justice Assistance or otherwise, on the date of enactment of this Act, or filed or accruing after that date.

(2) EXCEPTIONS.—
(A) Rescue squads and ambulance crews.—For a member of a rescue squad or ambulance crew (as defined in section 1204(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this section), the amendments made by this Act shall apply to injuries sustained on or after June 1, 2009.

(B) Heart attacks, strokes, and vascular ruptures.—Section 1201(k) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this section, shall apply to heart attacks, strokes, and vascular ruptures sustained on or after December 15, 2003.

SEC. 5022. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

“SEC. 417G. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.

“(a) Development of scientific framework.—

“(1) In general.—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall develop (in accordance with subsection
(c) a scientific framework for the conduct or support of research on such cancer.

“(2) CONTENTS.—The scientific framework with respect to a recalcitrant cancer shall include the following:

“(A) CURRENT STATUS.—

“(i) REVIEW OF LITERATURE.—A summary of findings from the current literature in the areas of—

“(I) the prevention, diagnosis, and treatment of such cancer;

“(II) the fundamental biologic processes that regulate such cancer (including similarities and differences of such processes from the biological processes that regulate other cancers); and

“(III) the epidemiology of such cancer.

“(ii) SCIENTIFIC ADVANCES.—The identification of relevant emerging scientific areas and promising scientific advances in basic, translational, and clinical science relating to the areas described in subclauses (I) and (II) of clause (i).
“(iii) **Researchers.**—A description of the availability of qualified individuals to conduct scientific research in the areas described in clause (i).

“(iv) **Coordinated Research Initiatives.**—The identification of the types of initiatives and partnerships for the coordination of intramural and extramural research of the Institute in the areas described in clause (i) with research of the relevant national research institutes, Federal agencies, and non-Federal public and private entities in such areas.

“(v) **Research Resources.**—The identification of public and private resources, such as patient registries and tissue banks, that are available to facilitate research relating to each of the areas described in clause (i).

“(B) **Identification of Research Questions.**—The identification of research questions relating to basic, translational, and clinical science in the areas described in subclauses (I) and (II) of subparagraph (A)(i) that have not
been adequately addressed with respect to such recalcitrant cancer.

“(C) RECOMMENDATIONS.—Recommendations for appropriate actions that should be taken to advance research in the areas described in subparagraph (A)(i) and to address the research questions identified in subparagraph (B), as well as for appropriate benchmarks to measure progress on achieving such actions, including the following:

“(i) RESEARCHERS.—Ensuring adequate availability of qualified individuals described in subparagraph (A)(iii).

“(ii) COORDINATED RESEARCH INITIATIVES.—Promoting and developing initiatives and partnerships described in subparagraph (A)(iv).

“(iii) RESEARCH RESOURCES.—Developing additional public and private resources described in subparagraph (A)(v) and strengthening existing resources.

“(3) TIMING.—

“(A) INITIAL DEVELOPMENT AND SUBSEQUENT UPDATE.—For each recalcitrant cancer
identified under subsection (b)(1), the Director of the Institute shall—

“(i) develop a scientific framework under this subsection not later than 18 months after the date of the enactment of this section; and

“(ii) review and update the scientific framework not later than 5 years after its initial development.

“(B) OTHER UPDATES.—The Director of the Institute may review and update each scientific framework developed under this subsection as necessary.

“(4) PUBLIC NOTICE.—With respect to each scientific framework developed under subsection (a), not later than 30 days after the date of completion of the framework, the Director of the Institute shall—

“(A) submit such framework to the Committee on Energy and Commerce and Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and Committee on Appropriations of the Senate; and

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“(B) make such framework publically available on the Internet website of the Department of Health and Human Services.

“(b) IDENTIFICATION OF RECALCITRANT CANCER.—

“(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Director of the Institute shall identify two or more recalcitrant cancers that each—

“(A) have a 5-year relative survival rate of less than 20 percent; and

“(B) are estimated to cause the death of at least 30,000 individuals in the United States per year.

“(2) ADDITIONAL CANCERS.—The Director of the Institute may, at any time, identify other recalcitrant cancers for purposes of this section. In identifying a recalcitrant cancer pursuant to the previous sentence, the Director may consider additional metrics of progress (such as incidence and mortality rates) against such type of cancer.

“(c) WORKING GROUPS.—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall convene a working group comprised of representatives of appropriate Federal agencies and other non-Federal entities to provide expertise on, and assist in developing, a sci-
entific framework under subsection (a). The Director of the Institute (or the Director’s designee) shall participate in the meetings of each such working group.

“(d) REPORTING.—

“(1) BIENNIAL REPORTS.—The Director of NIH shall ensure that each biennial report under section 403 includes information on actions undertaken to carry out each scientific framework developed under subsection (a) with respect to a recalcitrant cancer, including the following:

“(A) Information on research grants awarded by the National Institutes of Health for research relating to such cancer.

“(B) An assessment of the progress made in improving outcomes (including relative survival rates) for individuals diagnosed with such cancer.

“(C) An update on activities pertaining to such cancer under the authority of section 413(b)(7).

“(2) ADDITIONAL ONE-TIME REPORT FOR CERTAIN FRAMEWORKS.—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall, not later than 6 years after the initial development of a scientific framework under sub-
section (a), submit a report to the Congress on the effectiveness of the framework (including the update required by subsection (a)(3)(A)(ii)) in improving the prevention, detection, diagnosis, and treatment of such cancer.

“(e) RECOMMENDATIONS FOR EXCEPTION FUNDING.—The Director of the Institute shall consider each relevant scientific framework developed under subsection (a) when making recommendations for exception funding for grant applications.

“(f) DEFINITION.—In this section, the term ‘recalcitrant cancer’ means a cancer for which the five-year relative survival rate is below 50 percent.”.

SEC. 5023. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) TECHNICAL AMENDMENT.—Section 604(a) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(a)) is amended by inserting “(referred to in this section as the ‘Commission’)” before the period at the end.

(b) DUTIES AND RESPONSIBILITIES.—Section 604(c) of such Act is amended to read as follows:

“(c) DUTIES AND RESPONSIBILITIES.—The Commission shall appraise United States Government activities intended to understand, inform, and influence foreign publics.
The activities described in this subsection shall be referred to in this section as ‘public diplomacy activities’.”.

(c) REPORTS.—Section 604(d) of such Act is amended to read as follows:

“(d) REPORTS.—

“(1) COMPREHENSIVE ANNUAL REPORT.—

“(A) IN GENERAL.—Not less frequently than annually, the Commission shall submit a comprehensive report on public diplomacy and international broadcasting activities to Congress, the President, and the Secretary of State. This report shall include—

“(i) a detailed list of all public diplomacy activities funded by the United States Government;

“(ii) a description of—

“(I) the purpose, means, and geographic scope of each activity;

“(II) when each activity was started;

“(III) the amount of Federal funding expended on each activity;

“(IV) any significant outside sources of funding; and
“(V) the Federal department or agency to which the activity belongs;

“(iii) the international broadcasting activities under the direction of the Broadcasting Board of Governors;

“(iv) an assessment of potentially duplicative public diplomacy and international broadcasting activities; and

“(v) for any activities determined to be ineffective or results not demonstrated under subparagraph (B), recommendations on existing effective or moderately effective public diplomacy activities that could be augmented to carry out the objectives of the ineffective activities.

“(B) EFFECTIVENESS ASSESSMENT.—In evaluating the public diplomacy and international broadcasting activities described in subparagraph (A), the Commission shall conduct an assessment that considers the public diplomacy target impact, the achieved impact, and the cost of public diplomacy activities and international broadcasting. The assessment shall include, if practicable, an appropriate metric such as ‘cost-per-audience’ or ‘cost-per-student’ for each activ-
ity. Upon the completion of the assessment, the Commission shall assign a rating of—

“(i) ‘effective’ for activities that—

“(I) set appropriate goals;

“(II) achieve results; and

“(III) are well-managed and cost efficient;

“(ii) ‘moderately effective’ for activities that—

“(I) achieve some results;

“(II) are generally well-managed;

and

“(III) need to improve their performance results or cost efficiency, including reducing overhead;

“(iii) ‘ineffective’ for activities that—

“(I) are not making sufficient use of available resources to achieve stated goals;

“(II) are not well-managed; or

“(III) have excessive overhead;

and

“(iv) ‘results not demonstrated’ for activities that—
“(I) do not have acceptable performance public diplomacy metrics for measuring results; or

“(II) are unable or failed to collect data to determine if they are effective.

“(2) OTHER REPORTS.—

“(A) IN GENERAL.—The Commission shall submit other reports, including working papers, to Congress, the President, and the Secretary of State at least semi-annually on other activities and policies related to United States public diplomacy.

“(B) AVAILABILITY.—The Commission shall make the reports submitted pursuant to subparagraph (A) publicly available on the website of the Commission to develop a better understanding of, and support for, public diplomacy activities.

“(3) ACCESS TO INFORMATION.—The Secretary of State shall ensure that the Commission has access to all appropriate information to carry out its duties and responsibilities under this subsection.”.

(d) REAUTHORIZATION.—

(1) IN GENERAL.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22
U.S.C. 6553) is amended by striking “October 1, 2010” and inserting “October 1, 2014”.

(2) RETROACTIVITY OF EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2010.

(e) FUNDING.—From amounts appropriated by Congress under the heading “DIPLOMATIC AND CONSULAR PROGRAMS”, the Secretary of State shall allocate sufficient funding to the United States Advisory Commission on Public Diplomacy to carry out section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469), as amended by this section.

SEC. 5024. REMOVAL OF ACTION.

Section 1442 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) Solely for purposes of determining the propriety of removal under subsection (a), a law enforcement officer, who is the defendant in a criminal prosecution, shall be deemed to have been acting under the color of his office if the officer—

“(1) protected an individual in the presence of the officer from a crime of violence;

“(2) provided immediate assistance to an individual who suffered, or who was threatened with, bodily harm; or
“(3) prevented the escape of any individual who the officer reasonably believed to have committed, or was about to commit, in the presence of the officer, a crime of violence that resulted in, or was likely to result in, death or serious bodily injury.

“(d) In this section, the following definitions apply:

“(1) The terms ‘civil action’ and ‘criminal prosecution’ include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court.

“(2) The term ‘crime of violence’ has the meaning given that term in section 16 of title 18.

“(3) The term ‘law enforcement officer’ means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5 and any special agent in the Diplomatic Security Service of the Department of State.

“(4) The term ‘serious bodily injury’ has the meaning given that term in section 1365 of title 18.
“(5) The term ‘State’ includes the District of Columbia, United States territories and insular possessions, and Indian country (as defined in section 1151 of title 18).

“(6) The term ‘State court’ includes the Superior Court of the District of Columbia, a court of a United States territory or insular possession, and a tribal court.”.

**TITLE LIII—GAO MANDATES REVISION ACT**

**Subtitle A—GAO Mandates Revision Act**

**SEC. 5301. SHORT TITLE.**

This subtitle may be cited as the “GAO Mandates Revision Act of 2012”.

**SEC. 5302. REPEALS AND MODIFICATIONS.**

(a) **CAPITOL PRESERVATION FUND FINANCIAL STATEMENTS.**—Section 804 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2084) is amended by striking “annual audits of the transactions of the Commission” and inserting “periodic audits of the transactions of the Commission, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Rep-
resentatives, the Secretary of the Senate, or the Clerk of the House of Representatives requests that an audit be conducted at an earlier date.”.

(b) Judicial Survivors’ Annuities Fund Audit by GAO.—

(1) In general.—Section 376 of title 28, United States Code, is amended—

(A) by striking subsection (w); and

(B) by redesignating subsections (x) and (y) as subsections (w) and (x), respectively.

(2) Technical and conforming amendment.—Section 376(h)(2) of title 28, United States Code, is amended by striking “subsection (x)” and inserting “subsection (w)”.


(1) in subsection (a), by striking “of each year” and inserting “, 2013, and every 3 years thereafter,”;

and

(2) in subsection (b), in the matter preceding paragraph (1), by striking “at a frequency of not less than once per year—” and inserting “not later than December 31, 2013, and every 3 years thereafter—”.

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(d) **USERRA GAO REPORT.**—Section 105(g)(1) of the Veterans’ Benefits Act of 2010 (Public Law 111–275; 38 U.S.C. 4301 note) is amended by striking “, and annually thereafter during the period when the demonstration project is conducted,.”

(e) **SEMIPOSTAL PROGRAM REPORTS BY THE GENERAL ACCOUNTING OFFICE.**—Section 2 of the Semipostal Authorization Act (Public Law 106–253; 114 Stat. 636; 39 U.S.C. 416 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(f) **EARNED IMPORT ALLOWANCE PROGRAM REVIEW BY GAO.**—Section 231A(b)(4) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(4)) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(g) **AMERICAN BATTLE MONUMENTS COMMISSION’S FINANCIAL STATEMENTS AND AUDITS.**—Section 2103(h) of title 36, United States Code, is amended—

(1) in paragraph (1), by striking “of paragraph (2) of this subsection” and inserting “of section 3515 of title 31”; and
(3) by striking paragraph (2).

(h) Senate Preservation Fund Audits.—Section 3(c)(6) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 2108(c)(6)) is amended by striking “annual audits of the Senate Preservation Fund” and inserting “periodic audits of the Senate Preservation Fund, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Secretary of the Senate requests that an audit be conducted at an earlier date,”.

Subtitle B—Improper Payments Elimination and Recovery Improvement Act

SEC. 5311. SHORT TITLE.

This subtitle may be cited as the “Improper Payments Elimination and Recovery Improvement Act of 2012”.

SEC. 5312. DEFINITIONS.

In this subtitle—

(1) the term “agency” means an executive agency as that term is defined under section 102 of title 31, United States Code; and

(2) the term “improper payment” has the meaning given that term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321...
section __03(a)(1) of this subtitle.

SEC. 5313. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.

(a) In General.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) by inserting after subsection (a) the following:

“(b) Improving the Determination of Improper Payments.—

“(1) In General.—The Director of the Office of Management and Budget shall on an annual basis—

“(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

“(i) in which the highest dollar value or highest rate of improper payments occur; or

“(ii) for which there is a higher risk of improper payments; and

“(B) in coordination with the agency responsible for administering the high-priority
program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program.

“(2) **Report on high-priority improper payments.**—

“(A) **In general.**—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

“(B) **Contents.**—Each report under this paragraph—

“(i) shall describe—

“(I) any action the agency—

“(aa) has taken or plans to take to recover improper payments; and

“(bb) intends to take to prevent future improper payments; and
“(ii) shall not include any referrals the
agency made or anticipates making to the
Department of Justice, or any information
provided in connection with such referrals.

“(C) Public Availability on Central
Website.—The Office of Management and Budg-
et shall make each report submitted under this
paragraph available on a central website.

“(D) Availability of Information to In-
spector General.—Subparagraph (B)(ii) shall
not prohibit any referral or information being
made available to an Inspector General as other-
wise provided by law.

“(E) Assessment and Recommendations.—The Inspector General of each agency
that submits a report under this paragraph
shall, for each program of the agency that is
identified under paragraph (1)(A)—

“(i) review—

“(I) the assessment of the level of
risk associated with the program, and
the quality of the improper payment
estimates and methodology of the agen-
cy relating to the program; and
“(II) the oversight or financial controls to identify and prevent im-
proper payments under the program;

and

“(ii) submit to Congress recommenda-
tions, which may be included in another re-
port submitted by the Inspector General to Congress, for modifying any plans of the agency relating to the program, including improvements for improper payments deter-
mination and estimation methodology.”;

(3) in subsection (d) (as redesignated by para-
graph (1) of this subsection), by striking “subsection (b)” each place that term appears and inserting “sub-
section (c)”;

(4) in subsection (e) (as redesignated by para-
graph (1) of this subsection), by striking “subsection (b)” and inserting “subsection (c)”;

(5) in subsection (g)(3) (as redesignated by para-
graph (1) of this subsection), by inserting “or a Fed-
eral employee” after “non-Federal person or entity”.

(b) IMPROVED ESTIMATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall provide

(2) GUIDANCE.—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed are proper; and

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as sub-
ject to risk assessment and, where appropriate,
improper payment estimation; and

(F) require agencies to tailor their correc-
tive actions for the high-priority programs iden-
tified under section 2(b)(1)(A) of the Improper
3321 note) to better reflect the unique processes,
procedures, and risks involved in each specific
program.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The
Improper Payments Elimination and Recovery Act of 2010
(Public Law 111–204; 124 Stat. 2224) is amended—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by
striking “section 2(f)” and all that follows and insert-
ing “section 2(g) of the Improper Payments Informa-
tion Act of 2002 (31 U.S.C. 3321 note).”; and

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking “section
2(f)” and all that follows and inserting “section
2(g) of the Improper Payments Information Act
of 2002 (31 U.S.C. 3321 note).”; and

(B) in paragraph (3)—

(i) by striking “section 2(b)” each
place it appears and inserting “section
2(c)”;}
SEC. 5314. IMPROPER PAYMENTS INFORMATION.

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking “with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget” and inserting “with respect to fiscal year 2014 and each fiscal year thereafter”.

SEC. 5315. DO NOT PAY INITIATIVE.

(a) PREPAYMENT AND PREAWARD PROCEDURES.—

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

(2) DATABASES.—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.
(B) The General Services Administration’s Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.


(b) DO NOT PAY INITIATIVE.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall include—

(A) use of the databases described under subsection (a)(2); and

(B) use of other databases designated by the Director of the Office of Management and Budget in consultation with agencies and in accordance with paragraph (2).

(2) OTHER DATABASES.—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall—
(A) consider any database that substantially assists in preventing improper payments; and

(B) provide public notice and an opportunity for comment before designating a database under paragraph (1)(B).

(3) ACCESS AND REVIEW BY AGENCIES.—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to verify payment or award eligibility in accordance with subsection (a) when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(4) PAYMENT OTHERWISE REQUIRED.—When using the Do Not Pay Initiative, an agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is identified as potentially ineligible under the Do Not Pay Initiative.

(5) ANNUAL REPORT.—The Director of the Office of Management and Budget shall submit to Congress an annual report, which may be included as part of another report submitted to Congress by the Director,
regarding the operation of the Do Not Pay Initiative, which shall—

(A) include an evaluation of whether the Do Not Pay Initiative has reduced improper payments or improper awards; and

(B) provide the frequency of corrections or identification of incorrect information.

(c) DATABASE INTEGRATION PLAN.—Not later than 60 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the multilateral data use agreements described under subsection (e).

(d) INITIAL WORKING SYSTEM.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.
(2) Working system.—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) Application to all agencies.—Not later than June 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(e) Facilitating data access by Federal agencies and Offices of Inspectors General for purposes of program integrity.—

(1) Definition.—In this subsection, the term “Inspector General” means an Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).
(2) Computer matching by federal agencies for purposes of investigation and prevention of improper payments and fraud.—

(A) In general.—Except as provided in this paragraph, in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974), each Inspector General and the head of each agency may enter into computer matching agreements that allow ongoing data matching (which shall include automated data matching) in order to assist in the detection and prevention of improper payments.

(B) Review.—Not later than 60 days after a proposal for an agreement under subparagraph (A) has been presented to a Data Integrity Board established under section 552a(u) of title 5, United States Code, for consideration, the Data Integrity Board shall respond to the proposal.

(C) Termination date.—An agreement under subparagraph (A)—

(i) shall have a termination date of less than 3 years; and

(ii) during the 3-month period ending on the date on which the agreement is
scheduled to terminate, may be renewed by
the agencies entering the agreement for not
more than 3 years.

(D) MULTIPLE AGENCIES.—For purposes of
this paragraph, section 552a(o)(1) of title 5,
United States Code, shall be applied by sub-
stituting “between the source agency and the re-
cipient agency or non-Federal agency or an
agreement governing multiple agencies” for “be-
tween the source agency and the recipient agency
or non-Federal agency” in the matter preceding
subparagraph (A).

(E) COST-BENEFIT ANALYSIS.—A justifica-
tion under section 552a(o)(1)(B) of title 5,
United States Code, relating to an agreement
under subparagraph (A) is not required to con-
tain a specific estimate of any savings under the
computer matching agreement.

(F) GUIDANCE BY THE OFFICE OF MANAGE-
MENT AND BUDGET.—Not later than 6 months
after the date of enactment of this subtitle, and
in consultation with the Council of Inspectors
General on Integrity and Efficiency, the Sec-
retary of Health and Human Services, the Com-
missioner of Social Security, and the head of
any other relevant agency, the Director of the Office of Management and Budget shall—

(i) issue guidance for agencies regarding implementing this paragraph, which shall include standards for—

(I) reimbursement of costs, when necessary, between agencies;

(II) retention and timely destruction of records in accordance with section 552a(o)(1)(F) of title 5, United States Code;

(III) prohibiting duplication and redisclosure of records in accordance with section 552a(o)(1)(H) of title 5, United States Code;

(ii) review the procedures of the Data Integrity Boards established under section 552a(u) of title 5, United States Code, and develop new guidance for the Data Integrity Boards to—

(I) improve the effectiveness and responsiveness of the Data Integrity Boards; and

(II) ensure privacy protections in accordance with section 552a of title 5,
United States Code (commonly known as the Privacy Act of 1974); and

(III) establish standard matching agreements for use when appropriate; and

(iii) establish and clarify rules regarding what constitutes making an agreement entered under subparagraph (A) available upon request to the public for purposes of section 552a(o)(2)(A)(ii) of title 5, United States Code, which shall include requiring publication of the agreement on a public website.

(G) CORRECTIONS.—The Director of the Office of Management and Budget shall establish procedures providing for the correction of data in order to ensure—

(i) compliance with section 552a(p) of title 5, United States Code; and

(ii) that corrections are made in any Do Not Pay Initiative database and in any relevant source databases designated by the Director of the Office of Management and Budget under subsection (b)(1).
(H) COMPLIANCE.—The head of each agency, in consultation with the Inspector General of the agency, shall ensure that any information provided to an individual or entity under this subsection is provided in accordance with protocols established under this subsection.

(I) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to affect the rights of an individual under section 552a(p) of title 5, United States Code.

(f) DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.—Not later than 1 year after the date of enactment of this subtitle, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarceration status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.—

(1) ESTABLISHMENT.—In conjunction with the Commissioner of Social Security and in consultation
with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) ADDITIONAL ACTIONS UNDER PLAN.—The plan established under this subsection shall include recommended actions by agencies to—

(A) increase the quality and frequency of access to the Death Master File and other death data;

(B) achieve a goal of at least daily access as appropriate;

(C) provide for all States and other data providers to use improved and electronic means for providing data;

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and
(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) REPORT.—Not later than 120 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

SEC. 5316. IMPROVING RECOVERY OF IMPROPER PAYMENTS.

(a) DEFINITION.—In this section, the term "recovery audit" means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.

(b) REVIEW.—The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including a list of agency recovery audit contract programs and specific information of amounts and payments recovered by recovery audit contractors; and
(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

Subtitle C—Sense of Congress Regarding Spectrum

SEC. 5317. SENSE OF CONGRESS REGARDING SPECTRUM.

It is the sense of Congress that—

(1) the Nation’s mobile communications industry is a significant economic engine, by one estimate directly or indirectly supporting 3,800,000 jobs, or 2.6 percent of all United States employment, contributing $195,500,000,000 to the United States gross domestic product and driving $33,000,000,000 in productivity improvements in 2011;

(2) while wireless carriers are continually implementing new and more efficient technologies and techniques to maximize their existing spectrum capacity, there is a pressing need for additional spectrum for mobile broadband services, with one report predicting that global mobile data traffic will increase 18-fold between 2011 and 2016 at a compound annual growth rate of 78 percent, reaching 10.8 exabytes per month by 2016;

(3) as the Nation faces the growing demand for spectrum, consideration should be given to both the
supply of spectrum for licensed networks and for unli-
censed devices;

(4) while this additional demand can be met in
part by reallocating spectrum from existing non-gov-
ernmental uses, the long-term solution must include
reallocation and sharing of Federal Government spec-
trum for private sector use;

(5) recognizing the important uses of spectrum
by the Federal Government, including for national
and homeland security, law enforcement and other
critical federal uses, existing law ensures that Federal
operations are not harmed as a result of a realloca-
tion of spectrum for commercial use, including
through the establishment of the Spectrum Relocation
Fund to reimburse Federal users for the costs of plan-
ning and implementing relocation and sharing ar-
rangements and, with respect to spectrum vacated by
the Department of Defense, certification under section
1062 of P.L. 106–65 by the Secretaries of Defense and
Commerce and the Chairman of the Joint Chiefs of
Staff that replacement spectrum provides comparable
technical characteristics to restore essential military
capability; and

(6) given the need to determine equitable out-
comes for the Nation in relation to spectrum use that
balance the private sector’s demand for spectrum with national security and other critical federal missions, all interested parties should be encouraged to continue the collaborative efforts between industry and government stakeholders that have been launched by the National Telecommunications and Information Administration to assess and recommend practical frameworks for the development of relocation, transition, and sharing arrangement and plans for 110 megahertz of federal spectrum in the 1695–1710 MHz and the 1755–1850 MHz bands.

Attest:

Secretary.